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RESTORE INVENTORS' RIGHTS

America's innovators deserve a patent system that protects invention – not uncertainty.

Misguided court decisions have weakened patent protections and made it harder for inventors to bring new ideas to market.

Congress can fix it.

Urge U.S. Senate Judiciary Committee Chairman Grassley and Ranking Member Durbin and IP Subcommittee Chairman Tillis and Ranking Member Schiff to advance the Patent Eligibility Restoration Act (PERA) now.

Call. Email. Act.

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USPTO Office's Aim: Practitioner Integrity

We hear you. The patent process is expensive—\$8,000 to \$15,000 by most estimates—and maintenance fees are substantial as well. But it's important to note that United States Patent and Trademark Office fees are usually a small part of that total, with attorney drafting and prosecution chomping on most of your dough.

Skeptics of government agencies also should note that the USPTO isn't just about collecting. It's about protecting, among its other public services.

I had never heard of the agency's Office of Enrollment and Discipline until attending IPWatchdog LIVE 2016 in March, where one of the panel discussions was about practitioner ethics (sadly, only about 15 people chose to attend). The OED is responsible for registering and disciplining patent practitioners and trademark attorneys.

Not only does the OED set and enforce rules of professional conduct, it investigates allegations of misconduct or unethical behavior.

All investigations are confidential and subject to the Federal Privacy Act.

Discipline ranges from a warning to exclusion for a minimum of five years. Twenty-one warning letters were issued in fiscal year 2025, up from 12 in fiscal year 2024. These involve a range of possible violations besides substance or chemical abuse.

Will Covey, chief compliance officer to the director of the USPTO and former director of the OED, emphasized on the IPWatchdog LIVE panel that the primary role of the OED is not punitive but to help ensure an honest, healthy practitioner-client relationship that works best for all. This is most important in cases of practitioner substance abuse—a very real danger in a field where high-stakes pressure to perform and a culture of alcohol are longtime partners.

IPWatchdog CEO Gene Quinn wrote earlier this year:

"For patent practitioners and other IP lawyers, the pressures are uniquely acute: compressed prosecution deadlines, high-stakes litigation exposure, often unrealistic client-driven budget constraints, regulatory whiplash at the U.S. Patent and Trademark Office, and increasingly complex technologies layered with global filing and prosecution strategy.

"The result is predictable. Even the most capable lawyers will, at some point in their careers, struggle."

The USPTO's OED is dedicated to ensuring IP practitioners are not only authorized but highly functional, for their sake and yours.

By the way, the patent office recently revamped its website homepage at uspto.gov. The verdict here: Thumbs up—with a more streamlined, less cluttered look focusing heavily on the office's bread and butter of patents and trademarks, at-a-glance searching information, and an elegant business type font.

—Reid

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High Court to Rule On High-Stakes Trademark Dispute

PepsiCo's Rise energy drink has long since fallen. But a trademark infringement claim against its makers is suddenly alive and well again, with possible lasting ramifications involving how courts evaluate the likelihood of consumer confusion—including the roles of judges and juries in determining a mark's strength.

The U.S. Supreme Court announced on June 29 that it will hear the dispute between PepsiCo and Rise Brewing Co., the manufacturer of Rise nitro cold-brew coffee, during its next term.

In December 2024, the U.S. Court of Appeals for the Second Circuit affirmed a summary judgment ruling in favor of PepsiCo, holding that its use of the term "Rise" in its Mountain Dew Rise beverage did not infringe on the trademark rights of RiseandShine Corp. The court determined the "RISE" mark was inherently weak and was unlikely to cause consumer confusion when compared to PepsiCo's product branding.

The district court granted summary judgment in favor of PepsiCo. RiseandShine appealed.

Following the recent SCOTUS announcement, *Brussels Morning* quoted an intellectual property attorney as saying, "This case could clarify how federal courts evaluate trademark disputes involving consumer products."

The product, launched in 2021 and once promoted by NBA star LeBron James, was marketed as helping provide "mental clarity" with ingredients including citicoline, B vitamins and coconut water—along with 170 to 180 mg of caffeine.

RiseandShine filed suit, alleging that PepsiCo's drink brand caused confusion by using all-uppercase "RISE" on cans. RiseandShine cited consumers placing orders for its own "RISE" cold brew coffees but receiving Pepsi's product instead.

The dispute caused PepsiCo to change the brand name from Mountain Dew Rise to Mountain Dew Energy. PepsiCo shut down the product entirely in early 2024.

A Manhattan district court initially granted a preliminary injunction ruling against PepsiCo, but the Second Circuit vacated the injunction.

Traditionally, courts use a multi-factor test to determine the potential for confusion, including evaluating the intrinsic strength of the plaintiff's trademark. This has typically been reserved for judicial determination. The issue now is whether this evaluation should be made by a jury, where factors such as public perception and consumer recognition are more in play.



AI LAWSUIT SCOREBOARD

Axis Intelligence Research says that as of July 9 this year, more than 125 artificial intelligence copyright lawsuits are active or recently resolved across U.S. and international courts.

The biggest confirmed settlement is Anthropic's \$1.5 billion agreement last year in *Bartz et al. v. Anthropic*—the largest publicly reported copyright recovery in U.S. history, according to Axis—covering about 482,000 works. Authors Andrea Bartz, Kirk Wallace Johnson and Charles Graeber claimed Anthropic infringed their copyrights by using their books without permission to train its AI model, Claude.

Judge William Alsup ruled that AI training with lawfully acquired books constitutes fair use, but using pirated copies for a central library is copyright infringement.



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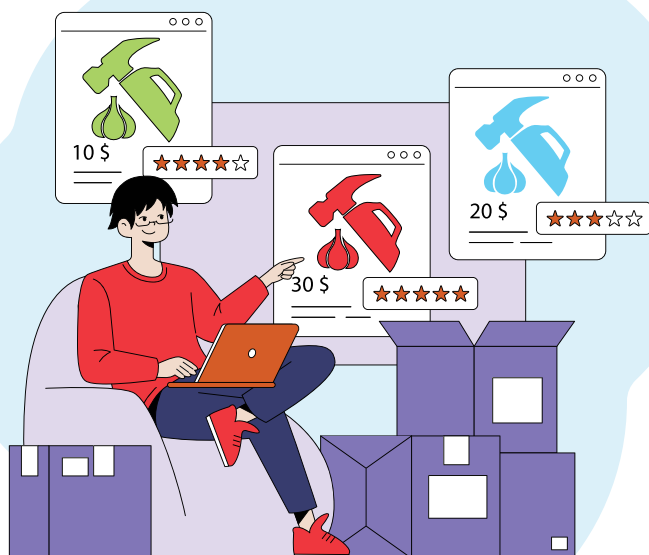
Online:

Via inventorsdigest.com, comment below the Leave a Reply notation at the bottom of stories. Or, send emails or other inquiries to info@inventorsdigest.com.

INVENTING 101

2 Consumer Research Strategies

BY DON DEBELAK



When pitching your new invention, product or service to investors, you can affirm its value in the marketplace by showing the results of two kinds of research: observational and comparative.

One type of observational research consists of watching people use the product, noting each step the user takes and asking the user the thinking behind those steps. This is the type of research that many consumer giants, such as Procter & Gamble, use regularly.

If you observe four or five users in action, you will notice they experience and compensate for different drawbacks to products or services—drawbacks they may not even realize.

If you ask people how they are compensating, they will either affirm that is a problem or explain it is not a problem.

The goal is to say that a high percentage of the people you observe have experienced a problem your product solves.

The comparative research process simply asks buyers or end users to evaluate your product against three to seven other products, and then asks them to rank the products or concepts both by value and by likelihood of buying. It is useful to conduct comparative research for both directly competing products or services that achieve the same purpose as yours and for other products or services of a similar type that a company or consumer might buy.

For example, with the Garlic Twist—a new, more effective way to prepare garlic for cooking—you would buy every other product that also prepares garlic for cooking. Then, if the Garlic Twist cost \$8, you would also obtain four or five other kitchen items, with a cost of \$4 to \$12.

For effective comparative research, don't tell the participants which product is yours. Just find 10 to 20 people to review all the products. Ask them to rank the products on how likely they are to buy it, with 1 being the most likely to purchase. Also ask them to rank the products by value.

You should be able to determine whether people are likely to buy your product, and at what price. Prepare a graph report on your findings to show potential contacts and investors.

VITAL VOCABULARY

new venture

This term isn't as self-explanatory as it may seem. In intellectual property, it's not just a new business; it refers to a company that has been established to commercialize new technology or innovation that was created, often through university research.



Don Debelak is the founder of One Stop Invention Shop, offering marketing and patenting assistance to inventors. He is also the author of several marketing books.

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Types of Copyright Works

Rules and protections for innovators are all the same when it comes to copyright rights, right?

Wrong. That's why it's important for inventors to know the different kinds of copyright works—because each category has specific provisions and safeguards under the U.S. Copyright Act.

Given the wide range of information sources (and accuracy) online, the types of copyright works can be as few as a handful or more than 10. Copyrighted.com lists eight distinct groupings of copyright registration and a miscellaneous one:

Literary works: Novels, poems, essays, articles and an entry that may be surprising in this category: computer software code.

Visual arts: Paintings, drawings, sculptures, photographs.

Performing arts: Plays, dances, musical compositions.

Sound recordings: Digital audio files, music CDs, vinyl records (this presumably also includes music cassettes).

Architectural works: Designs and structures of buildings and their elements.

Audiovisual works: Those combining visual and auditory elements in films and games.

Derivative works: New creations based on pre-existing works, including adaptations.

Compilations and collective works: New entries from pre-existing materials, such as anthologies.

Miscellaneous: These include choreographic works, maps and non-categorized digital content.

Some interesting and important stipulations within some of these categories:

Copyright protection for sound recordings applies to the recorded sounds themselves, separate from any underlying musical works or performances.

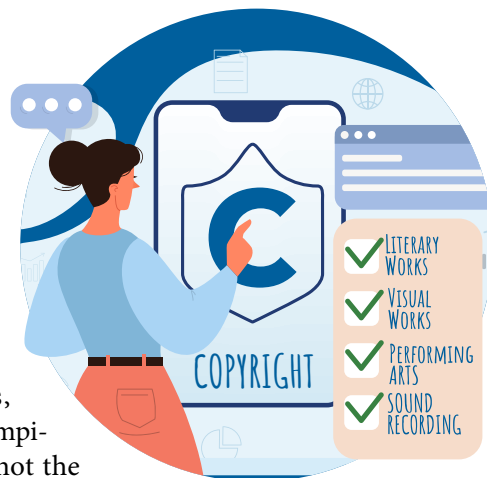
For architectural works, copyright protects original architectural designs, blueprints and drawings.

For audiovisual works, copyright protects the entire audiovisual presentation: the script, storyline, characters, visuals, soundtracks.

Under compilations and collective works, copyright secures the compilation as a whole—but not the individual components unless they have independent copyright protection.

Before considering any kind of copyright protection, always research to consider where you are covered and where you aren't.

Internet and AI queries can be useful but do not always provide correct information. A patent attorney is generally the best source of information, in addition to having an understanding of the nuances of some protections and how courts may interpret them.



GOOD TO KNOW

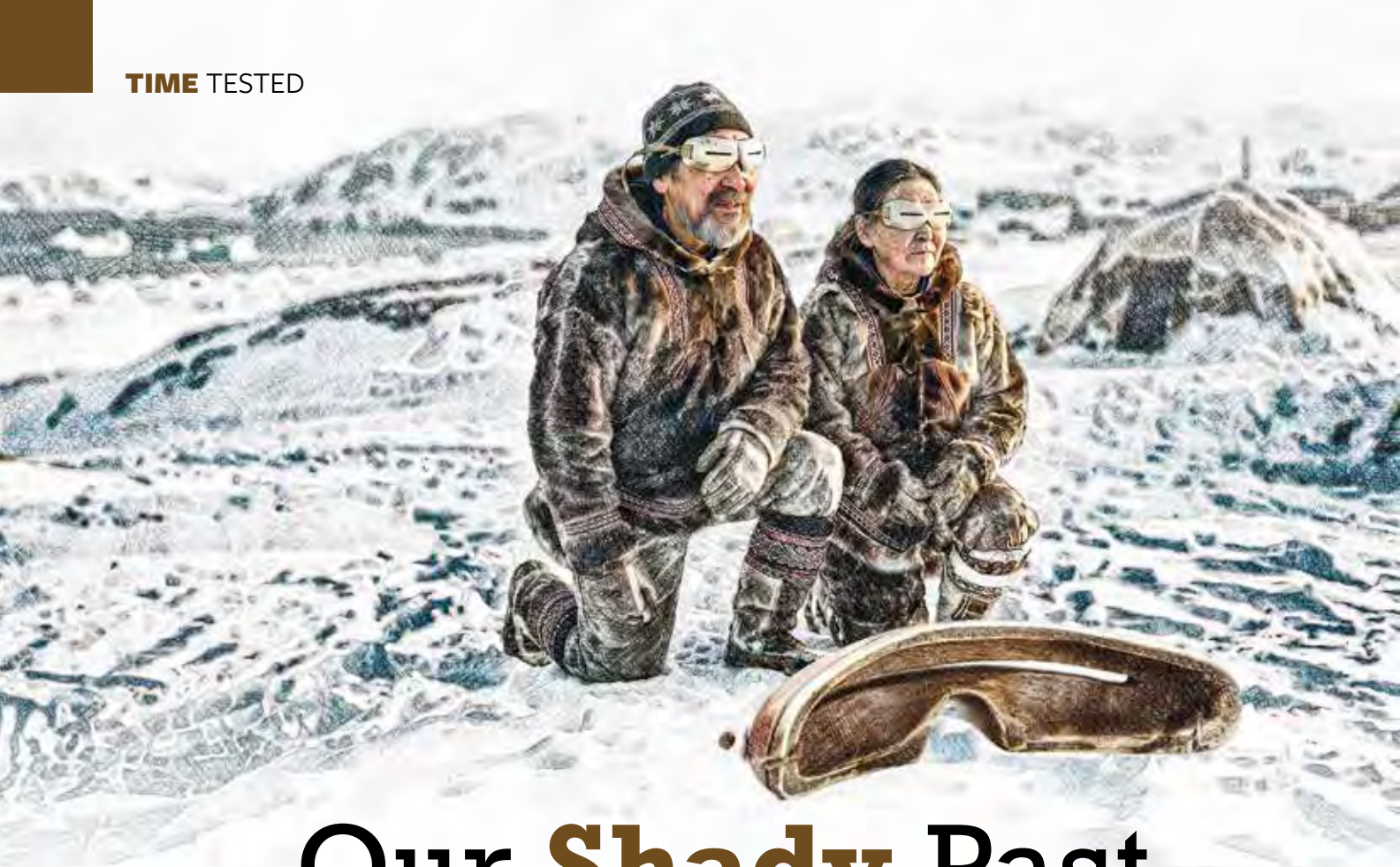
TOOL SPEEDS TRADEMARK PROCESS:

The United States Patent and Trademark Office announced the release of a first-of-its-kind artificial intelligence agent that handles some of the most time-consuming elements of trademark application pre-processing.

The new Trademark Classification Agent Codification Tool, or “Class ACT,” can immediately assign international classes to unclassified applications, as well as the design search codes and pseudo marks that make these records searchable. This speed will enhance searches performed by examining attorneys and practitioners like never before.

“Classification and design search coding takes five months? How about five minutes or even five seconds?” said USPTO Director John Squires. “We’re providing specific, task-directed AI agents, which can efficiently tackle the toughest, most information intensive aspect of pre-examination—often the slowest step to achieve a complete application.”





Our Shady Past

Sunglasses' origins go back thousands of years, but today's basic version is relatively new to America **BY REID CREAGER**

Inuit snow goggles, ancient protective eyewear developed to prevent snow blindness, are recognized as some of the earliest forms of protective sunglasses.

Typo in the second paragraph below? No. A boardinghouse reach for a pun? Guilty. We can't say who invented sunglasses (though some on the internet have tried), because nobody knows. They have evolved over centuries. But we can say with some degree of authority that the thinking behind the first form of sunglasses was Inuitive.

Multiple sources explain how in ancient times, Inuit and Yupik people in the Arctic invented narrowslit snow goggles from materials such as bone, wood and ivory to prevent blindness from the bright glare of the sun on the snow. Rarehistoricalphotos.com says the goggles have been found in Inuit archeological sites up to 2,000 years old.

But eyewear that protects people from something on the ground isn't exactly the true definition of sunglasses. There's a notion—not

historically verified—that in the early 11th century during the Song Dynasty, Emperor Cheng ordered the creation of eyewear shaped like animals or characters to protect workers' eyes outdoors.

It also has been written that in 12th-century China, the first tinted-lens sunglasses approximating modern designs had lenses made of smoky quartz. The most interesting aspect of these is that they were purportedly made for judges so their eyes would not give them away during court proceedings.

On the boardwalk, boardwalk

Better to stick to more recent history, which has more reliable documentation. In the mid-1700s, British optician James Ayscough invented sunglasses in the general form we still wear today.

Why? Because jamesayscough.com says so!

Seriously, Ayscough's family does have a solid claim. He recommended adding green or blue tint to lenses to reduce the amount of light reaching a user's eyes, and that tint is the hallmark of today's shades.

The process of making sunglasses is as varied as it is complex. But according to sunglasses maker Rawbare, frames are usually built from either acetate, a rich plant-based plastic; metal, for slimmer profiles; or TR90, a light, flexible nylon. Lenses are cut from materials such as polycarbonate or other optical plastics, then tinted and treated.

In America, sunglasses emerged from the dark less than 100 years ago. Sam Foster sold his first pair of sunglasses on the Atlantic City boardwalk, and the concept of safe eyewear as a fashion accessory quickly caught fire—fueled by the “Who’s That Behind Those Foster Grants?” ad campaign featuring Hollywood stars.

Before long, celebrities were associated with their preferred shades as much as any other part of their wardrobe, as millions in our star-crossed country scrambled to follow suit:

THE HIGH COST OF FASHION

Here are the most expensive recent sunglasses sales on eBay, as of mid-July (approximate, because some were best offers). The most expensive sunglasses ever sold were the Chopard De Rigo Vision model, for about \$400,000.



- **\$7,777:** Quay “High Profile” Aviator Polarized—Black/Gold
- **\$7,364:** Oakley X-Metal Muzm Julie (shown above)
- **\$7,000:** McLaren Unibody N06 Gunmetal Gradient

- Marilyn Monroe, Audrey Hepburn and the “cat-eyes” that became ubiquitous for women in the 1950s and ’60s.
- The round, wire-rimmed “granny glasses” popularized by John Lennon in the late 1960s and early ’70s, as well as the little, rectangular shades that became synonymous with the Byrds’ Roger McGuinn.
- A cavalcade of huge, wild, ostentatious sunglasses that became Elton John’s trademark in the 1970s and ’80s.

HE’S JUSSST A BIT OUTSIDE

The only major-league player to wear sunglasses on each of his (three) Topps cards is nicknamed D.B. Cooper because of his resemblance to the plane hijacker from 1971 who disappeared forever. But Lowell Palmer wasn’t dangerous unless he had a baseball in his hand.

Banned from Little League by other parents because he threw too wildly. Fired a ball to nail a runner at home plate that hit a passing car in the street. Still, Palmer found enough control to eventually fashion an abbreviated, unsuccessful big-league pitching career (five wins, 18 losses, earned-run average over 5 per game). He did pitch a three-hit shutout in Montreal in his third major-league game in 1969—incredibly, walking none.

Palmer said he wore sunglasses on his cards because his eyes were sensitive. (Longtime reliever Kent Tekulve, who always pitched wearing sunglasses, wore glasses on his 1976 rookie card, then wore sunglasses every year up to his final card in 1990.)

In an mlb.com story, “Slim Shades” discussed his scattershot life that included serving subpoenas as a 13-year-old for a guy who ran a movie theater and was a part-time private eye, and training pigeons while growing up in Sacramento.

He said he and his neighbor “used to take them up to Reno or Tahoe and let them go and see if we could beat them home.”

Palmer’s baseball cards don’t include his batting stats, so they show no record of his only major-league home run on July 19, 1969. He saw the ball leave his bat, thought it was a line drive over the shortstop, tore around first base, slid into second—and was told by the shortstop that the ball had cleared the outfield fence.

Can’t make that look cool. —Reid Creager



INVENTOR ARCHIVES: AUGUST

August 4, 1970: “Poppin’ Fresh” was trademark registered by the Pillsbury Co.—part of one of the most successful advertising campaigns of the past half-century. The Pillsbury Co. was founded in 1869.

The Pillsbury Doughboy, a living dough figure that popped out of a can of dough (also known as Poppin’ Fresh), began appearing on TV commercials in 1965 with the slogan “It’s such a nice feeling! Get to know Poppin’ Fresh dough.”

The character, wearing a chef’s hat and scarf, is best known for his giggle when poked in the belly. The Doughboy was originally designed by Milt Schaffer.

Poppin’ Fresh has reportedly appeared in more than 600 commercials worldwide. On February 9, 2025 during Super Bowl LIX, he danced in an ad for Instacart that featured other vintage ad mascots.

For an entertaining compilation of Poppin’ Fresh commercials through the years: youtube.com/watch?v=k2FIFs20Q-4



- Rihanna’s single-piece, curved lenses that wrap around the face—shield frames—are a consistent go-to for Gen Z and Generation Alpha. (Mouqy.com has a fun list of the 10 Most Iconic Sunglasses in Movies.)

Cultural blind spot?

We just missed National Sunglasses Day on June 27, which urges people to protect their eyes from the sun’s ultraviolet rays. *Inventors Digest* noticed this date has the unfortunate timing of being the same day Helen Keller was born in 1880.

Carl Augusto, former president of the American Foundation for the Blind (which Keller worked for until her death in 1968), has said there is no evidence Keller ever wore sunglasses. This did not stop Chinese fashion company Xiamen Jinzhi from launching a line of sunglasses called Helen Keller in 2012—which some said was in bad taste.

Augusto did not endorse the decision but admitted that Keller, who he said had a great sense of humor, probably would have “laughed hysterically” about it. ☺

- Tom Cruise fashion statements in two 1980s sparked runaway sales: the large, black square sunglasses in “Risky Business” (also a hallmark of the Blues Brothers), and his wire-framed aviators in “Top Gun.”

Iconic celebrity sunglasses:
Tom Cruise’s Ray-Bans;
Marlyn Monroe’s
“Cat-Eyes” (sans tinting);
and Elton John’s
flamboyant, oversized
signature shades.



AI ABCs

Inside the AI Prior Art Search

During the past couple years, you've read in *Inventors Digest* that artificial intelligence can improve prior art searches for people seeking a patent. This isn't just hype from companies in which AI is a core part of their business; this is a fact that even veteran patent attorneys acknowledge.

But exactly how does this happen?

What are the mechanics and core elements of the process, and why is it more sophisticated than anything we have seen to this point?

Basically, AI moves us beyond basic, traditional keyword searching to possibilities that normal human beings can't uncover or even grasp, reducing the chance something will be missed. It isn't just searching a finite universe of words but seeks to "understand" other possibilities for similar, competing concepts. Some key tools utilized:

Semantic understanding. Far more than searching keywords that sound

similar to your invention idea, this process uses natural language processing (NLP) and semantic embeddings to understand the meaning and functions of inventions. When this happens, AI can match documents with similar concepts even if the terminology is not the same.

Non-structured data analysis.

Keyword- and classification-based searches can miss important hidden information in patent documents' figures, tables, formulas and captions. AI can organize and analyze these non-structured elements and find peripheral technologies that traditional searches cannot.

Automated summarization. This is a real-time saver. Automated summarization uses NLP algorithms to quickly analyze large texts and select the most important information. It actually evaluates sentence importance, using factors that include



keyword frequency, sentence position and contextual relevance.

Contextual search expansion.

AI "understands" the problem and solution separately, and searches accordingly. So it can even suggest expansion queries based on recurring terms in results, which directs the search toward more relevant documents.

And, AI-powered search platforms can identify relevant prior art from many languages and jurisdictions, eliminating those possible barriers.

Overall, the process is much faster and vastly more comprehensive than traditional prior art internet searches—which seemed so advanced and reliable a few short years ago. —Reid Creager

NOW STARRING: IP

More Than Wedding News for Taylor Swift

Newly married Taylor Swift continues to play offense and defense with her intellectual property rights.

The world's biggest pop star—whose IP savvy includes re-recording much of her music catalog to protect her rights and making big profits in the process—recently filed three trademark applications relating to her voice and appearance in an effort to prevent AI impersonations of her. She registered a live image of her holding a pink guitar in a sparkly outfit and her voice saying "Hey, it's Taylor" and "Hey, it's Taylor Swift."

Many have used unauthorized AI applications of the world's biggest pop star.

Three days after her July 3 marriage to NFL star Travis Kelce, a Florida federal judge dismissed

a \$25 million copyright infringement lawsuit over Swift's song lyrics filed two years ago. Poet Kimberley Marasco alleged Swift had stolen lines and taken inspiration from her poems to help create over a dozen songs.

In a less-than-flattering comment about the songs, Judge Aileen Cannon ruled that "common observations," "ubiquitous metaphors" and vague references to gaslighting were the only commonalities between the two artists' work.

Swift's attorney, Douglas Baldrige, said in a statement: "This is plaintiff's second frivolous and harassing lawsuit" against Swift, adding that the case against her was "absurd and legally baseless."

Marasco's team plans to appeal.



Think Marketing ... So You Can **Do Marketing**

Your strategy to define and deliver to customers is crucial for its optimal execution **BY WILLIAM SEIDEL**

Most companies don't have a marketing problem. They have a thinking problem.

If marketing is one thing, it's the strategy to win. Think Marketing is the discipline of understanding the market well enough to define what to do, what not to do and why it matters.

Marketing is no longer just promotion. It defines the Customer Value Proposition, shaping how customers decide, how value and products are created and how to create a defensible position.

Winning companies including Netflix and Uber don't just compete; they position themselves so effectively that the competition becomes less relevant.

Think Marketing establishes direction. It defines customers, what they value, where they buy and what message moves them. It aligns the business around a clear position and strategic plan.

With that clarity, every action has direction and purpose.

In simple terms, Think Marketing is the why. Do Marketing is the what.

Execute the message

Think Marketing is working *on* the business. Do Marketing is working *in* the business.

This distinction is not academic. It is operational.

Do Marketing is execution that makes it happen. It's the work of getting the right message in front of the right audience through content that lands with customers, media that reaches them and the metrics that validate performance.

Marketing can feel like an overload of just doing more stuff: more campaigns, more posts, more spending with diminishing returns. This is because the strategy is unclear.

Doing marketing tasks without understanding the customer is guessing. And without a strategy to be proactive, doing becomes reactive and vulnerable to competition.

A product and a business must grow to survive. When the strategy is clear, decisions are easy. And Do Marketing defines the best ways to achieve it.

Selling a unique benefit

Think Marketing reframes the role of the product business. It shifts focus from the product to the value it creates.

People don't buy products! They trade their money for the benefits the product offers.

Harley-Davidson doesn't market motorcycles. It markets freedom, identity and independence. This resonates far beyond the product, which is simply the vehicle.

Contrary to what most inventors believe, companies don't want products. They want profits. To get more profits, they need viable business opportunities.

Product development is not about developing products. Its purpose is to obsolete the competition.

Companies that Think Marketing communicate clearly, compete more effectively and build stronger positions in the market. The strategy fosters innovation, redefining the category and beating the competition at their own game.



Think Marketing establishes direction. Do Marketing is execution that makes it happen.

Businesses build and sell products, but the strategic objective is to define a value proposition so strong that competitors cannot respond.

This is where many companies fail.

Strategy must come first

Founders and operators often get stuck in Do Marketing.

Understandably, they focus on selling, shipping and generating immediate revenue. Strategy becomes secondary or absent entirely.

I worked with a company in exactly this position. It had the first-to-market advantage in the industry it created.

It had great sales success, but as the category grew to a billion-dollar market, competitive turbulence followed. Growth stalled, receivables climbed and market share eroded. Competitors were winning, and the company was losing—and didn't know why.

I asked, "Who is managing these products and your marketing?"

Company members responded, "We all manage the products. We have sales and don't need marketing."

In reality, there was no responsibility. They had revenue but no strategy. There was no understanding of the customer, no consistent message and no unified direction. Just a series of disconnected activities.

This is a common story of complacency setting in and an established success slipping away.

Business has only two basic functions: marketing and innovation. Innovation without marketing is a lost opportunity.

At the center of all marketing is customer insight and market reality.

Customer insight is what makes marketing possible. It goes beyond basic demographics. It requires understanding motivation, behaviors and preferences that drive decisions.

Without this, the customer message is guesswork. With it, messaging resonates, yielding high-conversion results.

Market reality is dynamic. Conditions shift, costs change, customer expectations evolve. What was last year may not be next year, and strategies must adapt.

Consider the rapid changes in tech products that are reshaping civilization, communication media and work.

Embrace metrics and your core

Measurement matters.

Marketing must be measured to be managed and improved. The metrics connect the strategy to outcomes and the performance of the marketing.

Metrics such as customer acquisition cost (CAC), lifetime value (LTV), and conversion rates are performance indicators. More important, they are feedback loops that validate the strategy.

Sales generates cash today. Marketing builds value for tomorrow.

Marketing is often underestimated because its impact is not always immediate. It's often seen as a bureaucratic brainstorming exercise unrelated to generating revenue.

The pressure to produce short-term results pulls organizations into execution mode. It can overwhelm any business and often drowns out the importance of marketing. Companies that remain there become reactive, scattered and vulnerable.

Sales is critical for every business. Marketing makes it predictable, dependable and scalable.

Focus matters.

The core business deserves disproportionate attention. Strong businesses concentrate on their core market and expand from strength.

Chasing secondary opportunities without a clear strategy spreads resources thin and weakens positioning. This is a sign there is no

strategy. Addressing lower-value segments, often with underwhelming results, is a distraction and neglects the core business.

A powerful combination

Why is Think Marketing important? A great product is not enough; it only wins when people know about it. This makes marketing the core discipline of any business.

Do Marketing is the work to ensure the product is recognized, understood, valued and ultimately chosen. Think Marketing is the advantage. 📌



William Seidel is an entrepreneur, author, educator, innovator and court-approved expert witness on marketing innovation. In his career and as owner of America Invents, he has developed, licensed and marketed billions of dollars of products.

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James Jorasch and the mind of a 785+ patent centurion

Some people collect stamps; James Jorasch collects United States utility patents.

As an entrepreneur and a staggeringly prolific inventor, Jorasch is a named inventor on more than 785 issued U.S. patents. His intellectual property focuses primarily on how humans interact with machines, digital networks and transactional systems. His latest patents reimagine headsets, cameras, mice, keyboards and virtual calls.

Jorasch filed his first patent in his late 20s and several years later became head of Inventing at Walker Digital, where he worked for 15 years. There, he helped build innovation teams and incubated a series of high-profile businesses, including the ubiquitous travel giant Priceline.com.

He approached innovation and creativity as processes that can be optimized rather than lightning strikes. A *Psychology Today* interview called him the “Father of Invention.”

Jorasch holds a Bachelor of Science and an MBA from Cornell University, which technically makes him an expert in both building things and explaining why they cost so much.

Presidential in Murray Hill

After Walker Digital, Jorasch founded strategic consultancy Science House, whose consultants are fueled by innovation, AI expertise, proprietary software and deep thinking to help their partners achieve amazing things.

He resides in a historic, six-story Manhattan townhouse located on East 38th Street in Murray Hill. The building was originally built by Robert Todd Lincoln (President Lincoln’s only surviving child) for Abraham Lincoln’s granddaughter, Mary “Mamie” Lincoln Isham, who resided in the house for 35 years.

For Jorasch, the historical lineage is more than a conversational icebreaker.

As he frequently reminds visitors, Abraham Lincoln remains the only U.S. president to hold a patent (No. 6,469, for a mechanical apparatus designed to lift stranded boats over

shoals). Therefore, living in the structural legacy of the Great Emancipator’s family provides a daily, tangible source of inspiration for his own pursuit of innovation.

Beyond the whiteboards

When he is not busy mentoring Fortune 500 executives on how to streamline their operations, Jorasch dedicates his time to a collection of extracurricular pursuits that suggest he treats life like a video game he is determined to complete at 100 percent.

He is a tournament chess player with an official FIDE rating nearing 2000, proving he can navigate a physical board as skillfully as a corporate boardroom.

He competed in the U.S. Memory Championship nine years in a row—a handy skill when you need to remember where you left your 785th patent application. ♣



James Jorasch (left) plays chess against Russian chess grandmaster Gary Kasparov in 2012. Jorasch made it into the endgame before Kasparov won.



Inventor Badge
USPTO Data Jan 1 1976 ~ Jul 14 2026
788 Utility Patents
 #1 in New York, NY
 #8 in New York
 #61 in USA
 #86 in the World



New York, NY, United States of America
James Jorasch 
 Premium Member
Forward Citations = 66,429
 Company Filing History:
 366 out of 532 **WALKER** patents
 269 out of 4,529 **IGT** patents
 30 out of 44 Walker Asset Manag... patents
 4. 22 out of 42 Inventor Holdings, LLC patents
 5. 20 out of 20 Science House LLC patents
where one patent can have more than one assignee

Find Your Rhythm. Be the Rhythm.

Marketing online isn't about frequency; it's finding a cadence that is manageable for you **BY ELIZABETH BREEDLOVE**

Inventors often begin using social media with good intentions and a great deal of enthusiasm. There is energy around a new idea, excitement about possibilities and a genuine desire to share the process with others.

At first, posting regularly feels easy. Photos are taken, updates written, and ideas for future content seem to appear naturally.

Then, your other work takes over.

Patent discussions begin. Product development stretches longer than expected. Packaging decisions pile up. Manufacturing questions surface. Testing reveals issues that need to be solved before moving forward.

Many businesses and creators are not generating entirely new ideas every day. They are reusing material, re-packaging existing content and extending the life of content they already have.

Before long, social media shifts from something that once felt exciting to another task waiting on a crowded list.

Many inventors eventually fall into a familiar pattern. They post consistently for a short period, disappear for weeks or months, return with a burst of activity and then disappear again. This cycle often leads to frustration,

because social media begins to feel like a job that constantly demands attention.

But maintaining an active presence does not require endless content creation, daily videos or a constant stream of major announcements.

The trick to looking 'new'

For inventors, especially those working independently or with very small teams, consistency often matters far more than volume.

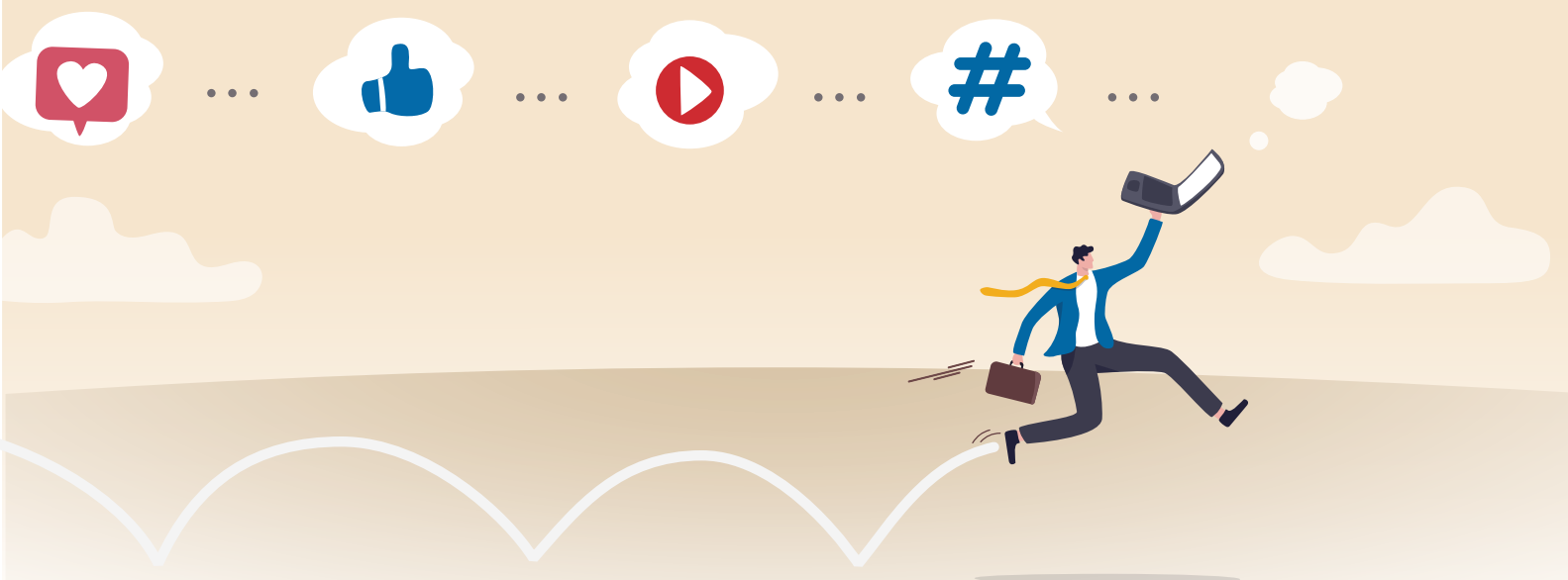
The goal is not to become a full-time content creator but to remain visible while continuing to do the work that moves an invention forward.

One reason inventors burn out on social media is the belief that every post needs to be new, exciting or significant.

It is easy to look online and assume everyone else is producing content nonstop. A person may scroll through LinkedIn and see business owners posting daily insights, then move to Instagram and find polished photos and videos, and then open TikTok to watch a steady stream of short content appearing every hour.

It can look as if successful people are spending all day creating. In reality, many businesses and creators are not generating entirely new ideas every day. They are reusing material, re-packaging existing content and extending the life of content they already have.

For inventors, this is particularly important because development rarely happens linearly. There are often long periods when progress is happening behind the scenes, even if there is



little dramatic news to announce publicly. This doesn't mean social media activity has to stop.

Cadence means sustainability

Many people approach social media by asking, "How often should I post?"

A more useful question is, "What rhythm can I realistically maintain?"

Frequency often focuses on numbers. Rhythm focuses on sustainability.

An inventor managing product development, customer conversations, family responsibilities and business decisions may not realistically have time to post every day. Trying to force a schedule that doesn't fit real life usually creates stress, and stress often leads to inconsistency.

A manageable rhythm might involve posting two or three times each week rather than seven. It might involve setting aside one afternoon each month to prepare content rather than trying to create something every morning before work.

The exact schedule matters less than finding a pace that feels manageable over several months, rather than several days.

A small idea, a big reuse

Inventors frequently underestimate how much value exists within a single idea or update. They sometimes create pressure for themselves by believing they need fresh ideas for every platform.

In practice, reusing content is often one of the most efficient and realistic approaches.

For example, a development update shared on LinkedIn can become a shorter post for Facebook. A photo from the same update might work on Instagram with a different caption. A quick video discussing one lesson learned during development could become both a short TikTok clip and an Instagram Reel.

This works because many followers aren't seeing every post across every platform anyway. Even those who do are probably not tracking content closely enough to notice that the same information has been adapted in different ways.

Show progress increments

Creating a product often includes dozens of smaller moments that people find interesting. People enjoy seeing progress, even when progress feels ordinary to the person creating it.

Lessons learned during testing, unexpected challenges, design adjustments, packaging decisions, manufacturing considerations, reflections on the process itself—these can all become useful content. Even discussing a problem that took longer than expected to solve can create interest because people appreciate honesty and transparency.

Inventors often assume followers only want finished products or major announcements. In many cases, audiences enjoy seeing the process because it feels real.

Not every update has to change everything. Sometimes, a simple reminder that work is continuing is enough.

Perfect every time? Relax

One of the fastest paths to burnout is believing every post must be polished and professionally produced.

Inventors are already balancing enough responsibilities. Adding the expectation of perfect videos, ideal lighting and carefully scripted content can make social media feel exhausting.

People generally respond well to authenticity because they understand that building something new is rarely neat or predictable. A photo taken during a work session, a brief thought about a recent challenge or a short update about current progress often

feels more genuine than content that appears heavily produced.

Consistency becomes much easier when perfection is no longer part of the equation.

Stay present, in the present

Remain present enough that people remember you, recognize your progress and stay connected to your journey. A practical rhythm creates room for that to happen.

The inventors who maintain a long-term presence are often not the ones posting every hour. They are usually the people who found a pace they could realistically sustain while continuing to build the products and businesses that mattered most. 📌



Elizabeth Breedlove is a freelance marketing consultant and copywriter. She has helped start-ups and small businesses launch new products and inventions via social media, blogging, email marketing and more.

**FOND FAREWELLS**

Greg Hyman, the inventor who created the 1990s hit toy Tickle Me Elmo, died May 1. He was 78.

Tickle Me Elmos arrived in toy stores in Summer 1996. All 400,000 units produced by Tyco were sold out by the day after Thanksgiving. The company reportedly used Boeing 747s to deliver them to meet a demand so urgent that a clerk at a Walmart in Canada was trampled by shoppers as he unpacked a late-night shipment, suffering a broken rib and a concussion.

Hyman also invented Alphi the Robot (1980s) and Talking Barney (released in 1993).

Jack Lloyd, credited by some as inventor of the pulse oximeter, a life-saving medical device indispensable in hospitals worldwide, died May 1 at 90.

A pulse oximeter is a device that clips onto a fingertip, earlobe, toe or other thin body parts to measure how much oxygen is in your blood and your heart rate. At least one other person, including Takuo Aoyagi, a Japanese engineer, is credited with inventing the modern pulse oximeter.

Lloyd's career included an early collaboration with Nobel Prize-winning physicist and Manhattan Project scientist Luis Alvarez at the former Radiation Laboratory, now the Lawrence Berkeley National Laboratory.

Al Thieme, said to have invented the first motorized mobility cart in 1968, died March 3 at 88. His Amigo was invented for his late wife, who had multiple sclerosis.

His invention grew into a company, Michigan-based Amigo Mobility, that helps people and businesses across the world, improving accessible mobility. Before starting Amigo Mobility out of his garage, Thieme worked as a plumber.

According to his Legacy.com obit, Thieme was "a high school dropout, and a kindergarten dropout even before that."

"He came home and told his mom that he didn't like taking naps, and he thought it was a waste of time," his daughter, Jennifer Kehres, said. "He said, 'I'm not gonna go back.'"



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A Better Grip, Within Our Grasp

Therapists' assistive device makes activities more functional and fun **BY EDITH G. TOLCHIN**

According to the Next Move Strategy Consulting (nextmsc.com), the U.S. disabled and elderly assistive device market size is predicted to reach \$10.97 billion by 2030. Teachers, occupational therapists, physical therapists and others are trying to make life easier for their clients, as we've seen here in Inventor Spotlight: EaZy-Hold (January 2023), RestAngles (August 2023), and others.

Here's the story of functionalhand® by Thera-Solutions, the first invention for Celine Rosati Skertich and Linda Merry of Illinois. Skertich is a physical therapist who lives in Western Springs with her husband, Joe; Merry is an occupational therapist and lives in Elmhurst with her husband, Bob.

of her therapy sessions, Linda was creating handles on everyday items such as a paintbrush, a marker, a crayon or feeding utensils so that her clients with grasp difficulties could use the gross grasp [all fingers squeezed around an object] to play and participate with their family and peers.

Each of the items was a different size, and given the impairments of the clients using them, the items had to be securely held in the handle. This meant a separate handle was required for every item the client wanted to use. Recognizing the potential to make these adaptive solutions widely available, thereby supporting our mission, the concept for the functionalhand was born.

EGT: How does it work?

CRS: The functionalhand features an ergonomically designed handle with an elastic cord running through it. At the top of the handle, V-shaped channels that are spaced approximately 1 inch apart hold items in place.

To secure an item, the cord is pulled over it, threaded down through the handle and tightened at the base of the tool. Rubber bumpers line the V-shaped channels to prevent slipping. The elastic cord stabilizes the item vertically (along the Y axis), while the rubber bumpers provide horizontal stability (along the X axis).

EGT: What is the functionalhand made of?

CRS: It is augmentatively manufactured of PLA filament—a safe, polylactic acid biodegradable thermoplastic derived from plant-based renewable resources.



Functionalhand was a natural extension of the professional expertise of Celine Rosati Skertich (left) and Linda Merry.

Edith G. Tolchin (EGT): How did functionalhand come about?

Celine Rosati Skertich (CRS): In 2018, Linda and I founded Thera-Solutions, LLC, with a mission to design programs, teach courses and develop materials supporting individuals with disabilities to participate in fun, functional activities they love. While outlining our goals for the upcoming year, Linda mentioned she had always wanted to invent something.

It was not hard for me to determine what that “something” should be. For years, as part

EGT: What are advantages over similar assistive devices?

CRS: The functionalhand is in a class of rehabilitative health care devices known as “universal cuffs.” Most universal cuffs only hold one object, such as a writing tool or feeding utensils. The functionalhand:

- Holds a variety of everyday objects as small as a toothpick to as large as a 16-oz. water bottle;
- Securely holds objects in the vertical or horizontal orientation;
- Has an ergonomically designed handle to support the anatomy of the hand and promote more efficient upper extremity movement;
- Is dishwasher safe.

EGT: Where are you manufacturing?

CRS: The functionalhand is manufactured, assembled and packaged in the U.S. TheraSolutions, LLC distributes the functionalhand from its business base in Elmhurst, Illinois.

EGT: Please share a bit about that experience.

CRS: We had quite a learning curve when it came to the design of our tool. We needed to meet a variety of parameters: safety, size and weight, given our end users are children and adults

“We needed to meet a variety of parameters: safety, size and weight; versatility to hold a variety of objects in multiple orientations; ergonomics; and stability to ensure items were securely held in the tool.” — CELINE ROSATI SKERTICH

with disabilities; versatility to hold a variety of objects in multiple orientations; ergonomics; and stability to ensure items were securely held in the tool, because many of our end users have movement impairments.

Initially, we collaborated with a SCORE (Service Corp of Retired Executives) mentor, as well as my brother-in-law, an inventor with five machine patents. We attempted to design a circular handle akin to the handle Linda created; however, we encountered challenges with slippage and the goal of creating a universal tool adaptable to a variety of objects.

To further explore design possibilities, we consulted with Ted Corlett, Sr., an 88-year-old retired engineer who was also my son's grandfather-in-law. Ted examined our design and problem-solved a solution with us that significantly influenced our design. He then created a CAD design and 3D-printed our

Rosati Skertich helps an appreciative woman get a grip.



The functionalhand features an ergonomically designed handle with an elastic cord running through it.



first prototype, laying the foundation for what became the functionalhand.

The current design of the functionalhand closely mirrors our original concept problem-solved with Ted, with only structural and minor modifications. To transition to augmentative manufacturing, we bought a 3D printer and initially hired someone to produce our tools.

Facing limitations in printing capabilities, and familiar with the University of Illinois'

Maker Lab through their children's attendance at the University of Illinois Urbana-Champaign, we identified it as an ideal

partner to increase production.

The Illinois Maker Lab was fabricating the functionalhand for about a year and shipping units to Thera-Solutions for assembly and fulfillment. As growth required closer monitoring for consistency and increased production, we decided to invest in the necessary technology to augmentatively manufacture, assemble and package the functionalhand ourselves and distribute it from our business base in Illinois.

Currently, we have two sizes of the functionalhand and sell each size individually, in combo packs or multiple packs. Although we've experienced many changes in our manufacturing workflow, it's been a fun and rewarding journey.

EGT: Is functionalhand patented? Please tell us about the patent process, which will help readers considering products in similar categories.

CRS: Yes. Having patented several products and realizing the unique utility of our tool, Ted Corlett recommended and assisted in a provisional patent application for the functionalhand, which was granted in April 2018. This allowed 12 months for proof of concept in the final design.

Once our final design was complete, and having trialed our tool with many end users of varied ages and diagnoses, we had adequate

proof of concept and proceeded with applying for a utility patent.

We discovered through the U.S. Patent and Trademark Office that there are law schools that offer free patent clinics. Our application was accepted by Chicago's John Marshall Law School, where students assisted in submitting our utility patent application in April 2019.

Weathering the challenges of COVID with the law school closures was challenging but very worth it, because our patent only cost us the filing fees and the fees for required illustrations. We successfully obtained a utility patent for the functionalhand in February 2023.

EGT: From where are you selling?

CRS: Though the functionalhand serves a niche market, it has international distribution, with partners in Australia, Germany, the United Kingdom, as well as 10 partners across the United States. One of our U.S. distributors sells it on Amazon.

EGT: What advice do you have for inventors looking to manufacture an assistive product for the first time?

CRS: Clearly define the problem you want to solve. Research what is already available on the market. Make sure your idea is original and does not infringe on others' ideas or designs.

Outline the many steps it will take to bring your product to market and how you will manage each of these steps. Make sure you are up to the task! You will need to wear many hats once you bring your product to market.

There are many good resources to help you along the way, such as SCORE, your state SBDC (Small Business Development Center) and your state manufacturing association. Use them! They want you to succeed. 🍀

Details: cskertich@thera-solutions.com; functionalhand.com



Edith G. Tolchin has written for *Inventors Digest* since 2000 (edietolchin.com/portfolio). She is the author of several books, including "Secrets of Successful Women Inventors" (<https://a.co/d/fAGivZJ>) and "Secrets of Successful Inventing" (<https://a.co/d/8dafJd6>).

1-2-3

Common Invention Questions Answered

BY BEN GREENBERG, FOUNDER OF INVENTIONS UNLIMITED
InventionUnlimited.com • Ben@InventionUnlimited.com

1 What kills most products even as they are increasing sales?

Cash flow. When sales grow, so do inventory, tooling and shipping costs. Many inventors go broke while being “successful” because money is tied up in production before revenue arrives, making planning crucial. Growth should be led by the amount of capital your supply chain can safely support.

2 What role does quality control play in long-term success?

It protects your brand. One bad batch can erase years of goodwill. Customers don’t judge you by your intention; they judge you by the product they receive. Quality systems, inspections and testing aren’t optional.

3 What mindset shift happens when inventors move into manufacturing?

You stop thinking like a creator and start thinking like an operator. The goal is no longer making one perfect unit; it’s making 10,000 identical ones. Discipline, documentation and process become more important than creativity. That shift in your mindset is what turns an invention into an honest company.

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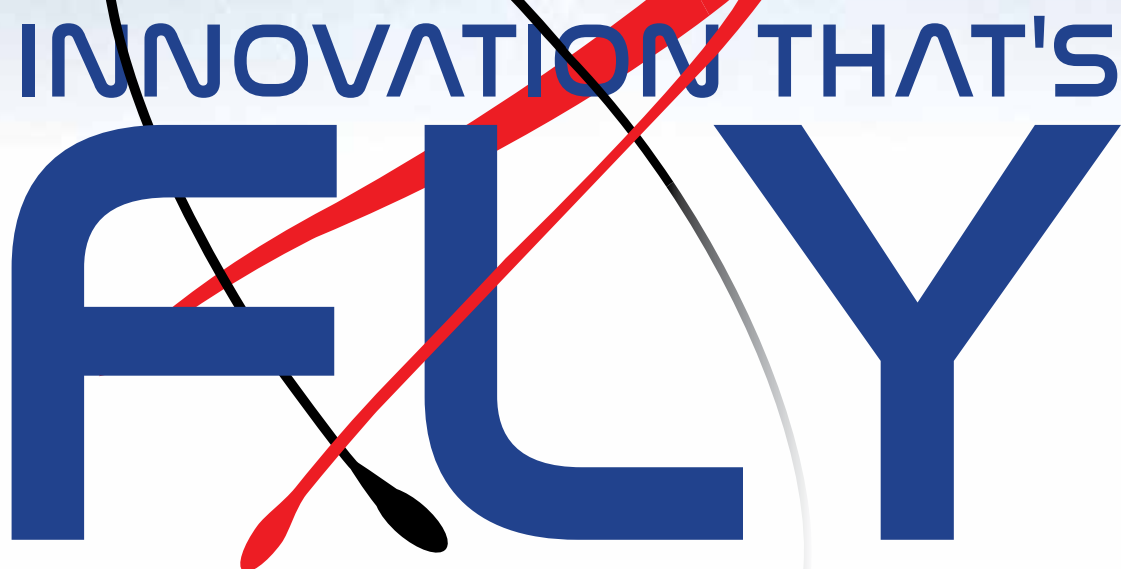
Edith G. Tolchin
(photo by Amy Goldstein Photography)

Edith G. Tolchin knows inventors!

Edie has interviewed over 100 inventors for her longtime column in *Inventors Digest* (www.edietolchin.com/portfolio). She has held a prestigious U.S. customs broker license since 2002. She has written five books, including the best-selling *Secrets of Successful Inventing* (2015), and *Fanny on Fire*, a recent finalist in the Foreword Reviews INDIE Book Awards.



(ad designed by
joshwallace.com)



INNOVATION THAT'S FLY

Among American institutions, NASA has a prominent claim in the invention space

NASA at the Great American State Fair.

The words go together like the stars and stripes. The June 25-July 10 appearance by the National Aeronautics and Space Administration at the National Mall in Washington, D.C., highlighted America's spirit of adventure and accomplishment—with numerous activities, exhibits and displays that helped bring the space program to life for thousands.

Continuing this year's America250 celebration, NASA will conduct special aircraft flyovers August 23 at the Freedom 250 Grand Prix of Washington, D.C. Other flyovers will be at the Pacific Air Show, October 3-4 in Huntington Beach, California, and at the Commemorative Air Force Wings over Houston Air Show October 31-November 1.

These celebrations also show how NASA and innovation go wing-in-wing.

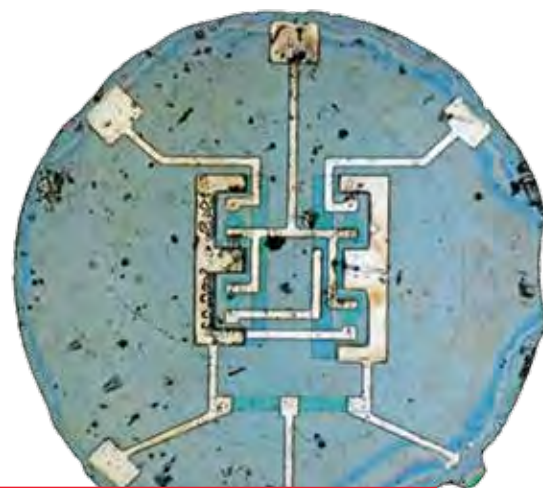
Many inventions with strong ties to America's best-known space agency will surprise you, providing widespread benefits to humanity in fields ranging from medicine to personal safety to taking a selfie or being able to read this article online. Here's a quick flyover on just some of them.—*Reid Creager*

MICROCHIP

The above might be the single word most associated with the digital era. Early in its existence—it might surprise you that NASA dates only to 1958—NASA was a major adopter of integrated circuit technology that is essential to a field where “lightweight” and “compact” are everything. Before this, computers used big, clunky glass vacuum tubes that were as unwieldy as they were heavy.

Early in the moon race against Russia in the 1960s, the Apollo program (1961-72) made a prescient and savvy business decision over the long run. According to *The American Facts*, it committed to buying over 60 percent of all these expensive, small-as-a-fingernail chips made in America with their resistors, capacitors, inductors and transformers.

“This guaranteed market gave companies like Fairchild Semiconductor, a Californian [sic] technology company, the support ... needed to perfect the tech and lower the costs. NASA's support as the principal customer for microchips helped the digital revolution happen much sooner than expected.”



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CAT SCAN

Score another accomplishment for the Apollo program. Technology for CT scans stemmed from NASA research and development during Apollo's lunar landing program.

This was the foundation for modern medical imaging. CT scans are widely used to visualize internal structures and detect tumors and other medical conditions.

Quick, easy and painless CT scans—especially low-dose computed tomography (LDCT)—are important for identifying lung cancer and other types of cancer at an early stage.

SMOKE DETECTOR

As with the microchip, NASA did not invent this life-saving device. Swiss physicist Walter Jaeger created the electric smoke detector in the 1930s (not the first electrical heat detector, which is a different thing) while working on a gas detection device. But these models were too expensive for most people.

In the 1970s, NASA, in partnership with Honeywell Corp., developed an alarm that could detect real fire without reacting to harmless gases inside the first U.S. space station, Skylab. Key components were an adjustable sensitivity and long-lasting backup batteries. That model is the genesis of what we use commercially today.





CELLPHONE CAMERA

Real American history buffs shouldn't dream of taking a selfie with some politician or celebrity. They should shoot for getting one taken with Eric Fossum.

Fossum's work at NASA's Jet Propulsion Laboratory in the 1990s resulted in his getting primary credit for inventing the CMOS active pixel image sensor, the standard for digital imaging devices everywhere. Again, this resulted from the need to conserve space inside a small spacecraft.

Fossum's image sensor put all the camera's image functions on one tiny chip. The technology changed photography forever.

In 1995, Fossum founded the company Photobit to bring the sensor to the commercial market. Micron Technology acquired Photobit in 2001.

HUBBLE SPACE TELESCOPE

Directly linked to NASA as one of its Great Observatories, the Hubble launched on April 24, 1990, by the crew of the venerable Space Shuttle Discovery (retired in 2011 after 39 missions over 27 years, more than any other spacecraft). Operating in low-Earth orbit (about 300 miles), it observes ultraviolet, visible and near-infrared light to study the universe.

Congress had authorized the creation of the Hubble—named after Edwin Hubble, the most famous U.S. astronomer of the 20th century—in 1977. We'll spare you too much scientific detail, but according to Britannica, the HST "is a large reflecting telescope whose mirror optics gather light from celestial objects and direct it into two cameras and two spectrographs (which separate radiation into a spectrum and record the spectrum)."

Astronomy is changed forever by the HST. Among its many observational triumphs: The Hubble Deep Field, a photograph of about 1,500 galaxies, revealed galactic evolution over nearly the entire history of the universe. That's even longer than Captain Kirk has been alive.

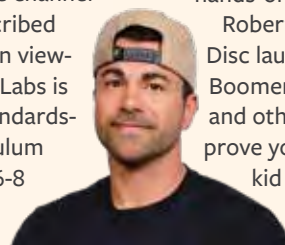


FROM NASA TO YOUTUBE SCIENCE STAR

Serial inventor and friend to *Inventors Digest* Cara Brzezicki (July 2025 cover story) told us about Mark Rober, who joined NASA in 2004 and spent seven years dedicated to the Curiosity rover mission on Mars.

Today, he is a huge internet curiosity and sensation, especially

for younger audiences. He recently wrote that his YouTube channel is the 47th-most subscribed in the world (80 million viewers). His Class CrunchLabs is a collection of free standards-aligned science curriculum resources for Grades 6-8



that combine video storytelling with hands-on classroom challenges.

Rober's listed patents include Disc launcher toy, Ball launcher, Boomerang car toy, Duck game, and other kinds of inventions that prove you can still be an interesting kid at 46.

©PHOTO BY ORA DILEONARDO

SCRATCH-RESISTANT LENSES

Was it an accident, or was it intentional?

Most sources claim the former. Regardless, NASA scientist Ted Wydeven of the organization's Ames Research Center was working on a spacecraft water purification system in the 1970s when he coated a filter with a thin, plastic film by using an electric discharge of an organic vapor. The result protected the plastic surfaces of aerospace equipment from scratching.

This film made plastic up to 10 times more scratch resistant than earlier materials. Because scratched-up eyeglasses and sunglasses are dysfunctional and uncool, Foster Grant (you'll read about FG in this month's Time Tested story) licensed the technology in 1983 and used it to make scratch-resistant lenses for the masses.



WATER FILTER TECHNOLOGY

NASA innovation during the great moon race with Russia included finding a way to keep drinking water pure for long periods, without using heavy chemicals.

NASA's research program resulted in a small, lightweight water purifier featuring low power usage and minimal maintenance for use in the Apollo spacecraft. The 9-ounce device, slightly larger than a pack of cigarettes and chlorine free, used silver ions to kill bacteria and activated carbon to remove pollutants.

That technology, now available commercially, is still used inside water pitchers and refrigerator filters to remove contaminants.

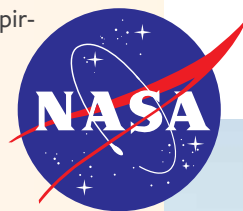
NASA

Founded: July 29, 1958, by President Dwight D. Eisenhower in response to the Soviet Union's launch of Sputnik 1.

Official opening: October 1, 1958.

Headquarters: Washington, D.C., with 20 centers and facilities across the United States, including the Kennedy Space Center in Florida and Johnson Space Center in Texas.

Fun fact: An aspiring astronaut must have 1,000 hours of flying time before working for NASA.



SUPER SOAKER

We won't even try to top this lede from *Smithsonian* magazine:

"You might think it doesn't take a rocket scientist to invent a squirt gun like the Super Soaker. But Lonnie Johnson, the inventor who devised this hugely popular toy that can drench half the neighborhood with a single pull of the trigger, actually worked on the Galileo and Cassini satellite programs and at NASA's Jet Propulsion Laboratory, where he helped develop the B2 stealth bomber."

Johnson, who has more than 120 patents, lay claim to the top-selling toy in the world by 1992—and it was all one big misfire.

He was at home in 1982, trying to make an improved heat pump, when his prototype sprang a leak and a burst of water shot across the room. He remembers thinking, "That would make a great squirt gun."

In 1986, Johnson was awarded U.S. Patent No. 4,591,071 for a device titled "Squirt Gun." Hope he hired out for the marketing. 🚰



BRIGHT IDEAS

Helix

SELF-WATERING POT
THAT GROWS WITH YOUR PLANT

potr.co

Helix uses patented origami technology that allows you to germinate, propagate, self-water and support plants in one system without the guesswork.

Helix contains a distinct, capillary working system to transfer water from the reservoir in its base to the soil surrounding your plant. This lets your plant self-regulate its water intake for up to 2 weeks. Just twist the base, add water and twist-close.

Sprout Plate helps you grow seeds into herbs. Sprig Plate helps you grow cuttings from new plants. Trellis helps your plants grow tall.

The system, which will retail for \$100, is to be shipped to crowdfunding backers in September.



HercShirt V5.0

ODOR-FIGHTING T-SHIRT

hercleon.com

HercShirt uses seven odor-fighting elements woven into its fabric to stop odor before it takes over, with a company pledge that its Max version will be smell free for 30 or more days without washing.

Copper is the Max shirt's main defense against smell-causing bacteria, with its natural antimicrobial properties that promote its use on hospital surfaces. Silver also targets smell-causing microbes. Zinc, known to be gentle on skin, is woven in as well—as are gold, volcanic ash and two “secret ingredients.”

The Standard version is said to be smell free for 14-plus days, with four active elements; the Budget 3-plus days, with one active element.

The shirts will retail for \$149, \$99 and \$49, respectively. Shipping to crowdfunding backers is set for November.



Blast Air

WIRELESS-POWERED,
CARD-SIZE

BLOWER/CLEANER

crowdfunding.flextail.com/blastair

At a top speed of 145 mph, Blast Air is a compact air blower that can be used at locations ranging from campsites to driveways to workspaces.

The 130,000-RPM brushless motor with three power settings is paired with a high-output battery. The card fits any car's wireless charging bay.

A fine mesh filter and soft silicone nozzle can be used with a low-power setting to gently remove dust from camera lenses and sensors. It can even help dry fresh 3D prints. The blower can purportedly get a sleeping pad ready in 10 seconds and a small kayak in about a minute.

Blast Air will retail for \$109. It is scheduled to be shipped to crowdfunding backers this month.



“People who smile while they are alone used to be called insane, until we invented smartphones and social media.”

—MOKOKOMA MOKHONOANA



Atmos Sleep Lamp

SLEEP-PROMOTING BEDSIDE LIGHT

restfullighting.com

Atmos learns your lighting preference habits, automatically reducing sleep-disrupting blue light at night, and is designed to gently wake you with energizing morning light.

The blown-glass orb lamp moves through specifically designed light phases to support your sleep-and-wake routine (daytime light has more blue light, nighttime light less). It has one dial for power and brightness and works with an app, though the app is not required.

When you dim the brightness before bed or reach for more light as you read, Atmos takes note and eventually anticipates your needs before you touch the dial.

The light comes out of the box already matched to your time zone. Atmos retails for \$349.

The Evolving Patentability Of AI-Related Inventions

In a more welcoming environment, your guide to specific tech-related criteria that meet USPTO approval **BY JAYE HEYBL**

The rapid advancement and widespread availability of artificial intelligence tools have significantly lowered the barrier to entry for developing AI-based inventions. Open-source frameworks, cloud computing platforms and pre-trained models enable individuals and small organizations to build sophisticated systems without the need for extensive infrastructure or deep technical expertise.

As a result, innovation is no longer limited to large, well-funded entities; startups, independent developers and even non-technical users can meaningfully contribute to the creation and commercialization of AI solutions.

This democratization of AI development is accelerating the pace of innovation while raising important questions about differentiation, patentability and the threshold for inventive contribution.

A common question is whether AI inventions are patentable—and if so, what type of AI inventions?

The bottom line is that the United States Patent and Trademark Office welcomes AI patent applications, and AI inventions are patentable if they focus on a “technical solution to a technical problem.” AI technology is moving quickly, so it is important to also move quickly in protecting your AI innovations.

USPTO leader seeks balance

For years, courts have expanded judicial exceptions to patentable subject matter under U.S. Code, Title 35, Section 101 (abstract ideas, laws of nature, natural phenomena), creating

uncertainty and high rejection—and invalidation rates for many applications covering cutting-edge technologies. This resulted in a trend at the USPTO toward excessive patent rejections based on a finding that the invention does not comprise subject matter that is patent eligible—an area that has disproportionately affected emerging technologies such as AI.

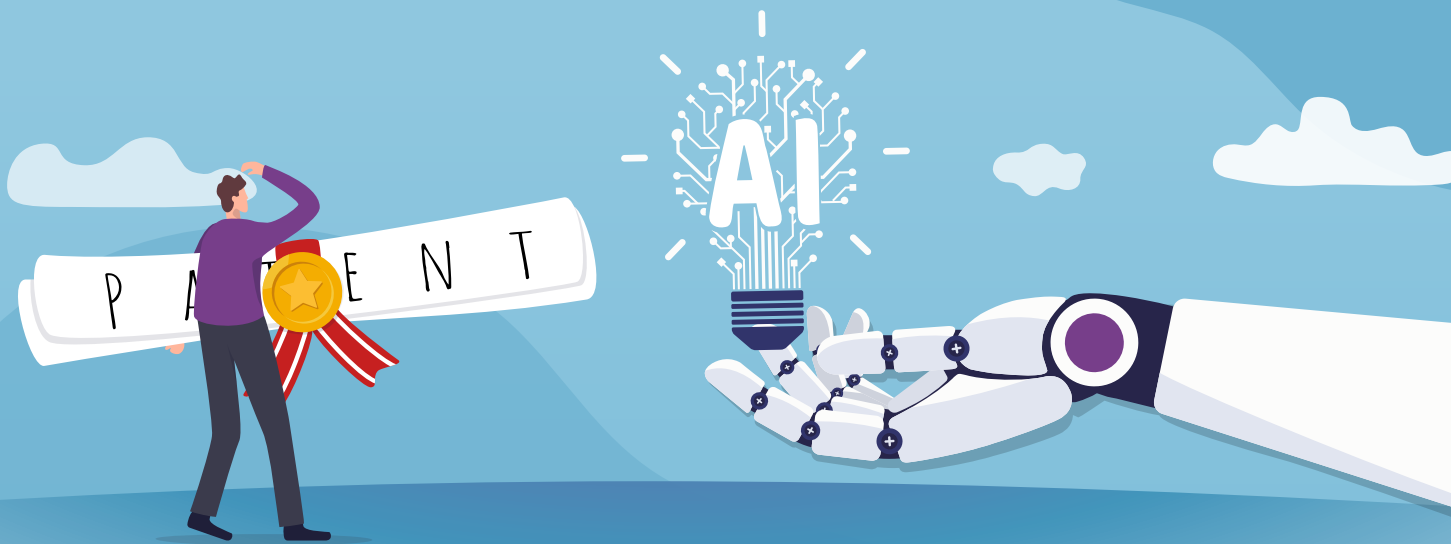
USPTO Director John Squires is seeking to curb these excessive rejections and working aggressively to restore balance to a patent system where emerging technologies, including AI, have faced an uphill battle.

Squires was sworn into office as the new director of the USPTO last September 23. On his first full day on the job, he signed the first two patents of his tenure: one directed to distributed ledger technologies and another to medical diagnostics—both areas frequently scrutinized for patent eligibility.

At the accompanying signing ceremony, he explained: “I wanted to send a clear message with the first two patents issued on my watch: The U.S. Patent Office is open for business, especially for the technologies of tomorrow.”

More substantively, the USPTO issued the precedential decision that overturned overly broad subject matter rejections that affected AI inventions and emphasized a return to the traditional statutory provisions—novelty (Section 102), obviousness (Section 103) and adequate disclosure (Section 112)—as the primary tools for evaluating patentability.

In a memo to the Patent Examining Corps, Director Squires specifically noted the



Generally speaking, an AI invention is patentable if it improves the functioning of a computer or another technology or technical field.

importance of AI inventions and cautioned examiners to heed the warning of this precedential decision against “overbroad Section 101 rejections because [c]ategorically excluding AI innovations from patent protection in the United States jeopardized America’s leadership in critical emerging technolog[ies].”

Tech-patentable distinctions

Although it is settled that AI-related inventions are patentable, the AI world is vast—and like other technologies, not every aspect is patentable.

Generally speaking, an AI invention is patentable if it improves the functioning of a computer or another technology or technical field. The USPTO characterizes this as “a technological solution to a technological problem.”

General examples of these include:

- Enhanced computer vision capabilities
- More efficient data processing techniques
- Increased speed or accuracy in machine learning operations
- Novel neural network architectures that solve previously unsolvable problems
- Reduced computational resource requirements
- Improved ability to handle noisy or incomplete data

In recent USPTO subject-matter eligibility guidance showing how AI inventions can be patent eligible, the agency provided more examples of

patentable AI that involves concrete technical improvements or specific applications of AI:

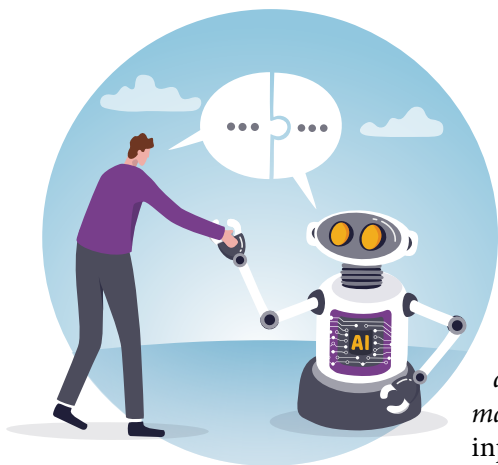
Neural network for anomaly detection. This is a system using an artificial neural network structured on a specific physical device to detect anomalies in data such as security threats. This kind of claim was found eligible because it involved a specific machine and technical implementation.

AI-based speech signal processing. In this process, a trained machine learning model is used to separate desired speech from background noise. Depending on the claim’s details, this can be patentable if it’s tied to a concrete system or improves how speech is processed by computers.

AI-assisted personalized medical treatment. This uses an AI model that processes patient data to generate customized treatment plans. Claims can be eligible if they include specific technical steps or particular treatment actions beyond abstract data analysis.

These examples don’t show actual issued patents but are used by the USPTO to illustrate how AI inventions can meet subject-matter requirements if they are framed around tangible improvements or specific technical processes, rather than abstract ideas alone.

Though not USPTO “official examples,” many AI-related inventions have been patented in the United States because they solve real technological problems:



AI systems for conversational interfaces. An example: inventions around dialogue systems that simulate human interaction using specific architectures and response methods.

Machine learning for autonomous vehicle decision-making. This covers how sensory input is processed and translated into vehicle control decisions, improving safety and navigation.

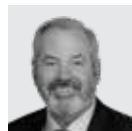
AI-based fraud detection systems. These use trained models to identify suspicious patterns in transaction data to reduce false positives while improving detection rates.

AI-enhanced automation tools. These are systems in which AI improves the performance of industrial machines, robotic control, or optimization of manufacturing workflows.

Broader criteria

These are only some of the many examples of patentable AI subject matter. The USPTO and other patent offices generally look for subject matter that applies AI in a specific technical context (i.e. provides a technical solution to a technical problem); improves how computers or systems operate; and avoids overly broad or purely abstract descriptions of algorithms.

When drafting applications, be sure to draft AI and software claims to emphasize specific technical improvements. Provide details on the particular AI model used. Tie claims to practical applications rather than abstract algorithms. And, provide measurable performance data where possible. 📊



Jaye Heybl is a partner in Stradling's Intellectual Property practice group. He is registered to practice before the USPTO and focuses on patent and trademark prosecution and litigation in federal and state courts, as well as before the USPTO.

INVENTOR UPDATE

Patent Success, the Hard Way

Charlotte dentist **Dr. Joya Lyons**, inventor of the Enchanted Tooth Fairy Box (April 2026 *Inventors Digest* cover story), recently contacted us with a success story wrapped in an important lesson.

She reminded us she had been “anxiously awaiting a response from the USPTO regarding my pending applications for my current mechanism (which I had to change after receiving my first utility patent). I just received the official Notice of Allowance email. I have officially been granted my third patent for my current design!”

But why did she have to change the mechanism?

“Early on, an independent engineer helped me bring my initial mechanism to life, which led to my first round of patent submissions: one utility and one design. However, once I partnered with my manufacturing team, their engineers recommended refining the mechanism to ensure maximum

reliability, repeatability and long-term durability for mass production.

“In hindsight, it was a classic inventor’s lesson: I should have waited to file my final utility and design patents until *after* collaborating with the engineers who are actually mass-producing the product! Because of those manufacturing refinements (even though small changes), I had to submit a new utility and design patent application for my current mechanism I am selling.”

Lyons now holds three patents (two utility, one design), with one final design patent pending along with several granted trademarks and copyrights.

“I am absolutely thrilled, because this means my current product and mechanism are now completely covered and fully patent protected.”



The Finer Details of Turning Parts

Simply drilling a hole is subject to adjustment, depending on the base material **BY JACK LANDER**

Many of the inventions and mechanisms that we prototype have turning parts, with wheels a popular example. But levers, tie-rods, dials and rotary selectors are others that need dependable and practical pivots.

Using a round axle or pin and drilling a hole in the moving component is one way to create the pivoting pair, often referred to as a bearing.

Now, the problem with drilling a hole is that the shaft or pin is generally made from metal of a stock size—such as 1/8, 1/4, 3/8 and 1/2 inch diameter. The opposing hole is drilled using a drill bit of identical or slightly larger diameter, which usually means an “interference fit” for tighter assembly.

If your base material is wood, the pin can be forced in place and the pivot will rotate adequately for most purposes. In fact, the inside of the wooden hole can be lined with grease.

The reason such interference works is because a drill is not a reamer. The drill cuts the hole but leaves an inside contour, ragged and sufficiently compressible for uses that do not demand precision.

The same combination will not work if the base material is plastic or metal. In these cases, reaming is required.

Reamers are available in oversizes such as .001, .002, .003, etc. For most uses, .002 is advised.

In any case, measure the diameter of the pin. A stock pin may be .251 diameter rather than the advertised 1/4 (.250) diameter.

One of my prototypes requires occasional installation and removal of a .125 diameter shaft. I have found that a .128 reamer (.003 oversize) works perfectly. I chamfer (cut away) the tip of the shaft a bit to make it easy to insert.

The miracle of the door hinge

As I wrote this article, I wondered about the wooden wheels on carriages of the 1800s. Online research reassured me that such wheels did not bear the axle load on the bare wood but that the wheel had a metal sleeve. Of course.

If you must have a more professional bearing to use in a machine that demands it, sleeve bearings, ball-bearing lined bearings, mounted bearings and so on are available from industrial suppliers such as McMaster-Carr and others, even Amazon.

Most of us are aware of one of the best bearings ever made for household use: the door hinge, including the garage door hinge. My front door and garage door hinges have never been lubricated, as far as I know.

So, I investigated how these marvelous devices are made. Baked-on graphite or molybdenum disulfide are two of the permanent lubricants added to the steel.

If any of your cabinet doors squeak, this is an indication of slight misalignment of the hinges and that metal at the nano level is being rubbed away. A drop of oil will quiet it.

Realigning the hinges will also solve the squeak—but relocating the holes a tiny fraction of an inch is too difficult for most of us. 🛠️



Jack Lander, a near legend in the inventing community, has been writing for *Inventors Digest* for nearly a quarter-century. His latest book is “Hire Yourself: The Startup Alternative.” You can reach him at jack@inventor-mentor.com.

Someone Designed Around Your Patent!

Here's how competitors do it—often legally, as part of a system that incentivizes innovation **BY ANDREA L. ARNDT**

Many inventors view a patent as the ultimate shield against competition. After all, being granted a patent often requires years of development, substantial expense and extensive interaction with the United States Patent and Trademark Office.

When the patent finally issues, inventors reasonably believe competitors can no longer enter the market with similar products. The reality is more complicated.

A patent provides valuable legal rights, but it does not guarantee market exclusivity. In many industries, competitors study patents and look for ways to develop alternative products that avoid infringement and meet consumer demand—"designing around" a patent.

Understanding how competitors design around patent protection can be as important as getting the patent itself.

What a patent protects

Inventors commonly misconceive that patents protect the invention in the broadest sense. But they protect only what is specifically claimed in the patent's claims.

Claims define the legal boundaries of the invention. The patent specification may describe numerous embodiments, features and advantages of the invention, but claims ultimately determine what others are prohibited from making, using, selling or importing.

So, competitors often focus on identifying aspects of a product that are not covered by those claims.

For example, suppose an inventor has a patent directed to a specialized bottle cap with

three specific structural features. A competitor may analyze the claims and determine one of those features can be replaced with a different mechanism that performs a similar function. If the alternative design falls outside the scope of the claims, the competitor may bring the competing product to market without infringing the patent.

The competitor is not stealing the invention. Instead, it is taking advantage of the patent's limited claim coverage.

Designing around patents

The patent system attempts to promote innovation by granting inventors exclusive rights for a limited period in exchange for them publicly disclosing their inventions. Once a patent application is published, competitors can study the disclosed technology and develop improvements or alternative approaches.

Many inventors are surprised to learn that the patent system encourages lawful design-arounds. But designing around patents may lead to entirely new innovations. A competitor may identify a weakness, limitation or inefficiency in an existing patented product and develop a different solution.

This process aligns with the policy goals of the patent system by fostering technological advancement, but it can also frustrate inventors who watch competitors enter the market with products that appear similar to theirs but are different enough to avoid infringement.

Design-around efforts occur in nearly every technology sector—especially in consumer product manufacturing, software, medical

devices and pharmaceuticals. However, though some design-around efforts successfully navigate around patent protection and generate commercially successful products, not every design-around effort succeeds.

Broad versus narrow claims

Whether competitors can design around a patent often depends on the scope of its claims.

Broad claims generally provide wider protection and make it more difficult for competitors to develop alternatives, but their increased breadth renders them more susceptible to rejections based on prior art. Narrow claims may be easier to secure during prosecution, but they can leave room for competitors to modify certain features and avoid infringement.

Applicants often initially seek broad protection; then, examiners require narrowed claims to distinguish the invention from existing technology. As a result, the issued patent may provide meaningful protection while leaving opportunities for competitors to pursue alternative designs.

Improvement patents

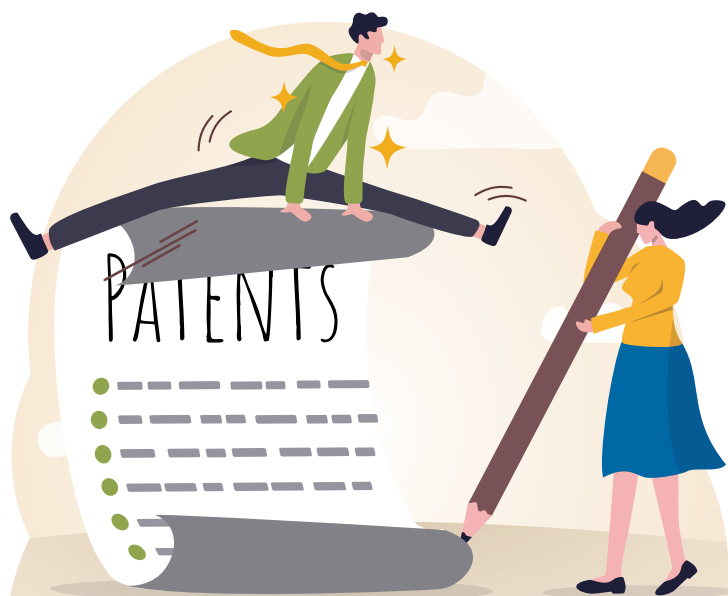
Another concept that inventors sometimes overlook is the role of improvement patents.

A competitor may develop an enhancement to an existing invention and receive its own patent covering the improvement. This situation can complicate the intellectual property landscape because both parties may then possess overlapping, enforceable patent rights. This overlap can lead to licensing discussions, cross-licensing arrangements, business partnerships or litigation.

For inventors, the existence of improvement patents demonstrates that innovation often continues long after the first patent issues, demonstrating that the patent system is fostering innovation.

Building portfolios

Many successful companies do not rely on a single patent to protect an important product.



Patent claims ultimately determine what others are prohibited from making, using, selling or importing. So, competitors often focus on identifying aspects of a product that are not covered by those claims.

Instead, they develop patent portfolios covering various aspects of the technology.

A portfolio may include patents directed to product structures, manufacturing methods, software functionality, user interfaces, accessories and future improvements. This approach can make design-arounds more challenging, because competitors must navigate multiple patents rather than a single set of claims.

Additional applications, continuation filings and patents covering improvements may strengthen overall protection and create additional barriers to competitive entry.

Of course, patent portfolios require additional investment and should be evaluated in light of commercial objectives and available resources.

Monitor the competition

Getting a patent is often viewed as the finish line. In reality, it may be the beginning of a longer process.

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www.inventor-mentor.com

Best wishes, Jack Lander

Inventors who successfully commercialize products should monitor competitive activity and remain aware of new patent filings within their industry, because understanding how competitors approach similar technologies can provide valuable business intelligence.

Monitoring may reveal potential infringement or identify emerging design-around strategies that influence future product development or patent filings. Regular review of competitive activity can help inventors make informed decisions regarding enforcement, licensing, research and development.

A tool, not a guarantee

Patents remain powerful intellectual property assets available to inventors. They can deter competitors, attract investors, support licensing efforts and provide meaningful legal remedies against infringement.

However, inventors should recognize that patents do not automatically prevent competition. Competitors may analyze patent claims, pursue alternative designs, develop improvements and seek their own patent protection.

These practices are not a flaw in the patent system. Rather, they reflect one of the system's fundamental objectives: incentivizing continued innovation while rewarding inventors for their contributions.

Getting a patent and understanding the limits of its protection are equally important. The most effective intellectual property strategies combine strong patent claims, ongoing innovation, thoughtful portfolio development and a clear understanding of how competitors may respond once an invention reaches the marketplace. •

*Indiana University Maurer School of Law student
Carson A. Arnold contributed to this report.*



Andrea L. Arndt is a member of the Intellectual Property Practice Group at Dickinson Wright in Austin, Texas. She is a nationally recognized intellectual property attorney with extensive experience advising startups, Fortune 100 companies and market leaders on their

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A Patently Positive Tone

USPTO director's comments at conference indicate a push to embrace tech inventions and AI's cost-cutting role

BY LOUIS CARBONNEAU

For 19 years, IPBC Global has been the room where the patent monetization world takes its own temperature, and this year—back at the InterContinental in San Diego with 750-plus senior IP people—the reading finally ran warm. For the first time in a long while, the hallway chatter didn't sound like a wake.

USPTO Director John Squires opened the conference by arguing that AI is forcing a reset of patent eligibility—and that, for once, the office intends to lean into it rather than hide behind Section 101 patentability issues. After a decade of treating eligibility as the nearest emergency exit, hearing a sitting director signal that inventions with real technical substance deserve protection is the most encouraging sentence to come out of Alexandria, Virginia, in years.

Signaling isn't law—the United States Court of Appeals for the Federal Circuit and Congress

After a decade of treating eligibility as the nearest emergency exit, hearing John Squires signal that inventions with real technical substance deserve protection is the most encouraging sentence to come out of Alexandria, Virginia, in years.

still hold the pen—but tone from the top matters, and the tone just changed.

AI was, predictably, in every session. The more useful insight wasn't the hand-wringing over inventorship and disclosure; it was the quiet recognition that AI is collapsing the cost of the grunt work that made monetization expensive in the first place. Claim mapping, evidence of use, damages modeling—the spadework that used to eat six-figure budgets is getting cheap and fast.

That cuts both ways but tilts toward patent owners, who can now build a credible enforcement case for a fraction of what it cost two years ago.

Now the contrarian note, because consensus is usually where the mispricing hides.

The room arrived believing AI was primarily a threat to patents. It left treating AI as a tailwind for the *business* of patents—a monetization accelerant, not just a validity headache. And a USPTO openly leaning pro-eligibility cuts hard against the gloom everyone has recited for 10 years.

If both hold, the assets the market has spent a decade discounting are exactly the ones to own. The smart money in San Diego seemed to know it.

UNIFIED PATENT COURT TURNS 3 AS BEST IN THE WORLD

When the Unified Patent Court opened on June 1, 2023, the conventional wisdom said it would be a cautious, slow-burn experiment. Life-sciences companies would opt everything out, the system would take a decade to find its footing, and nobody should bet the portfolio on an untested court whose judges had never sat together.

Three years later, that wisdom looks about as prescient as the people who told you streaming was a fad. The UPC didn't take a decade. It took roughly 18 months to become the single most consequential venue in global patent litigation—and for any patent owner who had the foresight to validate European counterparts to their U.S. patents, it has been the best news in a generation.

Start with speed, because that's where it earns its reputation. The court hands down preliminary-injunction decisions in an average of 112 days—less than four months—and full decisions on the merits in roughly 14 to 16 months.

Compare that to a U.S. infringement case that crawls toward trial over five to seven years and \$20 million in fees, if you can even find a judge willing to hear it. A complete UPC merits decision runs closer to 12 months and a million dollars.

Now, the part that should make every patent owner sit up.

The UPC grants injunctions. Roughly 60 percent of preliminary-injunction applications are granted, and on the merits the Court of Appeal made it explicit in *Meril v. Edwards* (November 2025): Once a patent is found valid and infringed, an injunction issues as a matter of principle. There is no four-factor obstacle course, no “irreparable harm” séance, no judicial hand-wringing over whether a patentee who doesn't practice the invention “deserves” to stop the infringer.

Across more than 50 merits judgments, commentators note there is not a single case where injunctive relief was denied or quietly watered down. In the country that invented the

patent injunction and then spent two decades dismantling it, that is a remarkable sentence to be able to write.

And the reach is staggering. A single UPC action covers 18 member states, and thanks to the CJEU's *BSH v. Electrolux* ruling, the court's long arm now stretches across all 40 EPC states—a market materially larger than the United States.

Let me not oversell it. Validity is a genuine fight, not a rubber stamp: In infringement actions, 47 percent of asserted patents were revoked or survived only in amended form, and in standalone revocation actions that figure

climbs to 76 percent.

The UPC is fast and decisive, which cuts both ways. A weak patent dies quickly and publicly. This is a forum that rewards quality over volume. Choose your assets accordingly.

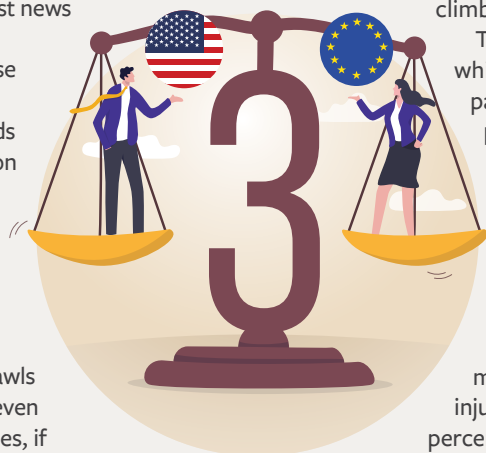
But here's the proof in the pudding: Who is actually using it?

U.S. entities are the most frequent preliminary injunction applicants (44 percent)—and the most frequent targets of revocation actions (57 percent). Translation: Sophisticated American patent owners figured this out early and are enforcing aggressively, while the American companies that ignored Europe are now playing defense on unfamiliar ground.

So, here is the uncomfortable lesson for our market. While the United States turned patent enforcement into a question of real estate—which ZIP code, which judge, which transfer motion—Europe quietly built the court the United States used to be.

Patent owners winning today aren't the ones with the cleverest venue strategy. They're the ones who, years ago, spent the modest extra money to file European counterparts to their U.S. patents.

That wasn't paperwork. That was vision. And it is paying off.



Judge Albright Era Ending— With a Lasting Legacy

When Judge Alan Albright was appointed to the Western District of Texas in 2018, I wrote that a single individual could move the needle for patent owners in this country. I am not in the habit of patting myself on the back, but on that one I called it.

Now Albright has announced he will step down from the bench at the end of August to return to private practice as a trial lawyer—and the same pundits who spent years trying to clip his wings are suddenly nostalgic. Funny how that works.

Here are the good, the bad and the ugly of the most consequential patent judge of the past decade.

Good: Albright did something almost no other federal judge in America bothers to do: He *liked* patent cases, and he put in the work.

A former Bracewell patent litigator who knew his way around a *Markman* hearing, he built local rules designed to move cases on a predictable schedule, capped the discovery games and actually held trials. Inventors and operating companies who had spent years being told to wait in line finally had a courtroom where they could get to a jury before their patents expired.

Waco went from 90 patent cases in 2018 to 3,863 in 2020. At his peak in 2020–21, roughly 1 in 5 patent cases in the United States landed on his docket. It happened because plaintiffs and defendants alike trusted that the process would be fast, transparent and run by someone who understood the subject matter.

Bad: Albright was not, by reputation, the most technically precise judge on the bench, and the Federal Circuit reminded everyone of that with

some regularity. His rulings—particularly his refusals to transfer cases out of Waco—were reversed and vacated at a remarkable clip. In 2021, the Federal Circuit granted mandamus against him on convenience-transfer rulings something like 18 times, nine of those in the fourth quarter. That is not a rough patch; that is a pattern.

But it is worth remembering that mandamus is supposed to be an “extraordinary” remedy, granted in rare cases. The Federal Circuit started handing it out like parking tickets, to the point where even sympathetic commentators described the court’s fixation on a single district judge as “increasingly bizarre.”

Ugly: Albright did not just irritate the Federal Circuit; he became a political target. Sen. Thom Tillis, R-North Carolina, fired off letters questioning whether the judge was “soliciting” patent cases. Chief Justice Roberts devoted a chunk of his 2021 year-end report to case-assignment practices, pointedly describing the problem without ever naming the man everyone knew he meant.

And in July 2022, Western District of Texas Chief Judge Orlando Garcia—under no small amount of pressure—issued the order that broke the spell, redistributing new Waco patent filings randomly across 12 judges.

The lesson efficient infringers took away was not “build a better mousetrap.” It was, “If a forum starts working for the other side, lobby until it stops.”

Winston & Strawn’s Aimee Fagan said Albright’s departure “will impact venue selection, as he is the reason many litigants choose to file in the Western District of Texas.”



Louis Carbonneau is the founder and CEO of Tangible IP, a leading patent brokerage and strategic intellectual property firm. He has brokered the sale or license of 4,500-plus patents since 2011. He is also an attorney and adjunct professor who has been voted one of

the world’s leading IP strategists.



IP Panel Urges Action Against Internet Piracy

Celebrities, lawmakers, media experts among those discussing issue at House subcommittee hearing **BY EILEEN MCDERMOTT**

All Eye On Washington stories initially appeared on IPWatchdog.com.

The House Judiciary Committee's Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet recently held a hearing titled "A Midlife Crisis? IP and the Internet After 40." The hearing examined the changes that have occurred over the last four decades of the internet and featured witnesses including celebrities, academics and computer and media experts.

The goal of the hearing, according to Subcommittee Chair Darrell Issa (R-California), was to be proactive rather than reactive in stopping mass piracy on the internet and discuss ways to update the law in light of new technologies like generative AI.

Issa said that although the Digital Millennium Copyright Act has been useful for rightsholders, the speed at which takedowns operate is inefficient for today's digital reality.

In a video presentation that Issa played, Patrick Crowley, producer of the "Jurassic World" and "Twister" film franchises, said that "today, filmmakers have no remedy to combat rampant competition from piracy websites based overseas offering up exact digital copies of our work for free."

However, Congress has the remedy in site-blocking legislation, which is being used in countries around the world.

Sean Astin speaks out

Witnesses in the room on June 30 included Sean Astin, actor and president of the Screen Actors Guild-American Federation of Television and Radio Artists. Astin discussed the problem of

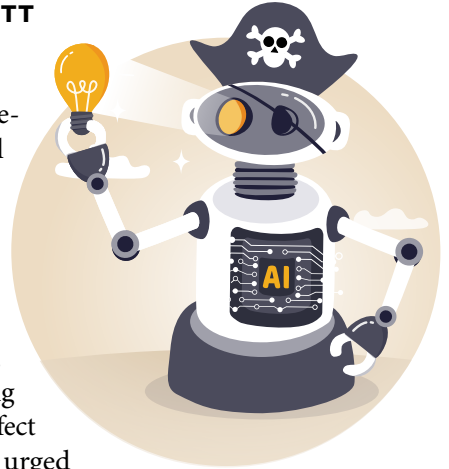
AI stealing the voices and likenesses of performers, as well as everyday citizens, and said "our members have almost no ability to protect themselves from this kind of abuse."

Chris Floyd, of counsel at Amblin Entertainment, explained the difficulty of going after pirated films that greatly affect the U.S. economy broadly. He urged the subcommittee to pass legislation authorizing judicial site blocking—which countries including Portugal have enacted, seeing a 70 percent drop in traffic to targeted pirate sites.

Chris Mohr, president of the Software and Information Industry Association, told the subcommittee that his organization has concerns about the "Nurture Originals, Foster Art, and Keep Entertainment Safe Act of 2026" (NO FAKES Act), which was recently unanimously advanced by the full Senate Judiciary Committee and would create a federal IP right to an individual's voice and likeness.

While SIIA supports such a right, Mohr said the bill has several problems—such as failing to deliver on a national standard by only replacing state regimes for expressive works and making the law too rigid in terms of putting wrongly removed content back up, thus threatening free speech.

Issa concluded with a pledge to move forward on NO FAKES. "NO FAKES is going to move under my watch," he said. 🐕



Eileen McDermott is editor-in-chief at IPWatchdog.com. A veteran IP and legal journalist, Eileen has held editorial and managerial positions at several publications and industry organizations since she entered the field more than a decade ago.

Patents' 'New Killing Field'?

Supreme Court's refusal to consider Hyatt case brings prosecution laches into stronger focus **BY EILEEN McDERMOTT AND GENE QUINN**

The U.S. Supreme Court recently denied certiorari in the closely watched patent case of *Hyatt v. Squires*, which challenged the U.S. Court of Appeals for the Federal Circuit's approach to the doctrine of prosecution laches.

(*Editor's note:* Certiorari is a formal written order issued by a higher court to review the decision of a lower court or a government agency. Prosecution laches is a defense that can render a patent unenforceable if the applicant unreasonably delayed prosecution of a patent application, arguably causing prejudice to competitors or the public.)

Gilbert Hyatt filed his petition in March, asking the justices to answer the question, "Whether the PTO may invoke the equitable doctrine of 'prosecution laches' to deny a patent to an applicant who has complied with all the Patent Act's timeliness provisions."

Hyatt argued that the Supreme Court has ruled in both *Petrella v. Metro-Goldwyn-Mayer* (2014) and *SCA Hygiene Products Aktiebolag v. First Quality Baby Products* (2017) that laches does not exist when there is a statutorily prescribed timeframe to act. In Hyatt's case, he argued, there are both statutes and rules that give applicants a defined time within which to act.

But Squires countered in May that Hyatt's patent applications, filed during the period known as the "GATT Bubble"—which refers to the short time before patent term was changed to run from the date of issuance to the date of filing, as per the Agreement on Trade-Related

Aspects of Intellectual Property at the Uruguay Round of the General Agreement on Tariff and Trade (GATT)—are "highly unusual" and accused Hyatt of bulk-filing applications, including "numerous duplicate" claims that are "extraordinarily lengthy and complex."

Squires' brief claimed these applications have posed "unique" and "extreme" challenges for the USPTO, and that Hyatt's prosecution conduct "created a perfect storm that overwhelmed the PTO" and "all but guaranteed indefinite prosecution delay."

Denial 'will be huge'

IPWatchdog founder and CEO Gene Quinn, who has written extensively on the *Hyatt* case, said SCOTUS' June 29 denial "will be huge in the years to come" and is "consistent with the Supreme Court approach to undercut patents at every level.

"With patents presumed unenforceable after six years of prosecution, and with hundreds of cases in the pipeline arguing that rule applies equally to post-GATT patents, prosecution laches will become the new killing field for patents."

Before the Supreme Court issued its denial, Quinn wrote:

"The doctrine of prosecution laches is both illegitimate and indefensible. That it is applied against patent applicants and patent owners who complied with every statute, every regulation, and every deadline imposed by Congress and the United States Patent and Trademark Office makes it practically un-American.



“The doctrine of prosecution laches is both illegitimate and indefensible. ... There is nothing equitable about punishing a patent owner for doing exactly what the law allowed.” —GENE QUINN, CEO, IPWATCHDOG

“There is nothing equitable about punishing a patent owner for doing exactly what the law allowed. There is nothing noble about transforming a fully compliant patent prosecution history into a post hoc basis for forfeiture. And there is nothing remotely consistent with the Patent Act, the Supreme Court’s own laches precedent, or the Constitution’s command to promote the progress of science and the useful arts when courts use laches to nullify patent rights after the fact.

Expanding a bad idea?

Laches originated in medieval England to address unfairness in long-delayed claims.

“For years, prosecution laches was treated by many as a quirky, rare, submarine-patent relic,” Quinn wrote. “That was always foolish and wrong, but understandable. The doctrine was born out of cases involving pre-GATT [General Agreement on Tariffs and Trade] patent term rules, where patent term ran from issuance and applicants could theoretically extend patent life by delaying issuance.

“But that world no longer exists. Since the 1995 GATT amendments, patent term runs

from filing, not issuance. The supposed submarine-patent concern that animated the modern revival of prosecution laches is obsolete.

Yet, the Federal Circuit has not only kept the doctrine alive; it has expanded it. Worse, in *Hyatt v. Hirshfeld* and *Hyatt v. Stewart*, the Federal Circuit created a six-year presumption that a patent prosecution delay is unreasonable, inexcusable, and prejudicial.

“That is not merely wrong; it is an institutional power grab. It replaces the statutory presumption of validity with a judicially manufactured presumption of unenforceability, which is precisely contrary to the Patent Act itself.”



Eileen McDermott is editor-in-chief at IPWatchdog.com. A veteran IP and legal journalist, Eileen has held editorial and managerial positions at several publications and industry organizations since she entered the field more than a decade ago.



Gene Quinn is a patent attorney, founder of IPWatchdog.com and a principal lecturer in the top patent bar review course in the nation. Strategic patent consulting, patent application drafting and patent prosecution are his specialties. Quinn also works with independent inventors and start-up businesses in the technology field.

Robotic Turtle Catches on Fast

Honors pile up for teen whose device identifies sea pollutants

A Canadian 15-year-old who invented an AI-fueled bionic turtle is snapping up awards at an impressive pace.

Evan Budz of Burlington, Ontario, Canada, has won at least eight awards—including a \$50,000 scholarship—at major science fairs in the past year. His robot, named BURT (Bionic Underwater Robotic Turtle),

reveals underwater microplastics and ecological threats without disturbing marine ecosystems. Testing showed it detected replicated coral bleaching with 96 percent accuracy.

BURT earned Evan the Gordon E. Moore Award for Positive Outcomes for Future Generations, and the scholarship money; an environmental engineering award and two special awards at the Regeneron International Science and Engineering Fair in Phoenix; and a Silver Excellence Award, Youth Can Innovate Award and Challenge Award in Environment and Climate Change at the Canada-Wide Science

Fair in Edmonton. Last September, he won first prize at the European Union Contest for Young Scientists in Riga, Latvia.

Complex design and an oops!

Evan designed BURT—a robot with four flippers—in SolidWorks, a 3D CAD software, and 3D-printed the parts.

According to The Daily Galaxy, the robot's body is an acrylic tube containing a Raspberry Pi microcomputer, which runs AI detection models and handles data recording and transmission.

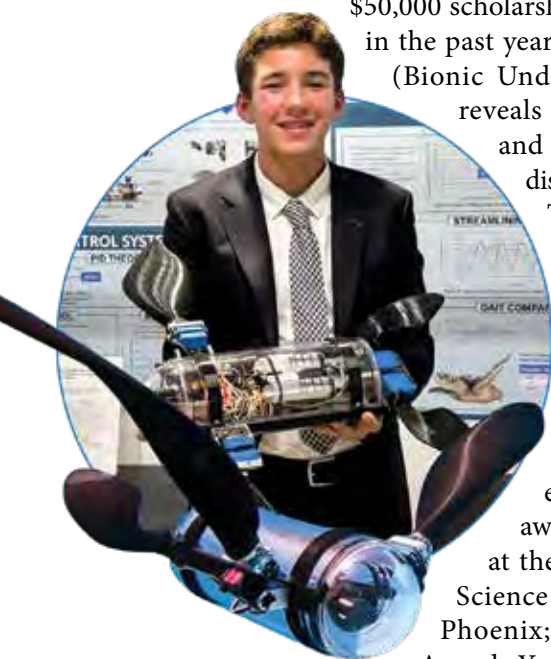
A front-mounted camera transmits visual data to the onboard system. Evan added lights to the front of the robot and installed an ultrasonic transducer, which uses high-frequency sound waves to detect obstacles. He later developed a holographic imaging device that records the shapes and structural characteristics of tiny particles in the water; a custom-trained neural network classifies whether each particle is a microplastic.

Much of the testing was conducted in Evan's grandparents' 8-foot-deep backyard pool, where "I encountered a number of different challenges," he told WBUR-FM in Boston in early July. The first challenge: The robot immediately sank to the bottom.

The final model weighs about 11 pounds, with added metal ballast for neutral buoyancy. It can run for up to eight hours on a lithium battery, but Evan added a solar panel for even longer life. The robot is set to swim at about 0.5 miles per hour, the typical pace of a real sea turtle.

BURT is ironically named.

A cartoon character named Burt the Turtle was introduced in 1951, to teach American children how to survive a nuclear attack through the "duck and cover" method. This is probably a coincidence, but the goal of a safer world is the same. 🐢



GO FOR IT

The premiere Inventors Olympiad 2027 is coming.

Students 20 and younger from around the world are eligible for the event, with this year's Born to Invent Challenge the first step. The challenge is the national selection stage where top students from each country are nominated by their national Young Inventors of America partner to represent their nation at the Olympiad.

YIA is accepting applications from national partner organizations for the Olympiad.

Details: inventorsolympiad.org

Follow the Money

SBIR (Small Business Innovation Research) is a U.S. federal program that provides funding to small, tech-focused businesses—including those formed by inventors—to develop technology from concept to commercialization. The program operates in three main phases:

- Phase I—Proof of Concept (6–12 months, \$50,000–\$275,000), which tests the feasibility of your invention.
- Phase II—Technology Development (24 months, \$400,000–\$1.8 million), which expands R&D based on Phase I results.
- Phase III—Commercialization, where with no SBIR funding, you market your product in the private or federal marketplace.

Your business must be a U.S. forprofit entity with fewer than 500 employees (most applicants have fewer than 10).

Details: [SBIR.gov](https://www.sbir.gov)



ID Flashback

September 2020: The *Inventors Digest* cover package focused on a report that July by the United States Patent and Trademark Office, which revealed the percentage of new female-inventor patentees increased from 16.6 percent in 2016 to 17.3 percent by 2019. We interviewed women patentees who discussed how to improve that glacial pace, and included our top 10 list of women's patents. inventorsdigest.com/issues



What IS That?

The Amazon headline on this dinosaur finger puppet says, in part: “Mini Animal Puppet for Storytelling.” But certainly not at bedtime.

Get Busy!

Register early for the third annual IPWatchdog Women's IP Forum, September 23–25 at IPWatchdog in Ashburn, Virginia. Last year's event was the largest and most successful program ever hosted at IPWatchdog Studios. ipwatchdog.com/womens-ip-forum-2026

WHAT DO YOU KNOW?

1 True or false: Earlier this year, the USPTO said more than 350 trademark applications submitted over the past 12 months by rapper Kanye West were left dormant, making them invalid.

2 The first use of instant replay in a nationally televised sporting event occurred in a 1963 football game between:

- A) Michigan State-Michigan
- B) Appalachian State-Michigan
- C) Army-Navy
- D) Green Bay-Minnesota

3 When did Michael Jordan trademark his name?

- A) 1987 B) 1996
- C) 2009 D) 2021

4 Which was patented first—the rubber band, or the paper clip?

5 True or false: You can't patent software.



ANSWERS: 1. True. 2. C. 3. A. 4. The rubber band was patented in 1845 by British inventor Stephen Perry. The paper clip in the shape we know today originated in 1892 without a U.S. patent, according to the Early Office Museum. 5. False. The Supreme Court's 2014 landmark *Alice Corp. v. CLS Bank International* ruling narrowed eligibility but did not ban software patents.

Climb the Charts

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