

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA

-FILED-

JUN 22 2021

At
ROBERT N. TROVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

CIVIL ACTION

James E. Cross Pro'se)
)
Plaintiffs,)
)
Vs,)
)
Dick's Sporting Good Inc,)
A Corporation)
)
Walmart Inc, a Corporation)
)
Kohl's Inc, a Corporation)
)
Amazon Inc, a Corporation)
)
Defendants)

CASE NO: 2:21 CV 198
COMPLANT FOR PATENT INFRINGEMENT AND
TRADE DRESS INFRINGEMENT DEMAND FOR
JURY TRIAL



Provided by:
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www.iniplaw.org
www.overhauser.com

Plaintiffs, James E. Cross (hereinafter referred to as "Cross") and Dick's Sporting Goods Inc,
Walmart Inc, Kohl's Inc, and Amazon Inc. hereinafter referred to as DSGI, KI, WI, and AI demand a jury
trial and complain against the defendants as follows:

Complaint for Patent Infringement and Trade Dressing Cross V. Dick's Sporting Goods, Walmart,
Kohl's and Amazon Inc.

THE PARTIES

1. Cross is an individual residing at 120 Glencove Dr. Michigan City IN 46360.
2. On information and belief, defendant Dick's Sporting Goods Inc., residing at two locations 2225 Southlake Mall, Merrillville, IN 46410, and 300 Industry Drive RIDC Park West Pittsburgh, PA 15275.
3. On information belief, Walmart Inc., residing at two locations 5780 Franklin St. Michigan City, IN 46360 and Walmart Inc. Headquarter at 702 S.W. 8th St. Bentonville AK 72716.
4. On information belief, Kohl's Inc. residing at two locations 210 Dunes Plz, Michigan City, IN 46360 and N56W17000 Ridgewood Drive Menomonee Fall, WI 53051.
5. On information belief Amazon Inc. residing at two locations in Indiana 2100 E. 15th Ave Gary, IN 46402 and 1200 12th Avenue South, Suite 1200 Seattle, WA 98144.
6. On information belief all the defendants as a corporation organized under the laws of
7. States of Indiana having a place of business in Indiana

JURISDICTION AND VENUE

8. This action arises under the patent and trade dress laws of the United States of America, Title 35 of United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1333(a), and Under section 43 (a) of the Lanham Act.

9. On information and belief, Defendant Dick's sporting Goods is doing business and committing Infringements in this judicial district and is subject to personal jurisdiction in this judicial district.
10. On information and belief, Defendants Walmart Inc. is doing business and committing Infringements in this judicial district and is subject to personal jurisdiction in this judicial district.
11. On information and belief, Defendant Kohl's Inc., is doing business and committing Infringements in this judicial district and is subject to personal jurisdiction in this judicial district.
12. On information and belief, Defendant Amazon Inc., is doing business and committing Infringements in this judicial district and is subject to personal jurisdiction in this judicial district.
13. Venue is proper in this judicial district pursuant to 28 U.S.C §§1391 and 1400(b)

CLAIM FOR PATENTS AND TRADE DRESS INFRINGEMENT

COUNT ONE

14. Plaintiffs, Cross repeat and incorporate hereinafter the entirety of the allegations contained in paragraphs 1 through 13.
15. On November 18, 2008, U.S Patent No. Des 580,633 hereinafter referred to as the '633 patent").
16. On November 25, 2008 U. S Patent No. Des. 581,136 hereinafter referred to as the "136 patent")

17. On November 23, 1993 U.S Patent No. Des. 341,471 hereinafter referred to as the "471" patent" all 3 patents were duly and legally issued to James Cross for an ornamental design for a T-shirts. A copy of the 633, 136, and 471 patents is attached to this Complaint as Exhibit 1
18. Cross is the owner of all titles in and to the '633, 136, and 471 patents.
19. Cross has certain contractual rights with respect to the '633, 136, and 471 patents including the right to direct and settle any litigation with respect thereto.

COUNT TWO

20. Plaintiffs, Cross repeat and incorporate herein the entirety of the allegations contained in paragraphs 1 through 19 above.
21. Defendants Dick's Sporting Goods, Walmart Inc., Kohl's, and Amazon Inc. has for a long-times past and still is infringing actively inducing the infringement of and contributorily infringing in this judicial district, the patents '633, 136, and 471 patents, and Trade Dress Under section 43 (a) of the Lanham Act by, among other things, importing, e-commerce, making, using, offering for sale, and/or selling T-shirts with the ornamental design as defined by the claim of the '633,136, 471 and without permission from Cross.

22. Plaintiffs, Cross has ben damaged by such infringing activities by the Defendant
Dick's Sporting Goods, Walmart inc., kohl's Inc, and
Amazon Inc. of the patent '471, '633, and '136

PRAYER FOR RELIEF

WHEREFORE, THE Plaintiff, Cross pray for a judgment against the Defendants on all counts and
For the following relief:

- A. Declaration that the '633, 136, and 471 patents is valid and enforceable.
- B. Declaration that the Defendant Dick's Sporting Goods, Walmart Inc. Kohl's Inc.
and Amazon Inc. has infringed actively induced infringement of, and contributorily.
infringed the '633, 136, and '471 patents. Also Trade Dress Federal laws.
- C. Declaration that the Defendants Dick's Sporting Goods, Walmart Inc. kohl's Inc., and
Amazon Inc. has infringed and actively induced patent infringement and Trade Dress Law
of, and contributorily infringed the '633, '136, '471 patents.
- D. A preliminary and permanent injunction against the Defendants Dick's Sporting Goods,
Walmart Inc, Kohl's Inc, and Amazon Inc, each of their officers, agents, servants,
employees, and attorneys, all parent and subsidiary corporations, their assigns and
successors in interest, and those persons acting in active concert or participation with
them, including distributors and customers, enjoined them from continuing acts of
infringement, active inducement of infringement, and contributory infringement
Under section 43 (a) of the Lanham Act of Cross, and the '633, 136, 471
patents.

- E. An accounting for damages under 35 U.S.C §3289 for infringement of Cross '633, 136, 471 patents by the Defendant's Dick's Sporting Goods, Walmart Inc, Kohl's Inc, and Amazon Inc. and award of damages so ascertained to the Plaintiff, together with interest as provided by law:

- F. An accounting for damages under 35 U.S.C. §3289 and Trade Dress Under Law section 43 (a) of the Lanham Act for infringement of Cross '633, 136, 471 patents by the Defendants Dick's sporting Goods, Walmart Inc, Kohl's Inc, and Amazon Inc., and the ward of damages so ascertained to the Plaintiff, together with interest as provided by the law:

- G. Award of reasonable attorney's fees to the Plaintiff, pursuant to 35 U.S.C. §285:

- H. Award of Cross' costs and expenses, and

- I. Such other and further relief as this Court may deem proper just and equitable.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed Michigan City, Indiana on month JUNE day on 22 year 2021

signed: 

Mr. James E. Cross Pro'se
120 glencove Dr.
Michigan city, IN 46360

219-879 5556
219-561 3251 CELL

CERIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON 25 day and month of JUNE and year 2021 caused a copy of the following documents to be mailed by United States Postal Service to the following participants.

Dicks Sporting Good 300 Industry Drive RIDC Park West Pittsburgh, PA 15275 USA
Corporate Phone Number: **1-724-273-3400s**

Walmart Inc. Headquarter at Walmart Headquarters 702 S.W. 8 th St. Bentonville, AK 72716. Phone Number: **1-800-925-6278** or **1-800-WALMART**.

Kohl' Inc. N56W17000 Ridgewood Drive Menomonee Fall, WI 53051 phone number:
(262) 703-7000

Amazon Corporate Office Headquarters HQ Address: **1200 12th Avenue South, Suite 1200 Seattle, WA 98144** USA Phone Numbers
Corporate Phone Number: 1-206-266-1000