

# Inventors

DIGEST

## SELL SHEETS THAT WORK

YOUR FINICKY TUTORIAL



### Instagram Reels

MARKETING USING  
SHORT-FORM VIDEO

### Jump-Start My Heart

THE DEFIBRILLATOR'S  
STEADY DEVELOPMENT

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PERMIT 38  
FULTON, MO

# WE WOMEN'S ENTREPRENEURSHIP SYMPOSIUM

2022

The annual Women's Entrepreneurship Symposium (WES) offers attendees a chance to learn about innovation and business from public and private sector experts. At the WES, you'll have the chance to:

- Learn about women navigating today's changing marketplace
- Explore ongoing efforts to bring women into the innovation ecosystem
- Hear from senior USPTO officials and other IP experts
- Discover educational opportunities for girls and women in computer science, invention, and STEM

Part one:

## Educate and innovate

March 2, 2 - 3:35 p.m. ET

Part two:

## Trends and opportunities

March 16, 2 - 3:05 p.m. ET

Part three:

## From inspiration to commercialization

March 30, 2 - 3:35 p.m. ET



**Joann Blumenfeld**  
Catalyst, The North  
Carolina Science House,  
NC State



**Quincy Brown**  
Office of Science and  
Technology Policy,  
The White House



**Tené Dolphin**  
National Women's  
Business Council



**Georgia Grace  
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SheFly Apparel



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**Adji Fatou  
Diagne, Ph.D.**  
U.S. Census Bureau



**Ceata E. Lash**  
PuffCuff LLC



**Abi Olukeye**  
Smart Girls HQ

**View the agendas and register:**  
[www.uspto.gov/WES](http://www.uspto.gov/WES)

UNITED STATES  
PATENT AND TRADEMARK OFFICE



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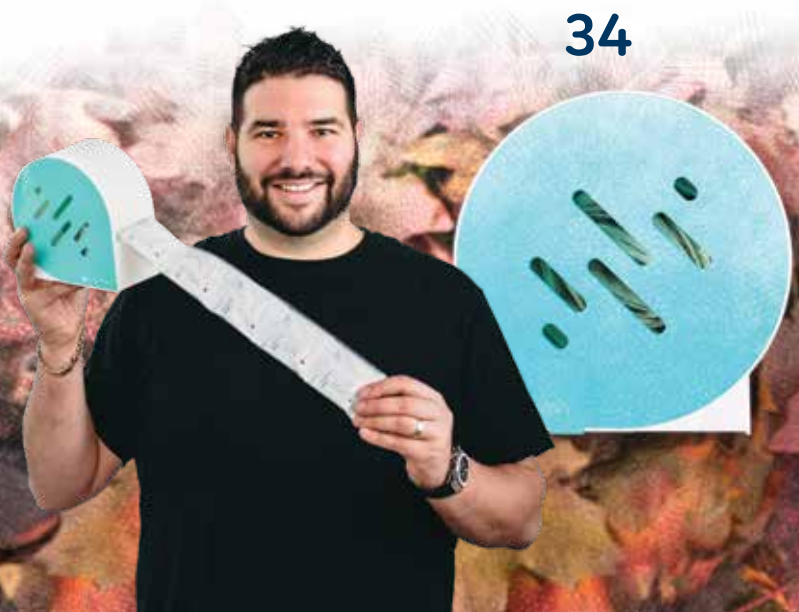
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ON THE COVER  
Illustration by  
Jorge Zegarra









# Give no quarter to Patent Pirates.

Or they'll take every  
last penny.

Our ideas and innovations are precious. Yet Big Tech and other large corporations keep infringing on our patents, acting as Patent Pirates. As inventors, we need to protect each other. It's why we support the STRONGER Patents Act. Tell Congress and lawmakers to protect American inventors.



[SaveTheInventor.com](http://SaveTheInventor.com)



## Be a Part of Greatness

*NMTI nominations open until May 20; instructional webinar March 9*

From left: Helen Edwards, Grace Murray Hopper, Nancy W.Y. Ho, and Frances Arnold are past National Medal of Technology and Innovation recipients. Edwards and Hopper received their award from President H.W. Bush, Ho and Arnold from President Barack Obama.

**H**OW LONG has America been celebrating inventive greatness by awarding the National Medal of Technology and Innovation (NMTI)? As long as *Inventors Digest* has been part of that same celebration.

The NMTI was first awarded in 1985—the same year this magazine made its debut as a newsletter—with 13 laureates in the inaugural class that included AT&T Bell Laboratories.

The NMTI is the nation's highest honor for technological achievement, presented in person by the president of the United States. It is awarded to individuals, teams (up to four people), companies or divisions of companies for outstanding contributions to America's economic, environmental and social well-being.

You can play a part in that process.

The nomination period for NMTI laureates is open until May 20; the USPTO will host a webinar on March 9 to provide information on the process. Nominations of candidates from traditionally underrepresented groups are encouraged.

### Past winners include:

- **Helen Edwards**, the award's first female recipient in 1989. She oversaw construction of the Tevatron particle accelerator, designed to

probe the fundamental properties of matter. The Tevatron allowed experiments that could previously only be theorized. It was the most powerful particle accelerator in the world for 25 years.

- **Grace Murray Hopper**, a computer scientist and United States Navy rear admiral. She was awarded the NMTI in 1991 for pioneering accomplishments in the development of computer programming languages, which simplified computer technology and led to a significantly larger universe of users.
- **Nancy W.Y. Ho**, awarded the NMTI in 2013. She oversaw development of a yeast-based technology that co-ferments sugars extracted from plants to produce ethanol, and for optimizing this technology for large-scale and cost-effective production of renewable biofuels and industrial chemicals.
- **Frances Arnold** received the 2011 NMTI for “pioneering research on biofuels and chemicals that could lead to the replacement of pollution-generating materials.” She specializes in creating proteins that have the potential for uses in medicine and clean energy.

**FOR MORE INFORMATION:**  
[uspto.gov/nmti](http://uspto.gov/nmti)



# Magical Influence

## Smoot headlines Black Innovation and Entrepreneurship Program

**L**ANNY SMOOT smiled while riding a unicycle in a photo that recently appeared as part of a *People* magazine interview. As an inventor, electrical engineer, scientist, researcher and motivating force for nearly five decades, he rides alone.

The 66-year-old recipient of 102 patents—74 with The Walt Disney Company, where his futuristic theme park innovations have earned worldwide renown—was a fitting headliner for the USPTO’s virtual “2022 Black Innovation and Entrepreneurship Program, Part One: Defining Tomorrow” on February 17.

Inspired by a father who had a gift for repairing TVs with no training, Smoot was 12 when he saw someone riding a unicycle in his Brooklyn neighborhood. It was too expensive for him, so he took the front wheel from a tricycle and fashioned a crude version. Dad eventually “took pity on me” and bought him the real thing.

Wheel forward a half-century. After winning a full scholarship to Columbia University, Smoot joined Bell Laboratories and designed, patented and built some of the first fiberoptic transmission systems before designing videoconferencing systems with large screens and crystal-clear audio at Bellcore.

His 24 years as a Disney Imagineer have included special effects used in the Haunted Mansion, as well as

numerous other interactive technologies.

The one-wheel rider had a one-word response when asked what propels his creativity: Curiosity.

“I always wonder whether the world can be made better by an idea,” he said. “And then I wonder whether the idea can actually be brought to fruition. Is it technically possible? Is it within the scope of available technology to even go into it, or do I have to create new technology to make things happen?”

Smoot encouraged people to research the contributions of Blacks throughout history as well as icons who are still making their mark, including James West and Jesse Russell.

More current inspiration came in the form of a discussion with three inventor/entrepreneurs who followed Smoot in the program—Janet Emerson Bashen, CEO of Bashen Corp.; Morgan DeBaun, founder/CEO of Blavity Inc.; and Stacy Spikes, founder/CEO of PreShow and cofounder/CEO of MoviePass.

Spikes called on underserved African-Americans to persevere, driven by a sense of duty: “If God gave you a gift, it is your responsibility to let that light shine.”



Lanny Smoot

### WHAT’S NEXT

**WOMEN’S ENTREPRENEURSHIP SYMPOSIUM (WES):** This series begins **March 2**. It will feature a conversation with researcher, patent holder, and an American Association for the Advancement of Science IF/Then Ambassador Amy M. Elliott, Ph.D.

The second program will be **March 16**. Speakers will be Tené Dolphin, executive director of the National Women’s Business Council, and Adji Fatou Diagne, Ph.D., a leading economic researcher at the U.S. Census Bureau. They will discuss the economic impact of women in business, and how social trends affect their professional growth and business opportunities.

The final program will be **March 30**. Ceata E. Lash, founder, inventor, and co-CEO of PUFFCUFF LLC, and

Georgia Grace Edwards, CEO and cofounder of SheFly Apparel, will discuss how they were inspired to turn ideas into commercial successes.

USPTO leadership will talk with Abi Olukeye. The founder and CEO of Smart Girls HQ promotes STEM education solutions by providing engaging content and facilitating exciting experiences to enable young girls to achieve STEM career literacy by age 12.

To register for these March programs or view past WES programs, go to [uspto.gov/WES](https://uspto.gov/WES).



Visit [uspto.gov/events](https://uspto.gov/events) for many other opportunities to attend free virtual events and/or training.

# Appealing a Patent 'No'

*Remember these requirements, tips when appealing to the PTAB*



**I**F A USPTO patent examiner issues a second or final rejection of your invention, you might consider filing an *ex parte* appeal to the Patent Trial and Appeal Board (PTAB) to overturn it. When preparing an appeal brief outlining how you feel the examiner erred, keep in mind some important requirements and best practices.

First, determine whether the case is ready for appeal.

Ensure you've carefully revised your claim set. This includes determining whether the claims are as narrow and focused as necessary to avoid rejections based upon the prior art, but still broad enough to make business sense and protect your invention.

Additionally, ensure that the record includes all evidence you may need for an appeal—such as experimental evidence, evidence showing unexpected results of the invention, or expert declarations.

Next, consult resources to help navigate the requirements for an appeal brief. The USPTO has prepared appeal brief tools to help.

On the “What are *ex parte* appeals” webpage, you will find links to a detailed explanation of the nine steps of the appeal process.

At the “Preparing an *ex parte* appeal brief” webpage, you will find a template appeal brief document with

all required sections of the brief laid out in order; instructional guidance for what information to include in each section; and an instructional video. These tools allow you to prepare an appeal brief that meets all formal requirements; it will also give some insight into more substantive issues on appeal.

Finally, craft your legal arguments on an issue-by-issue basis, and support each one with evidence.

Do not solely rely on citing case law or the MPEP (Manual of Patent Examining Procedure); instead, focus on the facts of the case and how the case law or MPEP, as applied to those facts, supports your position.

Remember your audience. PTAB judges have significant legal expertise and technical competence in your technology, so both legal and technical arguments are appropriate.

The scope of the arguments should track the claim limitations; arguments that do not relate to a requirement recited in the claims may be less persuasive.

Although you certainly should rely on your specification, features described in the specification will not be imported into the claims. The language must be in claims.

On appeal, the thrust of your legal arguments should show that the examiner made an error, because the examiner has the initial burden to present the initial showing (often called the *prima facie* case) of unpatentability. If the PTAB finds the examiner erred, it may reverse his or her rejections.

You can provide feedback on the appeals process via the PTAB Help and Suggestions Page at [uspto.gov/patents/ptab/ptab-help](https://uspto.gov/patents/ptab/ptab-help).

Independent inventors and those new to the PTAB practice can access past episodes of the USPTO's Inventor Hour webinars.

The sessions cover basics such as *ex parte* appeals and America Invents Act (AIA) trials, as well as useful information for practicing before the PTAB that includes oral hearing protocols, statistics, and more.

There will be an Inventor Hour on March 24 at noon ET. For more information, go to [uspto.gov/about-us/events/inventor-hour-events](https://uspto.gov/about-us/events/inventor-hour-events).



## TRADING CARD

## NO. 18 Ruth Benerito

**A** **S A YOUNG WOMAN**, Ruth Rogan was the first driving safety teacher in Louisiana. She was also the first such teacher in the state to drive into a ditch.

“I didn’t know how to drive,” the research chemist matter-of-factly explained to Lemelson-MIT in 2002, when she was awarded the organization’s Lifetime Achievement Award for her groundbreaking work in textiles that included her team’s discovery of wrinkle-resistant cotton. The process—which helped rejuvenate the cotton industry following the development of synthetic fibers in the late 1930s and 1940s—was part of a teaching and scientific career that spanned seven decades and 55 patents.

Ruth Rogan Benerito was a pioneer in much more than driving safety.

According to The Newcomb Archives, part of Tulane University’s Newcomb College Institute, she enrolled at Newcomb at 15 and graduated with a B.A. in Chemistry in 1935. She earned her Master of Science degree at Tulane University shortly after by taking night classes while teaching full-time.

Benerito and Margaret Strange (Klappard), the latter who became vice president of the University of Alabama Medical School, were the only women allowed to take physical chemistry at Tulane because it was not offered at Newcomb.

“We took it with the engineers. They didn’t like it one bit,” Benerito told the Newcomb Oral History Project in 1986.

She taught college classes during World War II. Two years after receiving her PhD in Physical Chemistry from the University of Chicago (1948), she married Frank Benerito and took a job at the U.S. Department of Agriculture (USDA) Southern Regional Research Laboratories in New Orleans. She spent most of her career there.

During the Korean War in the early 1950s, she developed a way to deliver fat intravenously to patients who were too sick to eat, a process that was used to feed seriously wounded soldiers. But her best-known achievement came later in the decade, when the research team she led discovered how to treat cotton fibers so the chainlike cellulose molecules were chemically joined and fortified.

The new product was one big molecule, featuring a “crosslinking” that made cotton wrinkle resistant. Benerito likened it to a woman getting a permanent wave treatment for her hair.

Once the method was perfected, properties such as stain and flame resistance were added to the fibers.

During her 33-year career as a chemist, she also created an environmentally safe process to pre-treat cotton using radiofrequency cold plasma, rather than the hazardous sodium hydroxide. Her inventions have been applied to the paper and wood industries and used by manufacturers of detergents, chemicals, ceramics, and films.

Benerito retired from the USDA but continued teaching in New Orleans until 1997, when she was 81.

She received the USDA’s highest honor, the Distinguished Service Award (1970), and was recognized by President Lyndon B. Johnson for her scientific and teaching achievements. She died in October 2013 at the age of 97.

Requests for the USPTO trading cards can be sent to [education@uspto.gov](mailto:education@uspto.gov). You can also view them at [uspto.gov/kids](https://uspto.gov/kids).



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## What's Your Story? Make a Connection

From William Shakespeare to Walt Disney to J.K. Rowling to Stephen King to Oprah Winfrey to—hah!—Jerry Reed, they share a singular distinction.

It's more than being famous and/or rich. It's being famous storytellers.

Everybody likes a good story. It's almost a primal need, beginning with a book at bedtime as children and as a tool that is relatable and personal.

Many stories in this magazine open with a narrative or anecdote to get the reader “hooked.” This sparks interest from the outset and increases the chances of maintaining that interest.

Inventors need to realize the value of storytelling. It's often not enough to conceive and develop a product or service that can solve a problem or fill a need; there should be a tie-in with a human experience to provide a connection, even empathy.

Historically accomplished inventor/entrepreneur Tiffany Norwood, last month's *Inventors Digest* cover subject, discussed this recently on the brilliant new podcast series, “Understanding IP Matters.”

“We live in a narrative-based reality,” she told host Bruce Berman.

So naturally, she proceeded to tell a story to illustrate the point.

The anecdote is too long to fit here, but it involved the age-old philosophical question of a tree falling in the forest and whether it makes a sound. Norwood said the main question is whether there is a story and anyone talks about it. If only one person has a story and keeps it to himself or herself, that story becomes the truth whether it is true or false.

“Persuasive storytelling, to me, is one of the most powerful skills that you can have as an individual and a professional, especially as an innovator,” she said.

She cited her current push for what Berman called “innovation literacy.” She wants “the general population to be literate in the innovator and entrepreneurial skillset. ... In the future we're moving more toward this age of creativity, because most other skills, over time, if they haven't already been, they are being replaced by technology and automation.

“But one thing that you can never replace with technology and automation is the human imagination and the creativity of a human being. Artificial intelligence is only as good as the last person or group of people who worked on the algorithm.”

So, inventors should embrace new possibilities for connecting through sharing their stories in social media, podcasts and more—and in distinctively creative ways.

“Storytelling is critical,” Norwood said. “It defines everything.”

—Reid

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# Inventors

DIGEST

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## CORRESPONDENCE

Letters and emails in reaction to new and older **Inventors Digest** stories you read in print or online (responses may be edited for clarity and brevity):

(Editor's note: The following post was in response to a story on the Inventors Digest website from 2014, "Inventor Friendly Companies," which has since added an update.)

This information is eight years out of date. For example, General Mills now does not accept any outside ideas from anyone, nor does Rubbermaid, Newell Brands, or any other company or manufacturer.

All these companies told me they have changed their policies within the past two years but refused to tell me their reasons.

Inventors are locked out of the marketplace more than ever—easy prey for "invention development companies" that are almost entirely scams. Beware of "courses" for inventors, which mostly involves outreach to

companies that have already stated they only use in-house developers of their products.

—JONDAVPCC@GMAIL.COM

*Editor: This trend toward companies building in-house is very real. But it is presumptuous and false to state that no company or manufacturer accepts outside ideas. This can't be proven.*

*Maybe the solution is to market/license your own idea—which admittedly can get very expensive but also has the benefits of more control for the inventor.*

*Your comments about "invention development companies" are dead on-point. The inventing process is like any other business process—full of huge potential reward and risk. This is the main reason this magazine exists: to provide inventors the proper education and safeguards.*

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## LET'S ALL DO THE NPDD DANCE!

It's already March—which means we are two months late in celebrating National Public Domain Day!

Every January 1, various copyrighted works expire and/or lose their intellectual property rights. This puts them in the public domain, free to be used without permission for any legal purpose.

This year's National Public Domain Day (NPDD) was dance-worthy.

According to the Music Modernization Act of 2018, all sound recordings published before 1923 entered the U.S. public domain on January 1. And each year between 2023 and 2046, recordings older than 100 years will continue to be added.

This means that most of the recordings in the Library of Congress' vast National Jukebox collection will become free to download and re-use for any purpose. The jukebox features more than 10,000 acoustical recordings made by the Victor Talking Machine Company between 1901 and 1925 (now owned by Sony Music Entertainment), comprising of blues, ragtime, jazz and folk.

Also entering the public domain on January 1, per [publicdomainreview.org](http://publicdomainreview.org):

- Works by people who died in 1951, for countries with a copyright term of "life plus 70 years" (e.g. UK, Russia, most of EU and South America);

- Works by people who died in 1971, for countries with a term of "life plus 50 years" (e.g. Canada, New Zealand, and most of Africa and Asia);
- Works published in 1926 for the United States.

This is all great news, unless you were looking forward to reading about an angry copyright court case involving the book "Winnie-the-Pooh." That just entered the public domain, too. —Reid Creager



# BRIGHT IDEAS

## Roadie Coach

MUSIC TUTOR, RECORDER,  
MIDI CONTROLLER

[roadiemusic.com](http://roadiemusic.com)

Featuring a contact mic, standard mic, WiFi, Bluetooth and two touch surfaces, Roadie Coach attaches to your instrument to make it smarter.

The music tutor teaches you to play and sing full songs from scratch, and provides instant feedback. The smart recorder helps you organize all play and practice sessions. With the controller, you can program the touch surfaces and buttons to send Bluetooth Musical Instrument Digital Interface commands to your Digital Audio Workstation or video app.

Roadie Coach's retail price will be \$199. It is to be shipped to crowdfunding Rewards backers in October.



## QooCam EGO

3D STEREO CAMERA

[kandaovr.com](http://kandaovr.com)

QooCam EGO is billed as the world's first 3D stereo camera for recording, viewing, editing and sharing memories instantly—allowing users to capture special moments in an immersive, first-person perspective.

Unlike other devices that split one image into two to render a false 3D effect, QooCam EGO has two lenses to capture true 3D footage.

The camera comes with a magnetic 3D viewer for instant viewing. With a touch of the screen, you can monitor footage as you view in real time. The camera supports 60 frames-per-second video recording.

Scheduled for delivery to crowdfunding Rewards backers in March, QooCam EGO will retail for \$369.







## Optic

PORTABLE, DESKTOP  
LASER CUTTER

[rendyr.com](http://rendyr.com)

Optic's makers say it is the first portable laser cutting and engraving solution with integrated filtration and infinite work area capabilities.

The cutter lets you create with a wide variety of materials. It's detachable, so you can place it directly on taller or larger objects.

Optic can also be used for direct cutting and engraving on larger objects that have a 12" x 18" base work area and ¼" clearance for material thickness. The cutter comes with replaceable, multi-stage filter cartridges so you can use it wherever you need without worrying about permanent exhaust ducts.

Optic is scheduled for delivery to crowdfunding Rewards backers in March. It has a manufacturer's suggested retail price of \$2,995.

**"Your worth consists in what you are and not in what you have."**

—THOMAS EDISON

## POSSIBLE DELAYS

Coronavirus-related factors may result in changing timetables and later shipping dates than companies originally provided.



## Dayoo

SMART KITCHEN STEAM CLEANER  
AND DISHWASHER

[dayoosmart.net](http://dayoosmart.net)

The makers of Dayoo claim this wall-mounted, portable device is the world's first handheld dishwasher and jet steamer.

Dayoo uses a 221°F (105°C) jet of high-pressure steam to sterilize dishes without any soap or chemicals—easy on your hands and the environment. It can be used in any room, even the garage.

The dishwasher's low-water design is said to make it 80 percent more efficient than doing dishes by hand. Just pour a small amount of water into the Dayoo. A jet of high-pressure steam cuts through dirt, oil and grease, reducing cleaning time.

With plans to ship to crowdfunding Rewards backers in March, Dayoo will retail for \$249.



# Jump-Start My Heart

ORIGINS AND DEVELOPMENT OF THE LIFE-SAVING DEFIBRILLATOR **BY REID CREAGER**

**J**ODIE SIMPSON'S heart was racing and breaking at the same time.

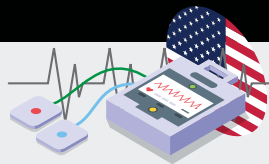
Her 15-year-old son, Joshua, lay on the court after collapsing while playing a basketball game in suburban Melbourne, Australia, in December 2018. She rushed to him and provided cardiopulmonary resuscitation (CPR) while others called for an ambulance.

The gym was equipped with an automated external defibrillator (AED), which bystanders retrieved and used to help shock Joshua's heart into a normal rhythm. He was conscious and breathing when paramedics arrived.

According to Ambulance Victoria, it was the third time Keilor Basketball Stadium's portable, battery-operated device had been used to save a life following a cardiac arrest.

## SHOCKING STATS

- Sudden Cardiac Arrest is a leading cause of death in the United States, accounting for an estimated 325,000 deaths each year.
- Experts estimate that each year, more than 18,000 Americans have a shockable cardiac arrest outside of a hospital that occurs in public with witnesses.
- If a defibrillator is used within 3-5 minutes of cardiac arrest, survival rates jump from 6 per cent to 74 per cent, per UK-based First Aid For Life.



## A long innovation lineage

Heart-warming stories such as these are common, with defibrillators routinely credited with saving thousands if not millions of lives. The device is traced to the findings of two Swiss physiologists more than a century ago, its development ultimately becoming a case of "Who's Your Daddy?"

In 1899, Jean-Louis Prévost and Frédéric Batelli experimented on dogs and determined that using electrical pulses could induce heart



## The defibrillator developed over decades throughout the 1960s, including the introduction of the first portable one in 1965.

fibrillation—a shaking or quivering—and that larger pulses could correct it. They published their findings that year.

Fast-forward to 1930. Electrical engineer William Kouwenhoven, studying the link between electric shocks and its effects on the human heart while a student at the John Hopkins University School of Engineering, invented a closed-chest defibrillator for external jump-starting of the heart. Known as the father of CPR, Kouwenhoven is also referred to by some as the inventor of the defibrillator.

AED USA reported that in 1933, a team of researchers that included cardiac physician Dr. Albert Hyman and electrical engineer C. Henry Hyman developed the first rudimentary defibrillator. Called the Hyman Otor, it used a thin, hollow needle in the heart and passed an electrical device and shock through the needle during treatment. But the device was only tested on animals and never used in patients.

Pioneer cardiac surgeon Claude Beck performed the first defibrillation in 1947, on 14-year-old Richard Heyard. (He and his colleagues later developed CPR techniques and taught them to thousands of doctors and nurses.)

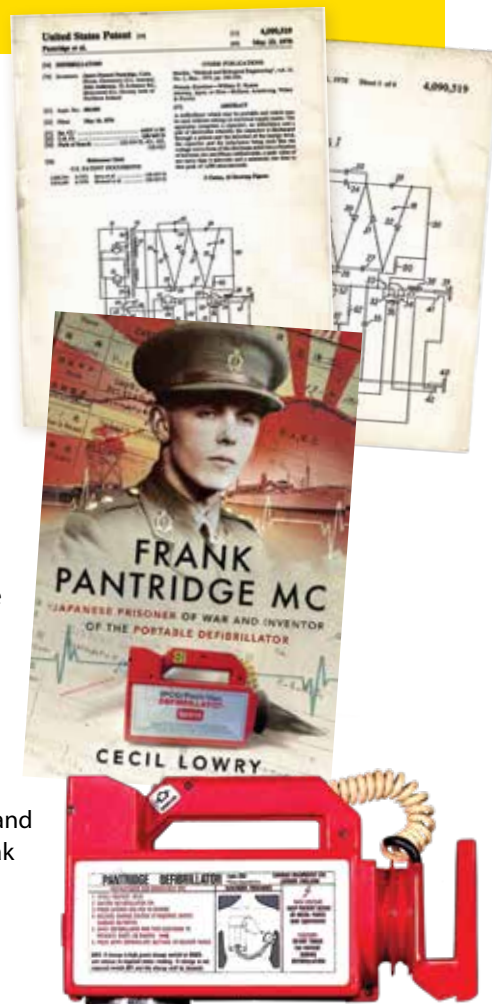
In 1961, a research team led by Dr. Bernard Lown of Brigham and Women's Hospital in Boston found success in using condenser discharges for shocking hearts into recovery. Their 1962 published paper reported that all nine patients tested revived with a single discharge by monophasic DC shocks. The external DC defibrillator was constructed by Hungarian engineer Barouh Berkovits and patented by the American Optical Co.

### PATENT PATHWAY



The Abstract in U.S. Patent No. 4,090,519A, granted to James Francis Pantridge and John Anderson, describes "A defibrillator which may be portable and which may be used without relying on electrical supply mains."

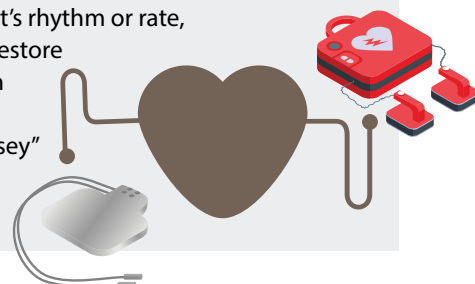
"The apparatus comprises a capacitor, an inductance and a pair of electrodes whereby the capacitor is discharged through a patient and the selection of the energy level, the capacitor and the inductance being such that the voltage wave-form of the discharge pulse has a duration of between ten and fifteen milliseconds, a peak value of not more than 4 kilovolts and a minimum rise time to that peak of 1,000 microseconds."



### WHAT'S THE DIFFERENCE?

A pacemaker and a defibrillator are not the same thing. The difference between a pacemaker and a defibrillator is that a pacemaker maintains frequent, ongoing regulation of the heart's rhythm or rate, while a defibrillator is used to restore or restart a normal heartbeat in isolated instances.

(Good. "Ferry Cross the Mersey" by Gerry and the Defibrillators just doesn't cut it.)



Dr. Claude Beck (right, shown with research fellow Dr. David S. Leighninger) performed the first defibrillation in 1947. The patient was 14.



The next step in the defibrillator's development was one that was portable and safe.

In 1965, a professor from Northern Ireland, Frank Pantridge, invented the world's first portable defibrillator. His 150-lb. device, which used a car battery for current, was installed in an ambulance and was first used in 1966. He and John Anderson received a U.S. patent for it in 1978.

Just as Kouwenhoven became known as the father of CPR, Pantridge became known as the father of emergency medicine. Which one of these daddies is the true inventor of the defibrillator depends on which distinctions you make and which source you most trust. 📌

## INVENTOR ARCHIVES: MARCH

**March 3, 1831:** George Pullman, who invented the railway sleeping car, was born.

His creation (U.S. Patent No. 42,182, April 5, 1864) became known as the Pullman Car, even though Ben Field's name is also on the patent. The Pullman spawned a company town and one of the most infamous labor strikes in U.S. history.

Pullman came up with his invention after a difficult night of trying to sleep while on a train in New York state. The upper berth of the Pullman Car folded down, and the two seats within the car pulled down to create a comfortable bunk. Curtains provided privacy without a separate room and there were two washrooms, one at the front and the other at the back.

Although the Pullman Car was expensive, it became popular. After President Abraham Lincoln was assassinated in 1865, Pullman arranged to have one of his cars transport the president's body from Washington, D.C., to Springfield, Illinois. Orders began pouring in. Pullman leased his sleepers to railways, which paid him a portion of the premium they charged passengers to ride in the cars.

His company needed in increasing number of workers to build the train cars (and sometimes buses and trolleys) in the 1880s, leading to the development of a company town. Families moved into town so workers could build the cars for him, and paid rent on homes owned by Pullman.

During a recession in 1894, Pullman laid off hundreds of workers and cut overall wages for those still employed while not reducing rents. An ensuing



strike lasted for two months and at its height, nearly 250,000 workers supported the cause of the Pullman employees. This shut down railroad traffic almost completely in the western United States.

The military was called out to prevent stoppages; violent clashes between workers and soldiers followed. More than 30 strikers were killed.

In the end, the Supreme Court ordered that the Pullman Co. leave town and divest the property. The community was incorporated into the city of Chicago and still exists as a historical district.

Pullman was posthumously inducted into America's National Inventors Hall of Fame in 2006.



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# Reel in Followers on Instagram

HOW TO MAXIMIZE SOCIAL MEDIA SITE'S BIGGEST PRIORITY, NOW THAT IT'S A VIDEO APP **BY ELIZABETH BREEDLOVE**

**L**AST SUMMER, Instagram shook things up and announced it is now a video app. Since this big announcement, we've seen Instagram change and evolve as the company continues to tweak its product and ensure that Instagram is focused on video above anything else.

First and foremost, Instagram is strongly pushing Reels. It has a prominent spot within the app, with an icon to browse it located in the center of the bottom of the homescreen. Adam Mosseri, head of Instagram, even said in late December 2021 that his goal is to consolidate all video products around Reels and continue to grow Reels as a product.

Bottom line: If you want to find success on Instagram in 2022, video—specifically Reels—is where you should focus your time. Here's how to get the most out of it.

## Prioritize short-form video

Last fall, the Instagram team retired IGTV, Instagram's long-form video tool, and integrated all videos up to 60 minutes long into the main feed. Between this move and Instagram's prioritization of Reels, it's clear that short-form video is where you'll find success.

If you or your brand typically use longer videos, it's time to rethink your strategy. Focus on creating short videos with simple, basic narratives that still send your message. If you're stumped on how to consolidate all your content into shorter videos, consider a video series. Just make sure the videos can stand on their own as well.

## Experiment on length

The "perfect" Instagram Reel length doesn't exist. This is something that will be unique to your audience.

Reels can be as long as 60 seconds, so you'll want to try different lengths and see which ones perform best with your audience. Professional accounts on Instagram can access Instagram Insights to take a deep, analytical look at how their Reels are performing and which types of Reels and lengths of Reels get the most traction amongst their audience.

Which brings us to...

## Use Instagram Insights

Don't underestimate the value of the data inside Instagram Insights. As long as you have a professional Instagram account, you'll be able to view data such as notable increases in account performance; accounts reached or accounts engaged; trends and demographic data about your followers; how people interact with your account; how people find your account, and more.

You can use this data to learn more about what types of content your audience likes, what reaches new people, when your followers are online and likely to see your content (and, therefore, when you should post), and much more. Examine this data regularly to identify trends and plan your Reels, other Instagram content and overall Instagram strategy.

## Go for memorable, interactive

Your Instagram content should lead to an interaction that tells the algorithm your content is worth showing to more users, which entices the viewer to come back for more content.

How you do this depends on who your audience is; what type of content you're producing and your brand's overall voice, tone and style.

For example, if your brand tends to be more informational or educational, create Reels





## Short-form videos are where you will find success. Reels can be as long as 60 seconds.

showing viewers something they've never seen before, teach them something new, or inspire them to take an action in their lives.

Or, in contrast, if your brand leans more fun and youthful, jump onto a trend. Whether it's a choreographed dance, the use of a song, a voiceover or something else entirely, you're sure to find an Instagram Reels trend that fits your overall brand—especially given how fast new trends come and go.

You don't need professional equipment and a Hollywood-level production, but you do need a clean, easy-to-view video.

One way to do this is to use text wisely. It's good to include text as either copy overlaid on your video or automated captions, but make sure the text is easy to read, not too small, and doesn't cover any essential elements of the video.

### Consider collaborating

When you publish a Reel, don't let it sit there while you wait for viewers to find it. There are steps you can take to get the Reel in front of more sets of eyeballs and increase your account's reach.

Begin by sharing your Reels or video posts to Instagram Stories. This ensures the content shows up in both the feed and in Stories, so

wherever people are looking at your content, they'll be sure to see it.

You can also use the collaboration tool to create content with someone else.

When you go to publish something, invite someone to collaborate on it with you. If he or she accepts, this sets you up as co-authors, and the content will go in both of your feeds and be shown to both of your audiences.

If you can find another account with similar content and audiences that isn't a direct competitor, this is a great way to expand your reach. Be sure the content you post is a good fit for both parties and that collaborating on a Reel or post is mutually beneficial for both accounts.

In closing, if you've never tried Reels—or even video content at all—this year is a great time to give it a shot. With a smart strategy behind your content and a bit of effort to share and publicize what you produce, you can increase your reach on Instagram and find new levels of success on the platform. 📺

**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.



# Outsource Each Task

IT'S BETTER THAN LICENSING, AND COMPANIES OFTEN PREFER THIS PROCESS **BY DON DEBELAK**

**L**ICENSING IS DIFFICULT unless you have a production model, production and some sales history.

Many companies feel that taking on an outside product is a lot of work and expense. But you can make the process much easier for companies if you use an outsource model—using one company to market the product and another company to manufacture it.

A sales outlet is most important. If you can make a case that the product will sell, manufacturers will often be willing to make it and pick up the costs.

## Win-win example

One of the first inventors I worked for developed a market-best dental chair and a full marketing organization. An inventor of another

item from the dental office, using the outsource model, approached the chair inventor to sell his product offering a 30 percent discount from the wholesale price.

The chair inventor accepted. The second inventor was able to procure the product, and everyone was a big winner.

This is often the fastest way to bring a product to market. It's low risk and allows you to move onto new ideas quickly; the other partners will continue to manufacture and market your idea without excessive involvement on your part.

This is not for everyone. It will require you to have strong deal-making skills. But the low-risk and low-investment aspect makes this appealing for most inventors, who are often strapped for cash.

## Outsourcing partners

Not everyone is a good candidate to be an outsourcing partner. You have to find manufacturers who can add your product without too much investment in new machinery and who are running below capacity.

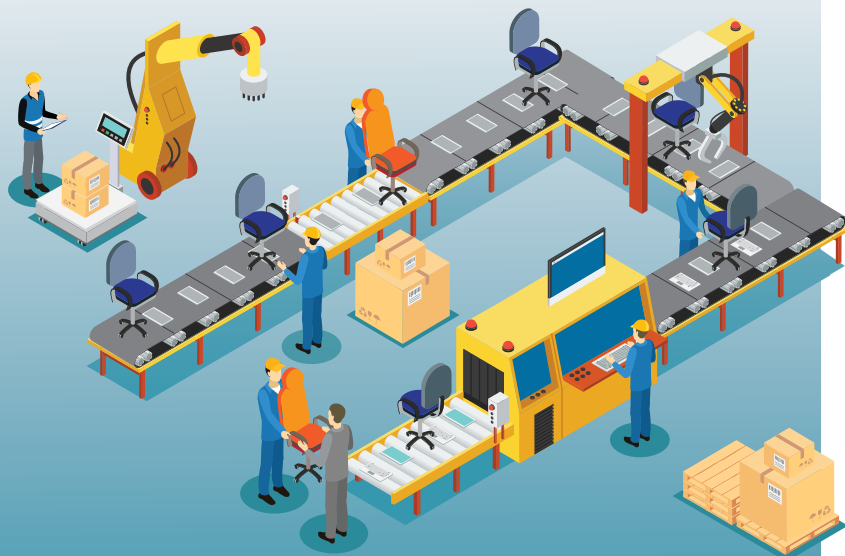
Marketing partners must carry products similar to yours. Also, your product must represent a significant increase in sales for the firm, at least 20 percent.

In short, you need to find potential partners who have a lot to gain from taking on your product. This usually means you will not be dealing with industry leaders but smaller companies hoping to catch up and overtake those leaders.

The many options for marketing partners include distributors, small manufacturers of complementary products, groups of sales reps, larger companies, and specialized marketing companies.

The best way to find outsource marketing partners is by attending industry trade shows and association meetings.

**Find manufacturers who can add your product without too much investment in new machinery and who are running below capacity.**





Talk to companies with complementary products and explain your product to them. Ask how they sell their product; what distributors they use; and whether they are interested in any joint marketing programs.

To find a manufacturer, you can use directories such as McRae's Bluebook or the Thomas Register and evaluate whether these manufacturers could make your product. I've found it useful to contact companies that make the equipment needed to make your product.

For example, if your product requires injection molding equipment, contact manufacturers of said equipment and ask the salesperson to recommend people in your area who have the right type of equipment. Tell salespeople that you need a manufacturer with a fair amount of available production capacity. The salesperson will often give you the best list of manufacturers to contact.

## Proposing a deal

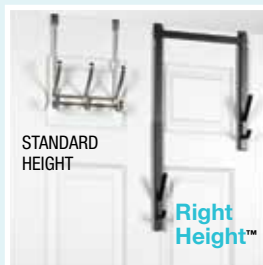
Before you start approaching potential partners, know what kind of deal you are hoping to set up. Have an idea about what kind of investments each partner will make, how you will divide profits, and how you will handle the future of your idea.

Basically, you must offer an exclusive; that you will commit to produce the product with a manufacturer for certain considerations; and that you will commit to selling only to the marketer for a certain length of time in return for certain considerations. ☛

**Don Debelak** is the founder of One Stop Invention Shop, which offers marketing and patenting assistance to inventors. He is also the author of several marketing books, including Entrepreneur magazine's Bringing Your Product to Market. Debelak can be reached at (612) 414-4118 or [dondebelak34@msn.com](mailto:dondebelak34@msn.com).



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# Breaths of **Fresher Air**

3 INVENTOR TEAMS DISPLAY HEALTH-TECH PRODUCTS  
INSPIRED BY COVID-19 **BY JEREMY LOSAW**

**A SMART MASK WITH A FAN.** A point-of-sale sterilization system. An intuitive air purifier for the home.

All are byproducts of the COVID-19 pandemic that became widespread throughout the world two years ago this month. When the Consumer Electronics Show returned to an in-person format in January, three teams of inventors displayed these new products.

## **Maasc**

The Netherlands-based team at AirBliss+ developed an intelligent personal protective equipment system that is suitable for everyday use and on the job.

Maasc is a personal powered respirator with a mouth and nose guard specially designed to create an airtight seal, with high-quality filters and a small fan to circulate air through it for easier breathing. It even has IoT sensor capabilities to trigger fall alerts for use on the job

site. It weighs just 150g, light enough for all-day use.

Maasc was created by Adel Arigue and José Tavares after they experienced respiratory issues while traveling in areas of poor air quality.

“We were in China many years ago during our business trips,” Tavares said. “We actually faced really hard issues on respirating during a hard pollution day in Shenzhen.”

He and Arigue wanted to create a better solution to the cheap masks offered there. They were also inspired by high pollution elsewhere—particularly in London, where they observed bicyclists whose faces were directly in the path of toxic exhaust fumes from motorists.

## **Lumix UV**

Vendors' increasing reluctance to handle cash because of hygiene concerns led to Lumix UV.

This point-of-sale sterilization system uses a bar of UVC LED lights that traverse up and down the screen and surfaces of credit card readers, touchscreens and kiosks to disinfect them in seconds. The system does not affect the electronics of the systems and leaves them sanitized for the next customer. There is even a small version that can be used to pass a credit card through for transactions that have to be done without a machine.

The Lumix UV technology started as a way to disinfect cash. Serial inventor Nevin Jenkins, the inventor of the Life Call personal alert system made famous by the “I’ve fallen and I can’t get up” tagline, came up with a way to use UVC light to sanitize physical cash.

However, the concept fell flat with investors predicting that the use of cash will continue to drop. What is not going away soon are point-of-sale kiosks and credit card readers, so he and cofounder Mark Lyle pivoted the technology for use in that application.

Mark Lyle and Nevin Jenkins (left and right) developed Lumix UV, a point-of-sale sterilization system.





## Maasc and Mila were inspired by their makers' challenges with air-quality issues in China.

"The 'aha' moment was this: The pandemic is here, but guess what? Last year at the height of the pandemic, the flu disappeared. ... It is not just about the pandemic. It's not just about COVID," Lyle said. "If we can sanitize and disinfect these surfaces, it is good for everyone, forever."

Lyle and Jenkins plan for Lumix UV to be on the market this year.

### Mila

Air purifiers for the home are nothing new, but Mila is a smart air purifier that provides clean air on your schedule.

The user specifies the target air quality rating desired, and depending on the speed of the fan you want to run it, Mila calculates the time it will take to get to that level. It also has a deep cleaning mode that runs at full speed and at maximum volume for purification while you are out of the house, with a quiet mode so that it blends into the background when you are home.

Mila uses HEPA (high-efficiency particulate air) filters. The seven different models are tailored to specific home environments and filtering goals such as allergy and pet-specific models, as well as ones made for parents with young children or newborns.

The purifier was developed by a group of dads in Shanghai, China, to help their children live better in a high-pollution environment. They witnessed how smog and air pollution were causing coughing and breathing issues for their children, who were often forced indoors.

After looking for a suitable air purifier with no success, they decided to build their own. They named it Mila after one of their daughters, launched the product on Kickstarter in 2019, and raised more than \$1 million. 🏠

Details: [mymaasc.com](http://mymaasc.com), [lumixuv.com](http://lumixuv.com), [milacares.com](http://milacares.com)



José Tavares and Adel Arigue (left and right) invented Maasc, an intelligent personal protection equipment system.

Below: Mila is a smart air purifier that provides clean air on your schedule.



Jeremy Losaw is a freelance writer and engineering manager for Enventys. He was the 1994 Searles Middle School Geography Bee Champion. He blogs at [blog.edisonnation.com/category/prototyping/](http://blog.edisonnation.com/category/prototyping/).



# The Wad Becomes a Was

WOMAN'S INVENTION SOLVES THE FRUSTRATION OF TANGLED BEDSHEETS IN THE WASHER/DRYER **BY EDITH G. TOLCHIN**

**E**VER WONDER how your socks and other small items disappear into your washer's (or dryer's) dark abyss? Why is it you only have the singleton of what used to be a pair of those bright, green knee socks?

Wad-Free® is an ingenious solution to losing items during laundry days when you wash (and dry) your sheets, from Denver-based inventor/entrepreneur Cyndi Bray.

**Edith G. Tolchin (EGT): Is your background related to inventing?**

**Cyndi Bray (CB):** My background is in no way related to engineering, product development, manufacturing, or consumer product sales! I have an MBA and ran my own advertising and graphic design firm for almost 20 years, but for the last several years I was a full-time mom and a volunteer in the cancer community.

My invention came about because I was sick and tired of dealing with the inevitable bedsheet wad that would form in my new washer and dryer set. While these laundry tangles had always been what I call "a fact of laundry™," the problem was so much worse in the new machines.

Since there was no solution on the market for a problem that virtually everyone has, I tasked myself with creating one.

After I figured out the physics behind why bedsheet wads were forming in the first place, I taught myself how to do my own CAD drawings to design a solution. I tested dozens of prototypes on friends, family and strangers until I came up with a design that was well liked, manufacturable and marketable.

I learned about injection molding and found a U.S. manufacturer just a few miles from my house. I had a custom plastic compounded when there was nothing on the market that met my needs. I did my own logo, packaging, website and videos, and I did it all—by myself—in 14 months from concept to my June 2020 pandemic launch!

**EGT: What are the unique features of Wad-Free? How does it stop bunching of sheets with other laundered items?**

Cyndi Bray's Wad-Free attaches to the four corners of both the flat and fitted sheet before you put them in the washing machine, preventing the usual twisted mess.



**“After I figured out the physics behind why bedsheet wads were forming in the first place, I taught myself how to do my own CAD drawings to design a solution.”**—CYNDI BRAY



**CB:** Wad-Free® for Bed Sheets” prevents sheets from tangling, twisting and balling up in both the washing machine and dryer. It attaches to the four corners of both the flat and fitted sheet before you put them in the washing machine, where the load won’t go off balance and everything comes out cleaner.

Then it transfers to the dryer, where everything dries fast and fluffy. It also drastically reduces smaller items getting trapped soggy inside the sheets.

**EGT:** Can you transfer the sheets with Wad-Free directly into the dryer?

**CB:** Wad-Free is for both the washing machine and the dryer. Instead of running the dryer cycle several times for the sheets to evenly dry, Wad-Free allows you to dry in one cycle, and with fewer wrinkles to boot!

Customers routinely report drying times of 50-75% faster using Wad-Free! The materials are compounded to be tolerant of all laundry conditions.

**EGT:** Of what is Wad-Free made?

**CB:** Wad-Free is made of two plastics tolerant of the laundry process: polypropylene, and a custom-compounded TPE, both sourced in the U.S.A.

**EGT:** How many prototypes did it take before you got to the version you are selling today?

**CB:** I probably went through 30 prototypes before I landed on the final version. The first few prototypes, I made at home. After I had my first set of CAD drawings, I had 3D prototypes made at the library. Once I was confident in the design, I had my final prototypes made.

**EGT:** How are you selling Wad-Free?

**CB:** Wad-Free is available at my website. I also sell on Amazon, the Walmart Marketplace, and The Grommet. Soon it will be in select Ace Hardware stores.

**EGT:** Where are you manufacturing? Has the manufacturing process been difficult?

**CB:** Wad-Free is made entirely in the U.S.A. with U.S.-sourced materials. My packaging and inserts are also made in the U.S.A.

Manufacturing is full of challenges. There are lots of ways things can go wrong, and only one way they go right. COVID has added a whole layer of complexity with supply chain delays, labor challenges, manufacturing delays, and lots of price increases.

**EGT:** I understand you were featured on “Shark Tank.” How long did it take for you to get on the show? Did you get a deal?

**CB:** I applied for “Shark Tank” in January 2020, before my product even launched. I was disappointed at the time that I wasn’t selected for Season 12 but am grateful now that I had a year of sales under my belt before I pitched to the Sharks.

I had two Sharks fighting over me: Lori Greiner and Kevin O’Leary. It was all a whirlwind, and I ended up accepting Kevin’s deal. (*Editor’s note:* The final deal was \$200,000 with a 5 percent stake for O’Leary, plus a royalty of \$1.50 per unit sold until \$1 million is paid off.)

Pitching on “Shark Tank” was a dream come true. As a long-time fan of the show, I credit it with giving me the courage to launch Wad-Free. I felt honored and grateful to be able to thank each of the Sharks personally for changing my life.



**EGT: Is Wad-Free patented? Please share that experience.**

**CB:** My utility patent for Wad-Free issued just a few days after I taped “Shark Tank.” Having created a brand-new product category, my patent protection means I own the category I created.

I had been told to expect years of delays and back-and-forth with the USPTO’s patent office, but that was not my experience. My patent issued swiftly on the first try, without any office actions. Everyone at the USPTO was extremely helpful.

**EGT: Will you be adding to your product line?**

**CB:** Yes! Since bedsheets are not the only things that wad, the next product in the Wad-Free line will be Wad-Free® for Blankets and Duvet Covers. It will be designed to handle those larger, thicker, heavier items. It hopefully will launch sometime in 2022.

**EGT: What has been your biggest obstacle in product development?**

**CB:** In a word, COVID. The pandemic has

affected everything from manufacturing to materials’ availability to labor to pricing.

**EGT: Any advice for novice inventors?**


**CB:** I didn’t have a background related to inventing, manufacturing or selling a product—much less one that creates a brand new product category! What I did have was a passion for solving a ubiquitous, wasteful and annoying problem.

I don’t know exactly what the process of creating a brand-new product category is like in ordinary times, but doing it by myself during a global pandemic was much like doing it with one hand tied behind my back. Throughout the process, I read, researched, listened, learned, tested and pivoted. 🔄

*Details: wadfree.com, happydance@wadfree.com*

**Edith G Tolchin** has written for *Inventors Digest* since 2000. She is an editor ([opinionatededitor.com/testimonials](http://opinionatededitor.com/testimonials)), writer ([edietolchin.com](http://edietolchin.com)), and has specialized in China manufacturing since 1990 ([egtglobaltrading.com](http://egtglobaltrading.com)).





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# Don't Add to the Divide

THE SECRET TO PITCHING YOUR INVENTION IS BEING CONSISTENT AND PERSISTENT **BY APRIL MITCHELL**

**O**N WHICH SIDE of the Inventing Sea are you? There is a great divide among inventors trying to license their concepts that I have seen over the last few years as a licensing coach.

When it comes to pitching or presenting their idea, most inventors start in the same place. They have a great idea they believe in; they have done their market research to ensure the need for the product exists; they have great marketing material that showcases the benefits of their product, and they have researched which companies would be a good fit for pitching or presentation.

And then they start pitching. This is where the divide happens.

## 1 divide, 2 sides

On one side of the divide are those who turn over every rock and do the hard work to find a way into all the companies that are on their “hit list”—whether through LinkedIn, emails or calling.

Once they have “gotten in” and have presented to the company or sent in their marketing material for review, they follow up with the company in some fashion consistently, persistently and in a timely manner about every 10-14 days.

They do this even when it is tiring, even when it is hard to get in, even when it stinks hearing “no” or being ghosted (that’s right; we’ve all been ghosted).

The other side of the divide is the side that gives up too easily.

They get a few “nos” and/or can’t get ahold of the right person, which gets them so down they don’t come back up. They do not get an answer from the companies they reached out to because they may not have followed up enough. They do not “get into” every company on their list as planned.

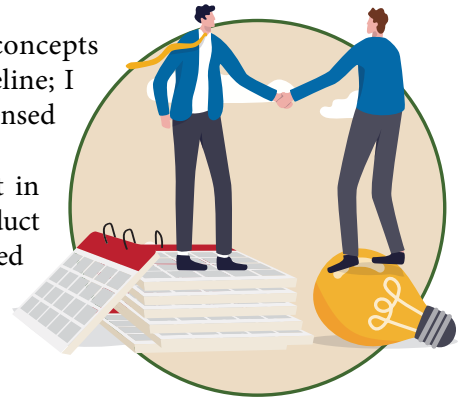
## Know the timeline

Why should we put in the time and not give up?

I have found that the typical product takes 6-12 months of pitching to land a licensing

contract. Several of my concepts were licensed in this timeline; I have seen many others licensed over the same duration.

This timeline is not set in stone. I have licensed a product to the first company I pitched it to and have licensed a product after five months of pitching and another past 12 months.



**I have found that the typical product takes 6-12 months of pitching to land a licensing contract.**

This wide range shows that you can easily miss out if you aren’t consistent and don’t spend enough time “In the game” pitching your product.

I have been actively pitching a few products for over 15 months. Why would I do this?

I believe in the concepts. I keep going until I have a “no” from each company, or until I sign a contract. Different companies have different product review timelines and often change who is reviewing the product.

I also am still finding some companies to add to my “hit list.” It’s amazing what you find if you look hard enough. There is a time to put a product on the back burner for a bit, but that’s another subject.

Which side of the Inventing Sea will you choose? It could be a long voyage, but the journey is worth it. 🚢

**April Mitchell** of 4A’s Creations, LLC is an inventor in the toys, games, party and housewares industries. She is a two-time patented inventor, product licensing expert and coach, and has been featured in several books and publications such as *Forbes* and *Entrepreneur*.



# The Sell Sheet That Works

LONGTIME INVENTOR,  
*INVENTORS DIGEST*  
COLUMNIST RESPONDS  
TO READERS' REQUESTS  
ABOUT KEY MARKETING  
TOOL **BY JACK LANDER**

## **T**HE INVENTION ENDGAME IS SELLING.

You must have a sell sheet to license your invention. Or, if you intend to produce rather than licensing, you'll have to convince skeptical catalogers, internet sellers and distributors they can make a profit marketing your product.

Even if you plan to market directly to customers, you need all the elements of a sell sheet, in ad format, to convince potential customers to notice and buy your product.

How do I make a sell sheet? That's very high on the list of questions I'm asked by inventors.

### **4 main guidelines**

Let's get into the fanatical details of sell sheet preparation.

Why fanatical? Because the sell sheet is based on the science of psychology and is not to be messed with. Sell sheet rules apply to the following objectives:

- We must overcome readers' natural impatience.
- We must engage their interest and compel them to read on.
- We must keep them reading and believing.
- We must make it super easy to respond.

Assume your reader is impatient, with zero tolerance for any words or graphics that don't coincide with the objectives of his or her business.

Usually a person's business—and especially a corporation's—is to make a profit. So, never start a sell sheet with anything but a promise that your intent is to help your reader make more profit.

This doesn't mean "in-your-face" boasting to make the corporation millions of dollars. The promised profit will be *indirect* and realistic.





### TAGLINE (HEADLINE)

It consists of a few words that tell what the product is, followed by the product's main benefit.

### GRAPHICS

The "photo" may be a camera shot or a computer-generated graphic, preferably the latter.

### TESTIMONIALS

Ideally, these are from people who bought your product.

### CONTACT INFORMATION

Provide your company name, address, and phone number are important.

## 1 Wash Your Car Cleaner in 5 minutes With Amazing Wonder-Sponge™



- Saves gallons of water.
- Microfiber construction cleans deeper.
- No special sponge care. Just rinse and let dry.
- Can be used with mild abrasive cleaners

Wonder-Sponge is composed of 64 alternate leaves of microfiber cloth and terry cloth. The microfiber layer is woven with polyamide fibers that are one-fifth the diameter of a human hair. These fibers clean the micro-cracks of your car's finish that aren't seen without magnification, keeping the finish shining like the day it left the factory. Cotton terry cloth holds 20 times its weight in water, meaning less waste of soap and water.

### Here's what users have to say about Wonder-Sponge™:

- Love it. I didn't believe it could be as good as the ads claimed. It's even better!
- I've got a bad back, and with Wonder-Sponge lets me wash lots longer before I have to dip into the pail again.
- My friends have commented on how great my car looks. I think they plan to buy their own.
- My car is '56 Chevy, and I'm fanatical about how I wash its original paint job. I won't ever again use anything but Wonder-Sponge. Thanks.

Newcar Accessories, LLC  
4646 Industrial way Suite 15  
East Austin, Texas 787XX  
Phone 512-XXX-1234

**The details of sell sheet preparation are fanatical, because it is based on the science of psychology and is not to be messed with.**

### Address the customer

For example, unlike your cover letter, your sell sheet should be directed to your *product's customer*, not to its corporate recipient. You've already stated in your cover letter something like, "The purpose of my letter is to tell you about a new product that will prove profitable for your company."

So, if your sell sheet is for a novel sponge that you've invented, the tagline should talk to your customer with something like:

"Wonder-Sponge™ will wash your car in five minutes and save gallons of water."

That tagline is obviously intended for the potential buyer of Wonder-Sponge. Your reader's interest is this: Can my company market this product profitably? And if you can convince your reader that Wonder-Sponge has honest benefits that will attract buyers, the reader automatically reasons that potential sales mean potential profits.

Once you have readers' early interest, convince them to read more by listing secondary benefits

3

**BENEFITS (BULLET POINTS)**

List the benefits that are subordinate to the benefit promised in the tagline. These benefits should have bullets, not numerals.

4

**PRODUCT EXPLANATION**

Use the space below the photo and benefits for a paragraph or two that provides a clear explanation.

**AIDA (NOT THE OPERA)**

St. Elmo Lewis

AIDA is the acronym for a four-step program used to convince potential customers to buy. It is especially effective for preparing sell sheets, which must be brief and to the point. The steps:

1. Attract **ATTENTION**
2. Arouse **INTEREST**
3. Create **DESIRE**
4. Call to **ACTION**  
(or show how to ACQUIRE)

AIDA was introduced to ad copy writers 1910 when an ad man named St. Elmo Lewis presented a talk titled “Is There a Science Back of Advertising?”

So it’s been around for more than a century and is still the “secret” to effective sales literature and elevator speeches.

Various gimmicks—or tactics, if you prefer—have been used by ad creators to *attract attention*. A curvy woman in a bikini is probably the most abused of the gimmicks. Babies, dogs, cats, owls, geckos, foxes, freaky invented creatures, and so on find their way onto TV and into magazines, but hopefully never onto an inventor’s sell sheet unless these elements have a direct connection to the product being advertised.

*Attention* should be gained by immediately disclosing the product and stating its main user benefit. This saves time and avoids insulting the reader’s intelligence. Telling the main user the benefit also serves to smooth the transition to the next step.

A bulleted series of subordinate benefits is intended to *arouse interest* and initiate the *create desire* step, at least to the point of sustaining the reader’s interest.

The main benefit should have enough conviction value that it will serve as the topic for expansion. Thus, writing 50 to 100 words about it below your bulleted benefits will drive home the brief tagline benefit.

Your writing should be personal to the reader. But keep your word count within range. An impatient reader will skip out and may lose interest.

The “hard-sell” ads on TV try to close the sale with gimmicks such as “But wait! There’s more!” or “Act now; supplies are limited.”

If your buyer is a catalog or TV marketer, using a gimmick will likely backfire. The “soft sell” is always acceptable. Simply tell your reader how to order, and make it as easy as possible.

When is the best time to create your sell sheet?

Make your first draft after your “Eureka moment,” while your unedited enthusiasm is at its peak. And revise it often as your project progresses.

Your sell sheet must first convince *you* that strangers will buy your eventual product. If it doesn’t, something is missing. Find it and begin again. —Jack Lander

in brief, bulleted sentences or even phrases. The rules of perfect English are less important than convincing your reader of the eventual customer’s benefits gained from your product.

Following the bulleted benefits should be the disclosure of details that reinforce their claims. If you’ve caught the reader’s interest with your brief, bulleted claims, expanding them with details helps build believability. Keep this section short—never more than 100 words, preferably closer to 50 or so.

After the words that reinforce your claims, list three or four testimonials from users. The users can be people to whom you have given a free prototype if your product is not yet ready for sale.

So, how do we put all of this together in the proper arrangement so that it is effective?



## The revel is in the details

The format sheet provides the best arrangement.

First is the tagline (headline). It consists of a few words that tell what the product is, followed by the product's main benefit. The tagline runs across the width of the paper.

Next, below the tagline, is the photo. The photo and tagline work together to satisfy the first objective, to attract attention.

The "photo" may be a camera shot or a computer-generated graphic. I strongly urge you to use the latter.

Even though you've taken a lot of impressive photos of your dog with your iPhone, taking a great commercial shot is a matter of proper lighting and non-distracting background. Most homemade camera shots of a prototype get a grade of "C" at best in my opinion.

A computer-generated photo will have near perfect lighting and a non-distracting background. But the great advantage to this kind of illustration is that you can make corrections and

changes easily and inexpensively. To change a professional camera shot means setting up again and hoping you get what you visualized.

The photo is placed on the left side of the sheet because we read from left to right, and we want the placement to correspond to the reading habit of the reader. To view a few computer-generated photos, see [suburbanartworks.com](http://suburbanartworks.com).

Be sure your choice of a graphics service does this work regularly and is a true professional. Ask to see examples.

Your tagline should identify the product and promise its main benefit, as I did for the fictitious Wonder-Sponge. The tagline is placed above the photo for emphasis and for sufficient space to fit it all on one line.

Try to hold the tagline to a maximum of 12 words if possible. More than that may require two lines and smaller font size, and lack the elegance of the single line.

To the right of the photo, list the benefits that are subordinate to the benefit promised in the tagline. These benefits should have bullets, not numerals. Try for at least three. And remember that each benefit is for the eventual customer, not the corporate reader.

You may find that one or more of your bulleted benefits cannot be explained well enough due to its brevity. So, use the space below the photo and benefits for a paragraph or two that provides a clear explanation.

Below the explanatory paragraphs, list your user testimonials. Ideally, these are from people who bought your product.

It's a good idea to produce a short run of your product if you can afford it, and sell it. Then, ask your customers for their opinion of its performance. If selling is not practical, produce a few prototypes, enlist friends and friends of friends, and ask for opinions.

Testimonials must be believable in order to serve their purpose, so don't exaggerate your claims. (Well, OK—you can exaggerate a little. Everybody does it.)

Lastly, provide your contact information. Company name, address, and phone number are important. I find it hard to trust any company that won't give me its snail-mail address and phone number.

## BY ANY OTHER NAME ...

*From Inventors Digest columnist Alyson Dutch:*

In my public relations arena, sell sheets are seen as basic selling tools—standalone "leave behinds" for your sales team to provide to prospective customers.

The name of this tool differs from industry to industry, sometimes known as "specification sheets," or "line sheets." They should be created for every SKU of a product line when you are soliciting distribution.

It matters not if your business is physical or virtual; you want to arm your sales team with the tools they need and your customers with the details they need. A set of sell sheets should be branded to match the look of your company.

Some industries like to do comprehensive "look books." The fashion world is an example, breaking down each look book into seasons such as Spring, Fall and Holiday. They still must be broken down into individual snapshots of information—one for the pea coat, cashmere hoodie and the Mom jean—because not all your line may be of interest to every retailer.





**If you mail your cover letter and sell sheets, use a 9-by-12 envelope and mail them flat. Folded mail is a minor annoyance, especially if you want your recipient to get immediately into the material.**

Include your email address of course, and your URL for your website if you have one. (In the diagram on Page 30, the blank area on the lower right is for distributors, wholesalers and retailers to rubber-stamp their contact information, etc.)

### **Folding, fancy fonts forbidden**

Whenever you hand out a sell sheet to a company representative, it's a good idea to give him or her at least three so it can be passed on to others in the company with an interest in potential new products.

If you mail your cover letter and sell sheets, use a 9-by-12 envelope and mail them flat. This is another of my fanatical rules.

Folded mail is a minor annoyance, especially if you want your recipient to get immediately into the material and not have to spend premium time straightening it to make it readable. It's a small courtesy but a welcome one.

One last rule: if you have a graphics service help you prepare your sell sheet, insist that it follows the format I have shown you. Specify not to use fancy fonts. Times New Roman, Georgia

and Arial or equivalent are fonts that are easily read and don't distract from the message.

And don't allow the service to splash a lot of colors on your sell sheet. This is not a graphic arts contest; it is the place for one excellent image of your product and plain, unencumbered writing.

Several years ago, Kieu Phan, inventor of the BraBall, and I were on a visit to QVC. We were told by a buyer that our sell sheet was the best she had ever seen.

That's why I'm a bit cranky when it comes to this sell sheet design. It works.

Oh, in case you are wondering where to buy a Wonder-Sponge, again, it's not a real product. I just made it up for this column.

Hmmm, maybe I'm missing out on a potentially great product! It won't be the first time. 🍷

**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](mailto:jack@inventor-mentor.com).





# 'Personalized Vitamins'

2 MEN INVENT MONTHLY SUPPLEMENT PROGRAM  
BASED ON UNIQUE CHARACTERISTICS OF DNA **BY REID CREAGER**

**G**IANNI LOTFI was suffering the pain and weakness associated with Thoracic Outlet Syndrome, as well as a life-threatening blood clot. He consulted a doctor with a funny name.

"I discovered through some research with Dr. Google the science of nutrigenomics to help me on my path to optimal health," he said, referring to the scientific study of how nutrition and genes interact. "I ended up buying numerous supplements, predominantly from Amazon, and was walking into work with a big Ziplock baggie of pills every day when people started to notice.

"I had employees asking me if I was sick, or if everything was all right. It was embarrassing. I still wasn't completely sure if I was getting the right dosages, the right formulations, or even if I was taking all those supplements at the correct time."

Shortly after, a friend told him he was having health issues as well. Adam Pivko, an account manager and client success expert for a software provider, was diagnosed with gout—attributed to a poor lifestyle and diet, combined with excessive travel and stressful work-life balance.

Pivko hired supposed experts who included a personal trainer, dietician and nutritionist. Nothing changed. Lotfi suggested a combination of tests, including the nutrigenomics one he had conducted.

"It was an eye-opening experience and explained exactly what he was feeling," Lotfi said. "But he still felt inundated with all the information, and it didn't have the actionable steps or recommendations he could take to achieve his goals."



## Tailored science

Lotfi and Pivko felt that a nutrigenomics-based approach to health could help a lot of people. After further research, they connected with medical and scientific professionals well versed in genetics, naturopathy, nutrition, pharmacy as well as functional wellness to uniquely combine these components. The two cofounded San Diego-based Autumn DNA in September 2019.

Autumn DNA essentially provides “personalized vitamins,” based on the fact that each person has a unique set of needs stemming from his or her lifestyle choices and DNA. That DNA contains a specific set of instructions. Autumn DNA is meant to remove all guesswork from people’s vitamin and supplement regimens.

The founders cleverly say their process is “easier done than said.”

Users provide an at-home saliva sample. Then, Autumn DNA’s laboratory examines the sample while its algorithm processes the user’s lifestyle assessment and creates “your perfect supplement cocktail.” If the user already has DNA results from Ancestry or 23andme (neither with any professional association with Autumn DNA), he or she can upload those results directly for immediate processing.

The supplement program is mailed to users each month. Although DNA does not change throughout someone’s life, Lotfi said it is “an incredibly useful tool to truly understand the root cause or baseline needs of one’s body. Lifestyle choices can change all the time, more frequently than even monthly.

“For example, diet consistencies, exercise tendencies, habits, goals, and even medications are some of the topics captured in our lifestyle questionnaire. It can also be updated for free, as often as the client wishes, ensuring a client’s next subscription refill is as accurate as possible for their next 30-day supply.”

**“I still wasn’t completely sure if I was getting the right dosages, the right formulations, or even if I was taking all those supplements at the correct time.”**

—GIANNI LOTFI

## Respected expertise

Pivko and Lotfi are proud of the respected science and scientists behind their company.

Pivko has an MBA and has assisted thousands of business owners to operate their businesses more effectively, predominantly in the direct-to-consumer e-commerce market. Lotfi is an entrepreneur focused on the health and wellness industry for over 10 years.

Their scientific advisory board includes Dr. Nicole DeYonge, naturopathic doctor, researcher, and educator; Dr. Tony Kantzavelos, doctor of pharmacy with more than 20 years’ experience in pharmacy operations; and Dr. Brook Sheehan (“The Body Whisperer”), award-winning functional wellness practitioner and chiropractor.

Lotfi said the Autumn DNA laboratory, LabCorp, is world class in many ways. A publicly traded company with over 50 years of scientific legacy and numerous certifications and

Autumn DNA’s laboratory processes the user’s lifestyle assessment before a supplement program is mailed each month.



accreditations, it processes over 3 million patient specimens per week and assists businesses and medical professionals to improve health and lives around the world. LabCorp employs over 70,000 professionals worldwide and supports clinical trial research in nearly 100 countries.

“We have yet to not impress a medical or scientific professional when pulling back the kimono on our algorithms, technology, or science,” Lotfi said. “We welcome more in the future to take a look. Our scientific advisory board endorsements and feedback we receive on a consistent basis from our customers are all we need to keep us motivated and focused on growing this business.”

### **Safeguarding privacy**

He acknowledged that many people have strong concerns about giving their DNA to companies, for fear it will be passed around.

“It’s understandable, to say the least. We are not a data company; we are a health and wellness business that refuses to sell its clients vitamins and supplements they don’t actually need.

“We do not and will not ever sell or share our clients’ data. In fact, we see it as simple as just that: It’s not our data, it’s theirs. Physical DNA samples are automatically destroyed after processing and clients can request their data deleted at any time.

“Lastly, our lab partner is CLIA (Clinical Laboratory Improvement Amendments) certified. All information we hold is in a fashion compliant with the Health Insurance Portability and Accountability Act, like going to get a blood test with your doctor.”

*Details: [tryautumn.com](http://tryautumn.com)*

Like his friend and business partner, Adam Pivko wasn’t getting the right answers for his health problems.

**Autumn DNA utilizes a world-class lab that processes over 3 million patient specimens a week and employs more than 70,000 professionals worldwide.**





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# Showtime Details

EXHIBITING YOUR INVENTION AT A TRADE SHOW BOOTH?  
PLAN AHEAD FOR THESE KEY LOGISTICS **BY JEREMY LOSAW**

**B**Y THE TIME a trade show opens, the show floor looks fantastic and virtually all exhibitors have their booths fit and polished. However, a lot goes on behind the scenes before and after the show to make it a success.

Once exhibitors have their invention prototype and product ready, months of planning, design and execution go into creating a great experience that will hopefully mesmerize and inspire show goers to remember your product—and hopefully write, blog, and share on social media or buy it after the show.

Here are some important aspects to keep in mind while preparing to demonstrate your product.

greet guests and show off the product, so the layout, branding and messaging must be compelling and cohesive. You have to try to stand out from others.

The first step is to understand the footprint of the booth. Review the show floor plan and pricing options, and see how much square footage you have.

If you are a startup exhibiting for the first time, there may be an area for new products that has special pricing and dedicated floor space to make exhibiting economical. If you are more established or just want to make a bigger splash, there will be options to go bigger—but the cost goes up with the square footage.

Once you know the size of your space, you can design the booth effectively. You can take on this work yourself, or there are many designers who can be hired for the task.

## Booth design

This is one of the most important parts of exhibiting at a show. The booth is where you

This booth design uses a scaled-down version of the device and laser-cut parts to show off the technology.



At the very least, have clear messaging that shows off your brand and explains what the product does with absolute clarity.

For more extravagant booths, you can have bespoke areas for product demonstrations, signage and photos showing use cases, and even looping video. Start planning the design at least 3-6 months ahead of time to get the most from it.

### Swag and handouts

Trade shows are famous for their swag—and rightly so. Giveaways that guests take from the booth are an opportunity for your brand to live on past the short interaction at the show.

Flyers and product information sheets are the most important to design well, as they are providing key information about the product. I like flyers that are smaller, like a tri-fold or post-card size; show goers may be resistant to taking something the size of a full sheet of paper.

Great graphics and concise branding are key here. You do not want to overwhelm the reader with tons of information. Be sure to provide a website and email address for people to read more if they want more details later.

### Shipping

Sending your product and/or other associated items for your booth before the show is a deceptively time-consuming part of the process, with lots of moving parts and plenty of easy-to-overlook details.

If you have a small booth with just a banner and a small display, you may be able to hand-carry everything on the plane or pack it in the car. However, anything more than that will likely require a crate and a freight shipment to the show. You can build your own crate, but the time and effort are likely not worth it.

Uline stocks a line of low-cost, pre-made wood crates that are easy to assemble and tough enough to make the trip. They come in many different sizes and are assembled using a hammer and screwdriver.

A crate should be shipped via a freight service; many different carriers can help. You'll need to get familiar with the terminology. For example, a crate shipment is called LTL, which stands for

“less than container load” because it does not take up the entirety of a standard, 53-foot container.

You can get rate quotes from big companies including FedEx, but other carriers have good rates and service—such as Old Dominion Freight Lines and R&L Carriers. I often use Old Dominion, which has a department dedicated to trade show transport.

No matter which carrier you choose, you have to figure out what freight class number your shipment is for use in the online quoting tools. The freight class is a number assigned to a freight shipment, based on the density of the container and perceived ease of shipment. Online calculators can give you this information if you have the dimensions and weight of your crate.

When getting your rate quote, you also need to specify whether you need the pickup and drop-off trucks to have a lift gate. (Hint: If you do not have a freight dock where the crate can easily be shuttled into the back of a truck, you need one.)

Check with the receiving trade show to ensure you have the correct address, and put it on at least three sides of the crate. Remember to include your booth number.

Shipping the crate back home at the end of the show has challenges, too.

You have to pack up your booth and get the crate sealed within the specified time window so the show staff can get it off the floor. Then you need to work with show logistics staff to ensure the crate is labeled correctly for transport in the show hall, so it can make its way to the pickup dock in a timely manner.

Freight lines have certain time windows to pick up from the convention center. If you miss these, it is at least a headache and at worst will result in extra fees.

With so many steps and potential issues at every part of the shipping process, give yourself plenty of time on both sides of the shipment calendar to defend against missteps and potential delays. ☺



After the booth is taken down, it is loaded into a shipping crate to head home.



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# Predictions for 2022

WHERE ON EARTH IS THE IP MARKET GOING?

WHAT ON EARTH WAS I THINKING? **BY LOUIS CARBONNEAU**

**I T'S TOO BAD** we all wanted to believe that with the flip of a calendar, 2022 would mark a new era or a return to an era pre-pandemic. Well, well, well.

I guess the joke's on us now as Omicron rages full steam ahead through every school, neighborhood and town across the globe. Hopefully these next few months are the final straw for this virus and this is the last salvo, with no other letters of the Greek alphabet in reserve. ... Then, we can all party like Boris Johnson!

Meanwhile, I dust off my crystal ball and stick out my neck with 10 predictions for the IP market in 2022. There is no better way to look silly than to make those public.

I recognize I will probably look at these predictions a year from now and ask myself "What on Earth was I thinking?," but I cannot resist the urge to discuss where I believe things are heading.

**1 Kathi Vidal will be the new USPTO director.** Although this seems more like a *fait accompli* than a real prediction, Vidal's nomination has not been sailing as smoothly as most people expected; the U.S. Inventors lobby has mounted a very aggressive campaign to derail her appointment, and her confirmation hearing before the entire Senate was already postponed once (although officially for unrelated reasons).

Nonetheless, we do not see the forces at work as being sufficient to move enough senators to oppose her confirmation on substantive grounds. This is a very technical field, one that few senators understand or have interest in understanding. Not to mention that patent law, while exciting to many of us, is often lacking the passionate backing to bring new interest on the Hill.

Lastly, I expect most senators have little appetite to expend their capital "on this minor topic" that would alienate themselves from Sen. Patrick Leahy (D-Vt., president pro tempore of the U.S. Senate) on the eve of his retirement. We might well see a few senators drag their feet for political reasons (Josh Hawley is the most likely), but Vidal will eventually be confirmed—much to the delight of the Big Tech lobby (of which many members she has represented in the past).

**2 The U.S. Department of Justice will revise its Standard Essential Patents policy.** This one is a little more arcane to those who do not follow this world closely, but it could have a quite significant impact.

At the risk of oversimplifying what is at stake, under the previous administration, the antitrust division of the DOJ took a stance that was very supportive of large patent owners who participate in standards and own SEPs. Those owners used to be mostly U.S.-based companies. But if you look around at the most strategic patent pools these days (LTE, 5G, 6G), the largest patent owners are European or Asian-based companies such as Nokia, Ericsson, Huawei, etc.

So, what have large U.S. implementers done? They brushed up on a few pages of their favorite playbook, namely those related to so-called "patent troll" abuse. Now, some U.S. operating companies such as Apple are complaining to the DOJ that SEP owners' demands are egregious and amount to an abuse of dominant position under antitrust laws—nothing less.

I suspect they will eventually succeed again under the current administration, despite some early setbacks in court. Such a revision of the





## SCOTUS has finally agreed to hear at least one case (*American Axle*) that presents an opportunity to fix *Alice*. Why now, you might ask? No one really knows.

current policy, which will mostly favor those large U.S. implementers, would no doubt have a domino effect internationally, as European and Asian legislators will see a need to retaliate.

We already witnessed some preemptive strikes, as a few international courts have been issuing what are called “anti-suit injunctions” to prevent implementers of SEP patents to a free ride on standards by hiding behind anti-trust arguments while refusing to pay a fair and reasonable license fee. The same courts are also determining the royalty rates that will apply worldwide, regardless of what U.S. courts might say.

**3 The U.S. Supreme Court will confuse everyone again.** Ever since its ominous 2014 ruling in *Alice* (*Editor’s note:* That decision said a software implementation of an escrow arrangement was not patent eligible because it is an implementation of an abstract idea), SCOTUS has silently observed from the sideline the growing mess it created. It has refused over 20 times to take another case that would allow it to clarify what it wanted to say when it established its two-step test to determine whether inventions covering so called “abstract ideas” are patent eligible.

Meanwhile, district court judges have been invalidating patents by the thousands (partly, I suspect, because it is a great way to clear one’s

docket without ever having to conduct a patent trial), as the federal district, which hears all patent cases on appeal, has branched out in so many camps that litigators can now mostly predict the outcome of a case on this topic once they find out who will be the three-judge panel in front of them! It is that bad.

Yet, 2022 could feel different, as SCOTUS has finally agreed to hear at least one case (*American Axle*) that presents an opportunity to fix *Alice*. Why now, you might ask? No one really knows.

Will the court finally acknowledge that it royally screwed things up in *Alice* and propose a clearer test—or, even better—simply revert to the original language of the Patent Act that says nothing about “abstract ideas”? Though I can see the appeal of this approach for, say, a Justice Neil Gorsuch or Brett Kavanaugh who are “originalists,” still count me as a doubter.

If you look at patent cases the highest court adjudicated in the past decade, I have rarely heard anyone say they were wowed by the judicial reasoning underlying the cases. We don’t have the right interest level at the Supreme Court when it comes to patent cases, which most justices either resent or just do not understand well enough to put in the hard work and horsepower required to control the legal Frankenstein they unintentionally created several years ago in this case.



#### **4 Judge Alan Albright will continue to lose control over cases in the Western District of Texas.**

When Albright came to the bench in Waco a few years ago and rapidly established a name for himself as the new sheriff in town, with a patent “rocket docket” and a no-nonsense set of practice rules, patent owners were ecstatic.

Apple was mad. It could no longer pull the same tricks as it once had in the neighboring Eastern District, such as closing its flagship Apple store to avoid any physical presence that allowed patentees to sue them there.

Austin, however, is no Longview, and most tech companies have a major presence there. So, for a while, things worked and Albright’s approach forced many early settlements because defendants in patent cases did not have the time or opportunity to deploy their usual arsenal of moves (*inter partes* review, Section 101 motions, etc.) to avoid a decision by a jury of peers.

Well, all this appears to be up in the air as the U.S. Court of Appeals for the Federal Circuit has stepped in and repeatedly forced Judge Albright to transfer an array of patent cases to districts much friendlier to defendants. I am told he brought on some of it himself— rubbing several appeals judges the wrong way with his written decisions and issuing counterorders, which usually does not go well with the higher courts.

His colleague in the Eastern District, Judge Rodney Gilstrap, seems to find a way to keep his cases in his court by using a different legal approach and by not antagonizing the federal circuit judges. But even a change in style could be too little, too late now; Big Tech has apparently been successful in lobbying.

#### **5 The International Trade Commission will become the forum of choice for large patent cases.**

In part, this is because it is increasingly more difficult to keep patent cases in the Western District of Texas. Also, because it is now the only way to secure something that looks like an injunctive relief (it is called an exclusion order), we predict that litigation before the ITC will continue to increase in 2022.

Note that only a few cases qualify for the “domestic industry” test that is required to file

a complaint before the ITC and there are a few major downsides to consider—not the least being that the ITC will not rule on damages (which means you must bring a parallel case before a district court). Plus, litigating before the ITC is bloody expensive and that money will be spent in a matter of months, not years.

Yet, it is a powerful tool and here to stay unless the Biden Administration repeats the same mistake made by President Obama when he interfered in favor of Apple—which was on the receiving end of an exclusion order obtained by, ironically, Samsung. That did not sit well in other countries.

#### **6 U.S. patent litigation will continue to increase.**

Let’s be honest; it already has in the past couple years. But just looking at the number of new non-practicing entities (patent holders with no intention of developing said patent) knocking on the door at Tangible IP to acquire patents; the influx of money available to finance assertion campaigns; and the stubborn resistance by too many who still refuse to engage in licensing discussions until they are being sued, this perfect storm is here to stay.

#### **7 Germany will do away with easy injunctions.**

For years, German courts have been the darling of patent owners who could bring a case there and get a decision on the infringement aspect of said case months before the validity of the patent (which is presumed) would even be adjudicated upon by a separate judge. Add that German judges are very competent, discovery is limited (which keeps schedules tight and costs down), and you can ask for an injunction if you succeed on the infringement case.

This may not be the case for much longer, though. The same group that successfully lobbied the U.S. government is poised to repeat the same fate in Germany, where part of the parliament has voted to change the rules and do away with the famous “bifurcated” process between infringement and validity.

This is the identical playbook that led to the *eBay* case in the United States and essentially destroyed what used to be (and should still be) at

the heart of a patent: i.e., the right to exclude others from practicing one's invention without a license.

**8 The Unified Patent Court in Europe will finally get going.** It has been almost 45 years in the making, but 2022 could finally be the year that sees the UPC take flight.

This should inject some interesting dynamics, as patent owners will be able to choose the country where they want to assert (hello, Slovenia!) and secure decisions that apply throughout the whole European community (unclear what will happen to the UK).

This should also trigger some interesting jockeying from courts of smaller countries that will compete with larger neighbors to foster a friendlier environment to patent owners. Will Cyprus become the new Germany?

**9 China will stop any pretense of a neutral forum.** As we have been writing for the last decade, Act I of China's transformation from an IP "borrower" to an IP exporter was to build a patent system that others would consider competent and fair, just like the U.S. system used to be.

Act II was to invest massively in domestic patent filings, which China did by subsidizing applicants for five years in a row until it became obvious that the quality of the patents filed by Chinese inventors—literally for free—were often of dubious quality.

Act III was to redirect this substantial investment into the commercialization of IP rights in China, which led to a vibrant startup industry that now attracts more venture capital money than the United States, according to recent studies.

China is now ready for the Final Act. With a specialized patent court system that can hear thousands of cases per year, the central government can now ensure that Chinese-based companies are well protected while making it much harder for foreign ones to enforce their IP on the mainland.

**10 A new pro-patent lobby will emerge in the United States.** This may be more wishful thinking than a pure prediction, but I would not be surprised if a group of



**It has been almost 45 years in the making, but 2022 could finally be the year the Unified Patent Court in Europe takes flight.**

well-respected, IP-centric, U.S.-based operating companies finally decide they have had enough and gang up together to offer a counterweight to the ever-powerful infringement lobby.

I have seen some op eds lately from individuals in some of these large companies, but there has been no apparent coordination thus far. Some is greatly needed, as the US Inventors and other voices for the "small guy" are simply not able to compete head-to-head with the kinds of dollars the other group throws at decision makers.

With midterm elections coming soon, it is not too early for large patent owners that actually care about the fate of the system to show up and have their voices heard. It might be too late next year.

**Bonus prediction:** I will get it wrong at least half the time. ☹

**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.







# Mini-Series is Patently Relevant

NETFLIX'S 'THE BILLION DOLLAR CODE' PITS INNOVATING DAVIDS VS. GOLIATHS **BY BRUCE BERMAN**



**This series is for anyone interested in innovation, business, justice or history.**

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

**A NEW CRIME DRAMA,** “The Billion Dollar Code,” is a fascinating breakthrough mini-series that illustrates the legal challenges of inventions and inventors in a world where technology giants can refuse to acknowledge the source of ideas they do not control.

The popular, four-part Netflix miniseries achieves uncanny success not only in depicting an epic legal battle but doing it over four-plus hours in German with subtitles and an abundance of algorithm detail and trial preparation.

“The Billion Dollar Code” conveys the creative spirit of the time in post-Wall Berlin, where freedom was abundant with possibilities and business aspirations were secondary. This series is for anyone interested in innovation, business, justice or history.

It also is for people who love a good crime drama where the diminutive but spritely good guys (the “Davids vs. Goliaths”), despite their discoveries and enthusiasm, do not prevail. (No spoiler alert is necessary here.)

## Dual-connected plot

The plot follows two inter-connected timelines. The newly free Berlin of the early 1990s was reminiscent of San Francisco in the late 1960s, before there was a Silicon Valley. The city was finally rid of the divisive restraints of communism, and “Anything goes” was the attitude, at least among some creators.

In that spirit, a group of young hackers and art students had founded the ART+COM collective to explore the leading edge of computer programming and digital art. They had developed a planet browser in 1991, which was used to get funding from Deutsche Telekom in 1993 to start the successful development of Terravision. Terravision (terra as in terrain) software, developed on the most powerful Silicon Graphics computers, allowed viewers to fly through space, virtually.

As depicted in the series, Terravision was less a company than a group of idealistic, club-going, art-hacking believers who, with the right people and tools, could make great things happen.

## The Battle for Google Earth

The other storyline revolves around the 2014 patent infringement dispute between ART+COM and Google, alleging that TerraVision was used to develop Google Earth. The movie dramatizes the lawsuit that dragged on until 2017.

Episode 4 is almost entirely about the trial. The script reproduces parts of the actual court statements to avoid coming into conflict with Google.

Baker & Botts partner Scott Partridge acted as A+C lead counsel on the case. In the actual case, the U.S. Court of Appeals for the Federal Circuit confirmed the district court's decision.

This series is not a documentary. So creative license is employed, with key parts changed or fictionalized in the spirit of better conveying the truth.

In the series, several of the real persons and stakeholders were joined to a smaller cast with the fictional characters. The series was developed for Netflix where it first aired in October 2021.

### Resonating despite flaws

Audience response to the series, primarily the depiction of a three-year legal battle between ART+COM and Google, has been nothing short of terrific. Rotten Tomatoes did not have enough reviews to give the series a critic's score, but it awards "The Billion Dollar Code" an audience rating of 100 percent.

Patent attorney Gaston Kroub, in his review of "The Billion Dollar Code in Above the Law," said he was fascinated by the surprisingly accurate depiction of trial and technical developments, even if some of the scenes and characters had to be condensed.

However, someone apparently failed to communicate with the marketing people. The title logo for "The Billion Dollar Code" depicts the C of Code with a circle around it, apparently

to suggest a copyright symbol—not the best image for a series based entirely on a patent case.

A movie convention viewers must also forgive is the way the case is discussed openly by the lead witnesses with counsel in bars and restaurants near the courthouse in Wilmington, Delaware.

It may make for a more interesting backdrop for exposition, but I doubt counsel and plaintiffs were quite so cavalier at the time. Several "aha!" moments in the series are also to be forgiven by inventors who know that off-screen discovery is seldom that dramatic.

Still, "The Billion Dollar Code" is a remarkably pertinent piece because over the last several years Big Tech's fangs have only become bigger and scarier," writes Tanul Thakur in *The Wire*. "The 'garage nerds' of yesterday have become the robber barons of today, meddling in elections, dehumanizing workers, selling our data, imprisoning us in a world that seems to offer no respite or escape."

The movie mocks Google's motto, "Don't be Evil," multiple times. The miniseries also reveals that Google has had a long pattern of patent infringements. 📌

**Bruce Berman** is CEO of Brody Berman Associates, a management consulting and strategic communications firm he founded in 1988. He has supported 200-plus IP-focused businesses, portfolios and executives, as well as law firms and their clients.



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Whether your concern is how to get started, what to do next, sources for services, or whom to trust, I will guide you. I have helped thousands of inventors with my written advice, including more than nineteen years as a columnist for *Inventors Digest* magazine. And now I will work directly with you by phone, e-mail, or regular mail. No big up-front fees. My signed confidentiality agreement is a standard part of our working relationship. For details, see my web page:

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*Best wishes, Jack Lander*

## IoT Corner

After a decade of providing long-range, low-power IoT solutions, French company **Sigfox** filed for bankruptcy.

The company cited the chip shortage and the challenges of the COVID-19 pandemic as major factors. The goal of the Sigfox network and hardware was to connect the IoT world with a single global network to make IoT deployments easier. Sigfox raised \$300 million in investment funds to do so.



Despite operating in 75 countries with 20 million devices—and gaining traction in Europe, Africa and parts of Asia—Sigfox struggled to get a foothold in the Americas. The company will support its current customers while a buyer is found.

—Jeremy Losaw

## Wunderkinds

**Lucy Pater** and **Kaylie Smit**, fourth-graders at Palos West Elementary in suburban Chicago, won in the Most Innovative Pet Toy category at the 2021 Young Inventor Challenge held virtually in November. Their toy is the “Puppy Piñata,” which gives dogs who play a chance to tug on a rope that hopefully reveals a treat inside. Lucy and Kaylie recently participated in a virtual demonstration of their invention for the Global Innovation Field Trip, which celebrates young innovators worldwide.



## What IS that?

This rubber chicken purse is called the **Hen Bag Handbag**. Some customers reported the color of the purse is not egg-zactly as shown—more of a cream color. And the \$32.95 price ain’t exactly chickenfeed. But chicks do seem to dig this. Yes, we’re done here.

**<1%**

The percentage of Latinos inducted into the National Inventors Hall of Fame—just five among the 610 members.

## WHAT DO YOU KNOW?

**1** Which was patented first—the walkie-talkie, or transistor radio?

**2** Based on the 2022 Patent 300® List, which of these megacompanies was the only one without a decrease in utility patents from 2020 to 2021?

- A)** Johnson & Johnson **B)** IBM  
**C)** Sony **D)** LG Corp.

**3** **True or false:** After the Virginia Urology Center received a trademark registration for “Vasectomy Mayhem” for its medical services in September 2020, the NCAA filed a cancellation proceeding.

**4** He was reportedly the first person to imagine wireless transmission of messages:

- A)** Alexander Graham Bell **B)** Thomas Edison  
**C)** Nikola Tesla **D)** André Marie Ampere

**5** **True or false:** Kellogg’s CEO Steven Cahillane is a serial entrepreneur and a cereal entrepreneur.

**ANSWERS:** 1. The walkie-talkie was patented in 1935, the transistor radio in 1954. 2. A. 3. True. In the initial filing, the trademark-obsessed NCAA alleged that VOC’s use of the mark will likely “result in confusion, mistake or deception with” the NCAA’s trademarks (specifically, March Madness). 4. C. 5. True. He has led eight major companies. So stop groaning.



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