

PTO/SB/2048A

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**COMPLAINT REGARDING INVENTION PROMOTER**

Instructions: Read the reverse side of this form before completing and submitting the form. Complete as much of the form as possible and return it to the U.S. Patent and Trademark Office, Mail Stop 24, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or fax to (571) 273-0170. Please type or write clearly.

Name of the Invention Promotion Company:	Homax Products Inc.		
Invention Promoter's Address:	468 W. Horton Road		
City	Bellingham	State	WA
		Zip Code	98226
Complainant's Name:	David Prokop		
Complainant's Address:	[REDACTED]		
City	[REDACTED]	State	[REDACTED]
		Zip Code	[REDACTED]
Customer's Name:	David Prokop		

**WHAT IS YOUR COMPLAINT?**

Please be as specific as possible within the space provided

Name of mass media invention promoter advertised in: (i.e., TV, Radio, Newspaper, Magazine, Other)

Homax advertised in: tradeshow, internet websites, magazines (catalogs)

Invention promotion services offered to be performed:

Homax promised to develop additional 'spin off' products, market to retail stores in USA and Canada  
Promote the products at tradeshow and in catalogs to their 'network' of buyers.

Explanation of complaint between customer and invention promoter:

On June 24, 2003, after 1 year of negotiations, I (David Prokop) signed a licensing contract with Homax Products, Inc. of Bellingham, WA. The contract gave Homax exclusive rights to market and use 2 of my patented products (patent numbers # D486,591 and D443,937) fencepost protectors. A royalty rate of 4% of product sales minus returns or a minimum royalty of \$25,000 per year. On March 16, 2004, I contacted Homax to request a quarterly payment of the minimum yearly royalty payment. On June 7, 2004, I received a letter from Frank Chmelik (Homax's lawyer) that Homax was terminating the contract and would not pay any royalty payments. In March 2005 I contacted the American Arbitration Association to mediate the disputed contract. On May 5, 2005, after a hearing, the AAA arbitrator awarded to me a payment of \$25,000 plus expenses from Homax Products, Inc. Since that time, Homax has refused to pay the judgment and I am forced to take additional legal action to recover the AAA judgment. During the hearing a Homax representative stated, "they have used this contract many times with several inventors". I feel Homax has "cheated and used for their own profit" many inventors without due compensation for their intellectual property. Homax is using the strategy to increase profits by exploiting independent inventors to bear the cost of Homax research and development for new products. I feel this is unfair and in violation of Federal Laws including the American Inventors Protection Act of 1999.

Signed:	David Prokop [REDACTED]	Date:	June 2, 2005
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Burden Hour Statement: This collection of information is provided for by 35 U.S.C. § 297(d). The information regarding invention promoters will be released to the public. This form is estimated to take 15 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the U.S. Patent and Trademark Office, Mail Stop Chief Information Officer, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.