

South Carolina Inventors Forum

*National Inventors Day is
February 11th.*



ISSUE #19

February 2022

Hello SCIF and all independent inventors and innovators chasing the American dream....

“In honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, the Congress has by Public Law 92-457 designated February 11, 1973 as National Inventors' Day.

It is particularly appropriate to have chosen February 11 as the day on which to honor all inventors in this manner, since it is the birthday of one of our Nation's most outstanding inventors, Thomas Alva Edison, to whom more than 1,000 patents were issued for his various inventions.”

“The creators of our Republic, themselves the inventors of a new form of government, recognized the important role which inventors would play in achieving national progress and, accordingly, gave the Congress the Constitutional authority to grant inventors, for limited times, the exclusive rights to their discoveries. In 1790, Congress did that by establishing the United States Patent System and granting Samuel Hopkins the first patent.”

“History is filled with evidence of the success of this system. The names of Whitney, McCormick, Morse, Bell, and Edison and the cotton gin, the reaper, the telegraph and telephone, the light bulb, the airplane, transistor, television, are familiar examples of American inventiveness.”

From The American Presidency Project, [Proclamation 4187—National Inventors' Day 1973](#):

Our speakers last month are some of the most knowledgeable experts in Manufacturing locally and in the USA and I thank them for sharing their expertise and opinions.

https://youtu.be/UL7AuBRMM_0

Michele Nash-Hoff – owner EFS & author “Can American Manufacturing be Saved and How” and co-founder of Industry Reimagined 2030 presented:

History, how Manufacturing made America and can make America great again.

Current, what it really costs going offshore and how China is a threat.

Actions, how **CPA, SDIF and IRI2030** are helping

Christopher Guerrero – Inventor, product developer and owner PACE

Why & how to Manufacture in the USA

Actions, how **PACE and UIA** helps inventors

Tom Ledbetter, - Associate Vice Provost with the Center for Entrepreneurship and Educational Support at Midlands Technical College (MTC)

Current, how we are growing Manufacturing in South Carolina today

Concerns, about China & patent rights

Actions, how **MTC** is helping

[Dr. Thaddeus Jones](#)

Thanks to Dr. Thaddeus Jones for getting our zoom meeting videos on our SCIF YouTube page!

https://youtu.be/V9I3_LSkd18



Fanatik Productions, LLC

<https://www.fanatikproductions.com/>

This month we will present “Marketing” – *How to commercialize your product/service idea.*

I will give case examples of Medical Devices and a pet product I’ve brought to market



Adrian

See you on Zoom 7pm EST this Wednesday February 9th!

<https://us02web.zoom.us/j/88251334966?pwd=SWVTTmhHNHZZKUXISTW9SRkE1UDB3QT09>

Independent inventors are uniting...

I have talked recently with and about independent inventors joining together to boycott the USPTO for some **substantial reasons I've listed below**. The main one is the USPTO is invalidating independent inventors issued patents in favor of corporate interests, *doesn't it make sense for independent inventors to boycott the USPTO?*

"In discharging its patent related duties, the USPTO examines applications and grants patents on inventions when applicants are entitled to them."

This means that if an inventor is issued a patent, then the USPTO has already professionally done the work and deemed the inventor to be entitled to the patent. How can they come back later and take away the patent with a **PTAB** ?
Doesn't this mean that they did not do their job correctly?

Why buy untrustworthy IP?

Issued patents are now getting invalidated by the same Patent Office that carefully issued them at our expense.

We did our own, then paid the USPTO to professionally research the prior art for our inventions Claims and judge if our teachings were unique. After years of wait and often time multiple added expense rounds of Office Actions to clarify the uniqueness, we proudly received a patent, the validation that our labors of our mind were in fact our property and deemed a novel, patentable invention.

Thinking they were valuable we then licensed these patents or built businesses around what we trusted was a reliable, verifiable document that was issued by the USPTO that stated right on the cover with a gold seal and red ribbon, our "United States Patent Grants to the person(s) having title to this patent the right to exclude others from making, using offering for sale, or selling the invention throughout the United States of America".

The USPTO no longer stands behind the work they had been paid to do, they now second guess years later and invalidate by PTAB the patent they issued. Without a jury trial, years of our lives are lost, dreams and businesses destroyed.

Many are no longer finding rewards in creating new things other than for their own pleasure. The USPTO is rigged to help big companies wipe out independent inventors and their start-ups.

Our dreams to help humanity, our callings to serve, our ambitions to pursue happiness are thwarted by the fears the liabilities of receiving a US patent now brings us independent inventors.

A.I.A. allowed USPTO to create the PTAB which has destroyed the lives of so many independent inventors, people that counted on the USPTO to stand behind the work they had been paid to do, to not hastily second guess their work years later and invalidate the patent they issued and allow multiple attacks on the inventors claims.

We independent inventors could not stop the few megacorps lobbying Congress to take control of the USPTO and change the rules in 2011 (A.I.A.) to suit their agendas.

We independent inventors should not allow SCOTUS to continue to remove our Constitutionally granted "right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." PTABs remove both these rights.

Efficient Infringement

This is now a board room term for "lets knock off the independent inventor, they'll have no recourse and its faster and cheaper way for us to get into their market".

There is no injunctive relief for infringed inventors.

The Supreme Court and U.S. Congress have given infringers carte blanche to take whatever they want from an independent inventor.

"The U.S. Supreme Court decided that it was in the "public interest" for a proven infringer to continue infringing on an independent inventors IP because it could serve the market better than a startup (Ebay, 2006). As a result, even if you win your case, you will have to pass a "public interest" test before an injunction can be issued to stop the infringer. A startup vs an entrenched corporation will typically fail this test, so you can't stop the infringer. You end up with a court-ordered royalty that you cannot negotiate, and the infringer keeps your invention and the market. This is often an impossible barrier for what would have been, until recently, the next great American disruptive startup." <https://lnkd.in/dvZGsPjS>

A mega corp can outproduce your startup and not be punished for stealing the idea and market. It is cheaper to pay lawyers than independent inventors royalties therefore, serial infringers will keep using the Supreme Court and U.S. Congress sanctioned PTABs. There is no reason for mega companies to ever pay inventors a fair market value royalties for an independent inventors technology now that they can "legally" steal it.

Abstract Ideas are unpatentable

IMHO this SCOTUS decision was intellectual suicide for the USA. This decision has helped China gain a technical advantage over the USA.

Smart inventions need protection the most for a nation to stay strong!

Jefferson wrote (US Patent Act):

"Ingenuity should receive liberal encouragement.

Patentable subject matter should include anything under the sun that is made by man"

Private property rights taken

A patent was considered private property since Article 1 section 8 of the constitution was written. No more... **Patents were changed to be a "public right" not a private property right!** The U.S. Supreme Court ruled that America Invents Act reviews do not violate the U.S. Constitution and that the Patent Trial and Appeal Board has the authority to invalidate previously issued patents, leaving intact a system that has been used to challenge thousands of independent inventors patents.

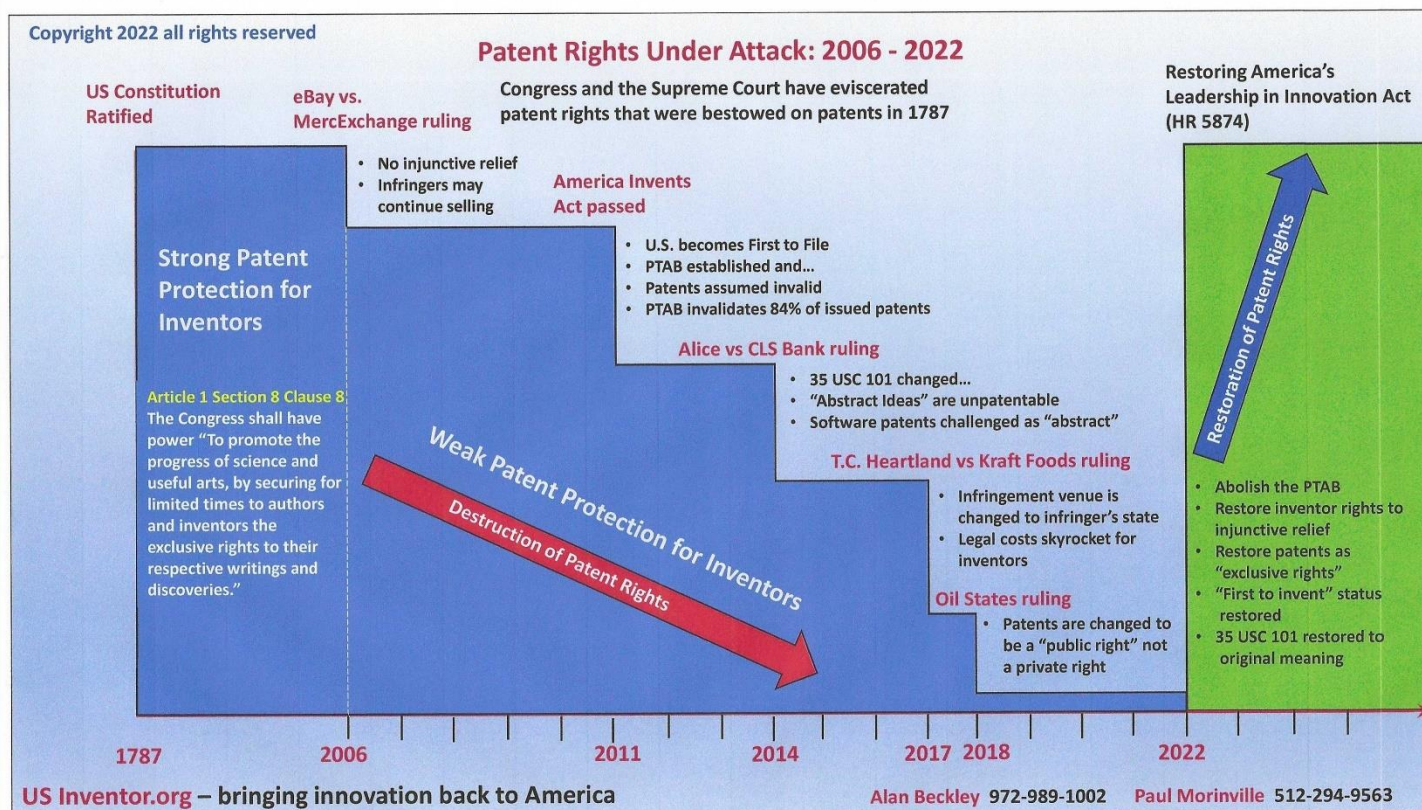
*"This court has recognized, and the parties do not dispute, that the decision to grant a patent is a matter involving public rights — specifically, **the grant of a public franchise**," "Inter partes review is simply a reconsideration of that grant, and Congress has permissibly reserved the PTO's authority to conduct that reconsideration."*

Wrong candidate for Director

"Big tech has tremendous influence in the Biden Administration and has advanced one of their own to lead the USPTO. Kathi Vidal is a big tech litigator, cut from the same cloth as Michelle Lee, the Google lawyer who ran the USPTO for Obama's second term. Lee bolstered the "death squad for patents" called the PTAB, achieved an 84% patent

invalidation rate, and provoked the first ever inventor protest in the history of the United States". – USI

This chart from USI sums it all up very well:



As a comment on one of my posts simply said "It's looking pretty GD dumb (for independent inventors) to patent anything here in the USA anymore."

Please tell your congressional rep to sponsor and support HR5874 - Patent Reform Legislation Restore Protection to Inventors!! Ask them to make it a campaign issue!!!!

https://massie.house.gov/uploadedfiles/hr_5874_ralia_text.pdf

Released
11/5/2021
Contact: massie.press@mail.house.gov
202-225-3465

Washington, D.C.- Representative Thomas Massie announces the introduction of patent reform legislation designed to restore to Americans a patent system "as the Constitution of the United States originally envisioned it." Massie's legislation, HR 5874, the "Restoring America's Leadership in Innovation Act of 2021" (RALIA), reverses several harmful changes to patent law that arose from Supreme Court rulings and the enactment of the Leahy-Smith "America Invents Act." Among the significant reforms contained in Massie's legislation is a return to the "first to invent" standard to ensure patent protection for America's inventors.

"The RALIA legislation restores to Americans a patent system as the Constitution of the United States originally envisioned it," said **Congressman Massie**. "In Article 1, Section 8 of the Constitution, the Founding Fathers gave Congress the authority to protect the discoveries of inventors. Specifically, they created a patent system to 'promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.' Regrettably, Congress's 2011 enactment of the Leahy-Smith 'America Invents Act' has worked in concert with several Supreme Court decisions to erode this protection's strength and value."

"As the Constitution intends, RALIA restores patent protection to inventors by awarding patents on a 'first to invent' basis rather than the more recently adopted 'first to file' standard," **Congressman Massie** continued. "A return to a 'first to invent' patent protection system ensures that inventors and the investors who back them can be confident that their innovative work and ideas will be safeguarded. Patents should protect those who innovate, not those who win the race to the patent office."

In addition to restoring patent protections to a "first to invent" standard, RALIA contains other important reforms to the patent system. Notably, RALIA affirms that a patent secures private property rights, repeals administrative post-grant reviews, abolishes the Patent Trial and Appeal Board, and ends the automatic publication of patent applications unless a patent is granted.



Please join us independent inventors by signing this [Inventor Rights Resolution](#)."

I'm proud to say 2,102 Inventors with Issued or Pending Patents have already signed **INCLUDING 28 from our state of South Carolina including myself!**

INVENTOR RIGHTS RESOLUTION

Our patent system is in crisis. Recent changes to patent laws and Supreme Court decisions have adversely affected inventors such that the requirement in Article I, Section 8 of the Constitution of "securing for limited times to inventors the exclusive right to their discoveries" is no longer achieved. It is nearly impossible to stop an infringer from using an invention without permission, or to make them to pay for the damage caused when they do. The undersigned inventors call on Congress to pass legislation to address these critical issues.

PTAB: The USPTO Must Stop Taking Back Patents From Inventors

Patents that are infringed are often contested in the Patent Trial and Appeal Board (PTAB), which is an administrative tribunal within the USPTO, purported to be an alternative to traditional

federal courts, and created by the 2011 America Invents Act. To defend a patent costs the inventor several hundred thousand dollars, and usually cannot persuade the PTAB to uphold the patent. Even if the inventor prevails in the first challenge, others are allowed to challenge the same patent over and over again. This has been devastating to inventors and small businesses that rely on patents to protect investments and build businesses. Participation in PTAB reviews should be voluntary for inventors and small businesses. If PTAB reviews become a fair alternative

to validity challenges in a traditional federal court, then inventors will participate voluntarily. Otherwise, patents that are believed to be invalid can be contested in a traditional federal court, as has always been the case.

INJUNCTIONS: Courts must prohibit use of a patented invention w/o permission

In the 2006 eBay decision, the Supreme Court held that in most circumstances a patent cannot prevent an infringer from using the invention. For instance when a large corporation can produce the invention faster, cheaper, or in greater quantities, they are allowed to keep selling in perpetual violation of the patent. Thus the inventor has no say in who gets to use the invention

and what they do with it. The inventor cannot determine the price, the quality, the brand, the features, the materials, the factory location, the working conditions, environmental sustainability, or any other concern. Indeed, the inventor is compelled to grant the infringer a license for a royalty amount determined by the court. The eBay decision should be overturned, and the court should issue an injunction ordering the infringer to stop using the invention until they have obtained a license negotiated in good faith with the inventor.

PROFITS: Infringers must not profit by using an invention w/o permission

Current law limits most inventors who win in court to only a "reasonable royalty", which in many cases does not cover legal fees and is too little to serve as a deterrent against large corporations with deep pockets. These corporations simply ignore patents, knowing that few inventors can afford the millions of dollars and many years required to enforce their patents in court. In the rare case that an inventor survives the legal gauntlet, the infringer usually is ordered

to share only a small percentage of their profits with the inventor while keeping the rest for themselves. Without penalties infringing is much more profitable as a business strategy than inventing. To restore fairness and respect for patents, infringers should not be allowed to keep their profits made from someone else's invention.

<https://usinventor.org/>



<https://vimeo.com/640509179>

Tell your story! Show people that you have the winning solution to a people problem that needs be solved now!

It is a privilege to be associating with 1 Million Cups and I suggest all inventors follow suit and make friends with their local group to share their dreams and connect.

ABOUT 1 MILLION CUPS

Based on the notion that entrepreneurs discover solutions and engage with their communities over a million cups of coffee, the **Ewing Marion Kauffman Foundation** developed 1 Million Cups in 2012—a free program designed to educate, engage and inspire entrepreneurs around the country. Through the power of volunteers, **1 Million Cups has grown to more than 160 communities.**

As a program of the Kauffman Foundation, 1 Million Cups works with entrepreneurs, empowering them with the tools and resources to break down barriers that stand in the way of starting and growing their businesses. Mr. Kauffman believed it was a fundamental right for anyone who had a big idea to be able to bring it to life—and we're here to fulfill that mission.

ABOUT THE KAUFFMAN FOUNDATION

Founded by Ewing Marion Kauffman, the Foundation is driven to provide uncommon ways to create opportunities and connect people to the tools they need to achieve success, change their futures and give back to their communities. **We believe that if you have an idea, you have a fundamental right to start a business to make it a reality.**

We also believe that opportunity lies in the fields of education and entrepreneurship.

GoFundMe update

Thinking about creating a campaign for finding funds to test your ideas pre company launch? GoFundMe is a way!

This can assist many struggling inventors & innovators to get started.

These funds allow you to search, file IP & build prototypes to show for raising capital to launch or license.

Go Fund Me has provided a Guide (photo below) and videos:

We have a handful of videos ranging from fundraising story tips and tricks, to how to share your fundraiser, and even stories from other successful organizers. You can see all the videos by [clicking here](#). I would also recommend the below videos as a good jumping off point for your needs:

[How to Create a GoFundMe](#)

[How to Write a Compelling Story](#)

[How GoFundMe Works](#)

[How to Withdraw Funds](#)

Our alliance with GoFundMe will be awesome for American inventors and innovators just getting started! Its exciting to see how excited they are about this new alliance 😊



We want to motivate you in many ways!

"The best way to get things done is simply to begin"

"An obstacle is often a steppingstone"

"Difficult roads often lead to beautiful destinations"

"Don't let small minds convince you that your dreams are too big"

"You are never too old to start a new goal or to dream a new dream"

...just a thought

SCIF is now setup to take donations!!

Thanks to Lexa Gandolfo for her fantastic work to set up a Donate page on our SCIF site! Check it out and thanks for y'all's support 😊

<https://southcarolinainventorsforum.org/donate>

SCIF involves you! Have inventing questions, here is where to get answers!

Thinking of any new products or services that may help in some way, shape or form make life easier? We share new ideas and motivating concepts almost daily on Facebook.

<https://www.facebook.com/groups/448388996120060/>

Help for inventors and innovators, creators all!

Tell your creative friends and invite them to join our group!

We discuss the most important things needed to bring ideas to life and create wealth.

Join our group and come to our meetings to learn about inventing, innovating and the process of bringing new products to market. Meet with others and find friends, mentors and advisors.

Prepare your questions about inventing and ask local experts at Wednesday's Zoom meeting.

Prepare for launching your venture.

Mark your calendar for South Carolina Inventors Forum monthly meetings!

Monthly meeting format allows interactions and Q & A:

Network

- Welcome & Thanks
- Motivational Moment with Brian Pearson
- What's new? Stories and new products shared by inventors
- Subject of the Month Presenter / Speaker
- Resources and New Opportunities
- Q&A
- Who Needs Who?
- Thanks & network

Get all the Newsletters and Videos and more here!

<https://southcarolinainventorsforum.org/>

Sponsors & Inventor Stories welcome

SCIF Sponsors invited.

Supporting our vision to help people make new things, provide new services, build new businesses and create new jobs!

Platinum Sponsors - \$2500-On banner and introduced at contest, Speaker of the Month, post in newsletter, website, and on monthly Agenda

Gold - \$1000- Speaker of the Month, post in newsletter, website and monthly agenda

Silver - \$500 - post in newsletter, website and monthly Agenda

Bronze - \$100 - post in newsletter & website

SCIF welcomes stories about and by local inventors! We are calling for volunteers to help gather and write stories or folks to send theirs. Contact Adrian if you're interested.

Send us yours or Become an "Inventor of the Month"!
Time onstage (~10-30 minutes) to pitch your product and get feedback.
Help motivate other inventors, come tell your story!

[Contact Adrian if you're interested.](#)

We thank you for your support!

Non Profit Resources for Inventors

United Inventors Association is an Inventor Industry national membership foundation dedicated to inventor education and support



[Learn more...](#)

SCORE can help you start a new business or improve your present business. For more information about the SCORE South Carolina free small business counseling and the low-cost workshop series, call 803-765-5131 or visit their [website](#).

USPTO.gov

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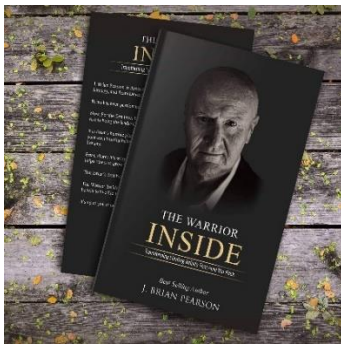


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<http://www.patentsuccessstrategies.com/>

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Have an inventive day!

Adrian

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