

**TAMPA BAY INVENTORS COUNCIL**

**Post Office Box 1620, St. Petersburg, FL 33731**

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*"Inventors Helping Inventors"*



# THE Tampa Bay INVENTOR NEWSLETTER

*The Official Publication of the Tampa Bay Inventor's Council*

**PO. BOX 1620 St. Petersburg, Florida 33731-1620**

**April 2001**

## UPCOMING PRESENTATIONS

### APRIL 11

Randy Landreneau will be showing a video that he received from Jack Lander, a columnist for "Inventors Digest," and an expert in prototype making. The video will show how to make prototypes using flexible molds made from polyurethane.

It covers making the mold and then casting the part using a two part casting resin. This is an effective way to make a model of a plastic part without the expense of making tooling.

Randy has successfully used this technique to make prototypes of his pet brush. He has now upgraded to having tooling made based on the success of his prototypes.

### APRIL 25

Dr. Jery Osteryoung, head of the Entrepreneurship Program at the College of Business at Florida State University, will speak on the entrepreneurial aspect of inventing. Dr. Osteryoung has written six textbooks and numerous articles, with the intent of helping entrepreneurs be more successful. His presentation last year was voted best of the year by survey.

## CALENDAR

### GENERAL MEETINGS

- April 11 ..... 7:30 pm
- April 25 ..... 7:30 pm
- May 9 ..... 7:30 pm
- May 23 ..... 7:30 pm

**The Board of Trustees Meeting**  
TBA

Largo Library, 5:30 pm

All meetings held at:  
**Largo Library**  
351 East Bay Drive  
Largo, Florida on  
2nd & 4th  
Wednesdays

•  
For information call:  
*See listing of Directors on page 2*

### LUNCHEON MEETING

- April 18 ..... 12:00 noon
- May 16 ..... 12:00 noon

**Santa Madeira Restaurant**  
Madeira Beach

Myron Finley's address & phone are:  
413 Cleveland Street  
Downtown Clearwater  
727-461-1733

**WEB SITES OF INTEREST**

US Patent & Trademarks Office:  
www.uspto.gov  
Delphion (IBM) www.delphion.com  
Optipat www.optipat.com  
www.patentcafe.com  
Nat. inventors' hall of fame  
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<http://www.inventorcouncil.org>

Email:  
TBIC@patent-faq.com

or call Dave Kiewit, Secretary:  
Phone - 727- 866-0669

Submit Artieles to our Editor at:  
Chuck@inventionengineering.org

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**Make your Inventing Process More Effective and More Fun!**

A few of the benefits you will enjoy: Monthly programs, Luncheons, Free workshops, Updates on Legislation affecting the Industry, Free TBIC Membership Directory, and Current Industry News!

**MEMBERSHIP APPLICATION  
TAMPA BAY INVENTORS' COUNCIL  
P.O. BOX 1620, ST. PETERSBURG, FL 33731  
Attn: Treasurer**

**Membership Application**  
**Dues \$ 45 per year**

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## COFFEE?

The French call it *café*, the Turkish, *Kahve*, the Japanese *koohi* and the Swahili's *Kahawey*. We call it coffee. But who invented coffee drinking?

Here's the legend: A goatherder named Kaldi, around the year 1000, observed that his goats, after chewing on berries that grew on bushes near the Red Sea, began to prance about excitedly.

Kaldi tried the berries himself and began to prance excitedly.

A monk from a nearby monastery observed Kaldi's excitement and decided to try the berries. He poured hot water over them and liked the drink he created. When he served it to the other monks in the monastery, they all stayed awake during their night time prayers. Thus history was created.

Today over 5 million tons of coffee are produced worldwide each year.

By: Elyse Van Breemen

Ref: *Accidents May Happen, Fifty Inventions Discovered by Mistake* by Charlotte Foltz Jones

## HARVARD DROPOUT MAKES GOOD

Who says an inventor has to finish college? Edwin Herbert Land was a Harvard dropout. Yet he invented the instant camera and Polaroid sunglasses.

In 1947, Land found a way to make film that contained its own developing and fixing chemicals, so there was no need for a secondary stage of developing and printing the picture--the Polaroid camera.

In 1930, Land knew that rays of a shaft of light vibrate at random angles, and if you place transparent crystals in front of the beam, only those vibrating at the same plane will go through. He developed polarized sunglasses by coating them with a sheet of plastic that polarizes the light.

Since a similar coating is used for 3-D movie films, windshields and headlight lenses, I wonder, did Land get royalties from these products too? He was born in 1909 and died in 1991.

By: Elyse Van Breemen

Ref: *Inventors And Inventions* by Michael Jeffries and Gary A. Lewis



## Letter From the President

Why would a lawyer from the Windy City and another from the Big Apple come to Tampa Bay? To vacation? To play in the sand or visit Bush Gardens? Not on your life! They'd come to do a talk at the Tampa Bay Inventor's Council.

This past month we were lucky to have Ray Niro, of Niro, Scavone, Haller & Niro give us insight into patent contingency litigation. Besides the useful data we received, some of his stories would rival a good movie or a John Grisham novel. One story was about the wife of a Viet Nam vet who lived in Iowa. She developed a kind of ink made from soy products, brought her idea to a major manufacturer and was told that had no interest in it. Then, she found them using it, even though they had signed a non disclosure form. Another was about a man, dying from cancer, who stayed alive long enough to see that his patent was defended and the settlement would amply provide for his family. Myron Finley of Finley, Fletcher & Knapmeyer, had a law practice in New York, came to the Tampa Bay area and became a business consultant. Now he juggles both professions, with an office here in Clearwater and one in New York City. Myron, spoke simply and powerfully of the cycle of action, a concept from the Hubbard Management Technology, which is basically start, change and stop. Through a lot of audience interaction, those who attended realized where they've been "hung up" in the invention process. There are those of us who never get past the idea or the start; there are those who get hung up in "do, do, do" and never arrive at a product, and there are even those who get so dizzy with unnecessary steps that they never arrive at the product. Myron suggested that we always keep in mind the final product--what we want to have--and coordinate our thoughts, intentions, plans and activities to achieve that product.

After both of these meetings many stopped to talk with Ray and Myron. I was excited and somewhat amazed to see how many inventors had had their ideas "ripped off" in some fashion and were interested in Ray's help. Myron is experienced in negotiating licenses for patents and would be glad to help any inventor do that through his law practice..

Chuck Van Breemen  
President

See letter on page 5

MINUTES OF THE MARCH 14, 2001 MEETING  
TAMPA BAY INVENTORS' COUNCIL

Contingency Litigation – The “Little Guy’s” Patent Enforcement

Ray Niro, Jr., is with the Chicago law firm of Niro, Scavone, Haller and Niro, which provides contingency fee patent litigation services. They represent individuals and small companies who believe their patent is being infringed, and take a portion of the eventual settlement instead of charging an hourly fee. Because the high costs (typically \$1.5MM) and long time (commonly 2-5 years) involved in patent law suits, contingency fee arrangements often offer “the little guy” his or her only chance at pursuing infringers.

Although an estimated 90% of patent infringement cases are settled before trial, Ray walked the group through two cases that led to damage awards of over \$10MM to individual inventors. He also provided us with some general rules to be followed by inventors who are, or who are about to become, involved in enforcing a patent:

- Be flexible. Continue to evaluate your position as more data becomes available. Adjust your target for settlement upwards or downwards in accord with the current evaluation of your position.
- Don't get greedy.
- Be totally committed to the process. A patent suit commonly takes 2-3 years to come to trial. During that time a lot of evidence will be turned up that the inventor will have to evaluate and comment on.
- If there are multiple defendants, be prepared to take relatively little from the first one that offers to settle in the expectation that the news of one settlement will motivate the others to settle.
- Remember what Al Capone said: “You can go a long way with a bouquet; you can go farther with a bouquet and a gun”.

Dave Kiewit, Secretary, TBIC

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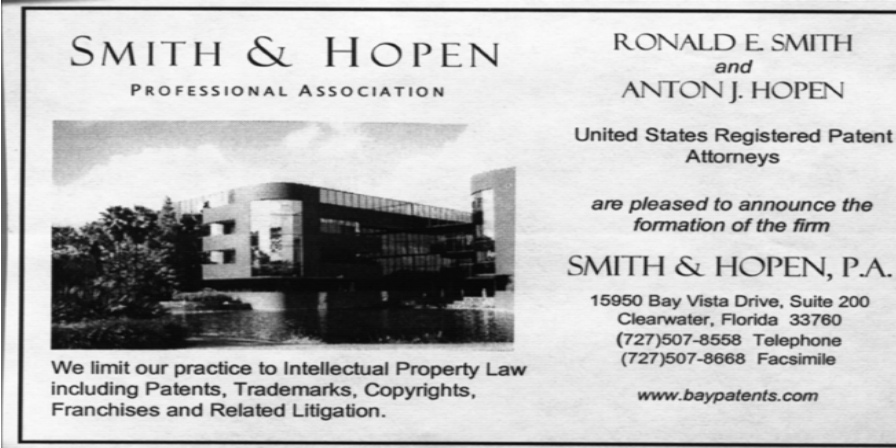
### IT

A top secret invention that some luminaries think will change the world is planned for release next year. This invention is known as IT. When Steve Jobs saw a prototype of IT, he stated that IT was going to be as big as the personal computer. Others have said that IT will be more revolutionary than the World Wide Web. It is reported that IT could put billion-dollar companies out of business.

The man behind IT is Dean Kamen, president of Deka Research and a National Medal of Technology recipient. Mr. Kamen has created a number of important devices like the iBot, a wheelchair that can climb stairs. But what is IT? No one is saying.

Written by Randall Landreneau

Source: “What is IT?”, John R. Quain, Popular Science, April 2001



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We limit our practice to Intellectual Property Law including Patents, Trademarks, Copyrights, Franchises and Related Litigation.

# VICTORY: Rights award for Elk Grove company sets stage for IBP appeal

Continued from Page 1

release sprocket wrench which Sears later sold. The former employee, Peter Roberts, later sued the company for \$9 million, charging Sears had fraudulently obtained the patent rights from him. Roberts was awarded \$1 million in the 1980s after years of litigation.

With long odds and uncertain rewards, the inventor or small company is often motivated by more than just money.

In C&F's lawsuits, the company alleges that its biggest customer, Pizza Hut, helped IBP obtain C&F secrets to making precooked Italian sausage toppings that look homemade. Previously, Pizza Hut had been using "rabbit pellet" sized sausage toppings.

C&F was devastated by the loss of Pizza Hut's business, going from \$50 million a year in sales and 120 employees to \$10 million annually with 90 employees.

"We figured there wasn't really anything more they could do to us," said Freda Sr., who currently lives in Barrington. "Just because you're a big company you can't just take something that doesn't belong to you ... We had been wronged and we decided to stand up for ourselves."

Despite the obstacles, Niro's law firm has handled some notable cases in which David has scored a victory.

A settlement for close to \$100 million was affirmed in July in Colorado in favor of inventor Ron Chasteen. He invented the first electronic fuel injection motor for snowmobiles, only to have the system stolen by Minnesota-based Polaris and Japan-based Fuji Heavy Industries. It became the second-largest jury verdict in that state's history.

"Obviously that was a good payday for us," said Niro, whose firm takes such cases on a contingency basis, whereby clients turnover 30 to 40 percent of the award over to the attorneys.

In 1996, he won a case against Flint Ink Co. for stealing the idea for a biodegradable, fast-drying ink process used in large-scale

"Just because you're a big company you can't just take something that doesn't belong to you ... We had been wronged and we decided to stand up for ourselves."

— Joe Freda Sr.

printing tasks for newspapers and other publishers. In that case, an Iowa housewife won a \$48 million award.

"In each of those cases, the common element was that you had a very arrogant big company that thought it could run over the little guy," said Niro, whose firm also employs his brother, William, of Oak Park, and sons Dean, of Arlington Heights, and Raymond Jr., of Barrington.

Currently, Niro is pursuing several "little guy" suits against big corporations. Perhaps the most high profile case involves the inventors of IntelMouse, a computer mouse with added point and scroll features. Microsoft and IBM are the Goliaths in that suit.

Working in Niro's favor has been his ability to get the suits to a jury. He has not lost a jury case since 1991.

"There is anecdotal evidence that (patent owners) prefer juries because lay people ignore the technicalities and display sympathy with the poor inventor ripped off by the large company," said Roberta Kwali, intellectual property rights professor at DePaul University's College of Law.

For C&F, the jury award is sweet, but the damage to the company has been devastating. Freda Sr. now is taking up the task of rebuilding his company.

"I'd rather have the business back," Freda said. "But this is what we are left with."

## MINUTES OF THE MARCH 28, 2001 MEETING TAMPA BAY INVENTORS' COUNCIL

### Managing the Invention Process

Myron Finley, a Clearwater lawyer and management consultant, claims 17 years experience as a stand up comic in New York nightclubs. Not surprisingly, he kept the group's interest all the way through his talk on applying management skills to the product development process.

His talk covered the general topic of getting from wherever you are to a goal. This requires knowing the present situation, defining the goal, planning how to get there and then going ahead. At that level of overview, it sounds like a game plan that lots of others have advocated from time immemorial. Myron pointed out that many people go ahead first, without an adequate plan, and become focused on the actions, rather than on the goal.

Dave Kiewit, Secretary, TBIC

### LETTER continued:

After both talks I saw many excited faces and felt that those who came were helped and inspired. This is what we are trying to do. Inspiration and improvement, fellow inventors, comes about through participation and involvement. Myron began his talk going over the idea of "checking out" during a presentation (not truly being there or listening). I thought to myself that this concept can go even further — those who "check in" to meetings and get involved are the ones who gain. In life, there are the participants and the spectators. A spectator sees and watches without taking any active part; a participant is part of the game--he shares and takes an active part in what is going on.

In line with this, it was a pleasure to have Russell Randell share his latest achievements with his Self Powered Boat. I'd like to see more of this and ultimately, have so many of our members wanting to share their latest achievements that there is scarcely time to hear them all.

Those of you who come to meetings--thank you for taking part. Please tell others what they are missing. Let's all truly become successful and make our dreams come true.

## Taking a bite out of the big boys

### Ruling for Elk Grove business a victory for the underdog

By Mike Comerford  
Daily Herald Business Writer

When Joe Freda Sr. realized that his secret recipe for making sausage pizza toppings had been stolen by the country's largest meat packing company, he put in a call to his longtime neighbor in Arlington Heights.

It just so happened he had chosen his neighbors well. Raymond Niro Sr. is one of the most prominent intellectual property rights lawyers in the nation and one of the few that specializes in "David and Goliath" suits.

Thus began six years of litigation, costing Niro's firm, Chicago-based Niro, Scavone, Haller & Niro, an estimated \$2 million in expenses. Freda's family-owned company, Elk Grove Village-based C&F Packing Co., won an \$11 million jury award on Wednesday from Nebraska-based IBP Inc.

The litigation is far from over. IBP denied stealing the recipe, said the jury misunderstood the evidence and vowed to appeal. And C&F is pursuing a similar suit against Dallas-based Pizza Hut that could take another year and a half to go to trial.

The drawn-out and costly nature of such suits makes them relative-



Intellectual property rights lawyer Raymond Niro Sr., left, and C&F Packing Co. owner Joe Freda Sr. celebrate an \$11 million settlement against a company that stole C&F's secrets for making sausage pizza toppings.

Daily Herald Photo/Bob Chwedyk

ly rare, but they can be indispensable if the small company wants to get back on its feet.

"I like to represent the underdog, the little guy," said Niro, who was named one of the top 10 litigators in the country last year by *The National Law Journal*. "The big corporations just heap on the costs and the burdens so that

realistically not many people can hang in there for the six or seven years that it takes."

Inventors and small innovative firms are particularly vulnerable to large corporations with the legal and financial resources. Patents are expensive to obtain and even more costly to defend.

"There aren't that many cases

that end like this one because it is not that frequent that the little guy wins," Niro said.

One of the classic local cases involved Hoffman Estates-based Sears, Roebuck and Co. An 18-year-old clerk for Sears had come up with the idea for a quick-

See **VICTORY** on Page 2

see next page

When Ray Niro Jr. was here for his presentation, he left some news paper articles about the success of his firm, Niro, Scovone, Haller & Niro. This is one of the articles. His address and phone are:

Ray Niro Jr.  
Niro, Scavone, Haller & Niro  
181 W. Madison Street  
Suite 4600  
Chicago, IL 60602-4515  
31-236-0733

Jack Lander (who is providing the video for the April 11 meeting) is a mechanical engineer with a background in product design and manufacturing. He has been granted 13 patents on products as diverse as laparoscopic surgical instruments and a bicycle transmission. He is co-founder with his wife Jini of the Innovators Network of Greater Danbury. You can contact him at 37 Seneca Rd., Danbury, CT 06811-4422.

Phone: 203-797-8955  
FAX: 203-792-1377

The Thomas Edison Papers Project, based at Rutgers University has a downloadable collection of 1,093 Thomas Edison patents.