



# The role of intellectual property and patent information in successful innovation, production and marketing. Case study 1: the non-spill drinking vessel

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## Abstract

The process of innovation, from initial concept, development, pre-filing patent searches and patent application, through to production, marketing and establishing and protecting the product is described in relation to the author's experiences as a successful inventor and entrepreneur. The main product referred to is a non-spill drinking vessel which solves a long-recognised problem in a simple and practical way, reflected in its success in the marketplace around the world. The crucial role in this process of a sound patent search before filing well-drafted patent applications is described, as is the use of patent searches before deciding to support other innovations. © 2001 Elsevier Science Ltd. All rights reserved.

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## 1. Introduction: the non-spill drinking vessel

I am an independent inventor and entrepreneur. In general, I develop my products, sub-contract manufacture and establish them in the market place before eventually granting licences. To date, my most commercially successful invention has been a non-spill drinking vessel, operated by the sole use of suction. This technology has been widely applied to children's trainer cups.

## 2. Concept and technical solution

The 'Anywayup Cup<sup>®</sup>', as it has become known in the UK, is a totally non-drip, non-spill children's trainer cup (Fig. 1). Even if vigorously shaken, or dropped, it will not spill. Prior to my invention, there were other cups in the market, which could be manually shut off for travelling, but none that automatically sealed between sips.

I first had the idea for this when I was at a friend's house with my daughter in 1990. A visiting toddler, using a conventional trainer cup, left a trail of black-currant drink stains across the immaculate cream-col-

oured carpet. That made me start to think how trainer cups could be improved to solve this problem.

Instead of the usual row of holes, the 'Anywayup Cup<sup>®</sup>' has one large opening. Under this a soft, slit-cut, membrane valve is moulded. When the child drinks, the valve opens and liquid flows but as soon as the child stops drinking, air rushing back in, pulls the valve back shut every time. It is a very simple solution to a well-known problem, but it had evaded the industry at least since the 1800s.

## 3. Prior art search

Before embarking on development I not only investigated the commercial market thoroughly but, prior to proceeding with my initial patent application, instructed my patent agent to conduct a search to see if there was any prior art. Nothing of significance was revealed so I proceeded with the project.

## 4. Intellectual property rights

I now have registered trademarks, design rights and granted GB, American and other overseas patents, covering a range of embodiments. The patents include both one and two-valved vessels, both outwardly and

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Fig. 1. Non-spill cup in use.

inwardly domed valves and arrangements whereby the valve system is both integral to the lid or a separate component (see, for example GB2266045 (Fig. 2), and family members such as US6102245 and EP0634922; and GB2304545 (Fig. 3), and family members such as US6116457 and WO97/08979). For our own production we use a single integral valve, downwardly domed against the direction of flow for maximum spill resistance. It requires no assembly, is easy to clean and has no dirt traps.

## 5. Production and marketing

We launched the product from UK production in 1996 and took the market by storm, achieving a turnover of approximately £1 million in the first year. However, getting into the supermarkets was not easy, as they were reluctant to deal with one-product companies. We overcame this by posting a full cup of blackcurrant drink to the buyer of a major UK supermarket chain with a note to say, "If this reaches you without spilling, give us a call!" It did not spill and we were on the shelves within weeks. After that, it snowballed.

I have since granted manufacturing and distribution licenses to V & A Marketing Ltd (UK) and to The First Years Inc (USA). Sebastian Conran designed our

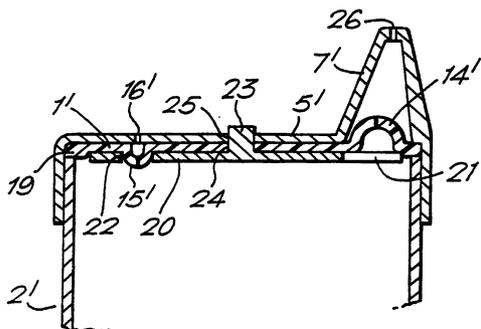


Fig. 2. GB 2 266 045.

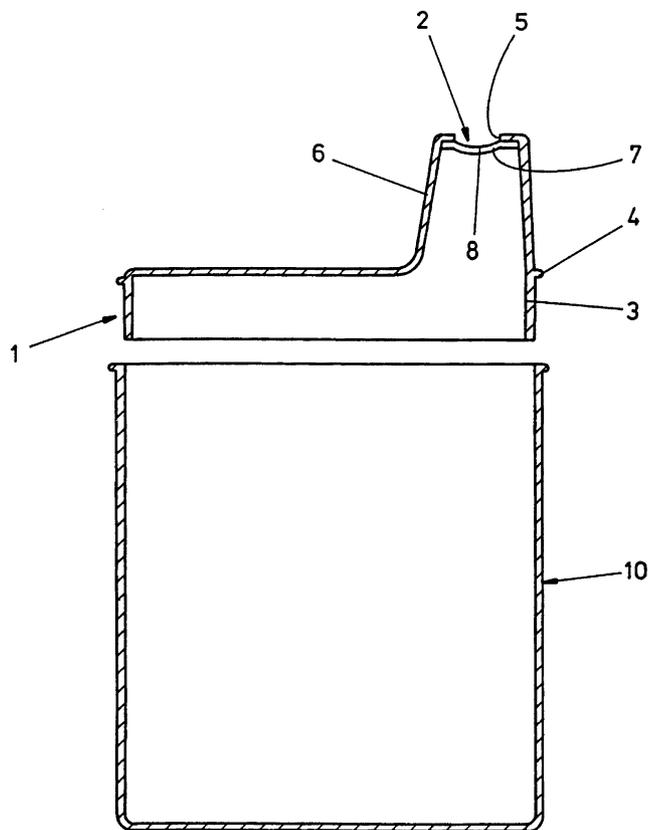


Fig. 3. GB 2 304 545.

current range, which is now sold in 70 countries worldwide under various brand names. A total of 7 million cups were sold last year and around 10 million are forecast for this year (2000).

## 6. The marketplace and litigation

Unfortunately a successful invention from an outsider can upset the status quo by taking a large chunk of market share from established companies. Between 1992 and 1994, I approached all of the leading UK nursery product companies with my prototype. There were no sensible offers. Not because my product failed to answer the market need, or because it was the wrong product at the wrong time but, in my opinion, because industry is loath to invest in new ideas until competition forces its hand. Generally, it is quicker and cheaper for them to spot successful new products in the marketplace, than it is to research and develop their own products from scratch. It could be said that the current system encourages them to do this, because the cost of litigation is prohibitive for most independent inventors or fledgling companies.

In 1998, just as we were starting to achieve significant market share, a leading UK nursery product company

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