

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

Thomas J. Flatley

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

-v-

Skechers, Inc.
Robert Greenberg, CEO
Michael Greenberg, Chairman

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Thomas J. Flatley
Street Address	139 Overfield Road
City and County	East Greenwich Kent County
State and Zip Code	Rhode Island 02818
Telephone Number	401-884-5111
E-mail Address	Tomjan50J@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Skechers, Inc.
Job or Title <i>(if known)</i>	
Street Address	330 S. Sepulveda Blvd.
City and County	Manhattan Beach Los Angeles County
State and Zip Code	California 90266
Telephone Number	310-318-3100
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Robert Greenberg
Job or Title <i>(if known)</i>	CEO
Street Address	330 S. Sepulveda Blvd.
City and County	Manhattan Beach Los Angeles County
State and Zip Code	California 90266
Telephone Number	310-318-3100
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Michael Greenberg
Job or Title <i>(if known)</i>	Chairman
Street Address	330 S. Sepulveda Blvd.
City and County	Manhattan Beach Los Angeles County
State and Zip Code	California 90266
Telephone Number	310-318-3100
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☐

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

NA

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* NA, is a citizen of the State of *(name)*.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

b. If the defendant is a corporation

The defendant, (name) Skechers. Inc., is incorporated under the laws of the State of (name) California, and has its principal place of business in the State of (name) California.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Patent intrusion into Flatley US 8.826.568 B1 Active date 9 Sept 2014
Patent intrusion into Flatley US D715, 520 S Active date 21 Oct 2014

Thomas J. Flatley is the one and only plaintiff in this action.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The three defendants in concert manufactured footwear in volume into world-wide distribution into above patents.
See attach pages.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

We ask the honorable court to issue an injunction forthwith, to deter, redress, egregious and punitive harm done by intrusions into above patents. The claim is 20 million dollars.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

10/14/16

Signature of Plaintiff

Printed Name of Plaintiff

Thomas A. Flatley
THOMAS A. FLATLEY

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

SUBJECT

III Statement of claim

The defendants, Shechers, Robert and Michael Greenberg entered into the open raceway of the shoe. This is where the violation occurred. The first eleven words from the well explained, defined, displayed abstract of US patent 568 and US patent 520 “a lacing system and unique eyelet construction adapted for use herein” are the defining features of the patents.

Here they changed the route, the path of travel of the shoelace. The eyelets that govern the route were changed from the horizontal level position to an upright perpendicular position. This change brings this case before the honorable court.

Addition to page 4

Plaintiff Thomas J. Flatley