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ATTORNEYS FOR PLAINTIFFS
**Pro Hac Vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

ABC IP, LLC, a Delaware limited liability
company, and RARE BREED TRIGGERS,
INC., a Texas corporation,

Plaintiffs,

v.

PEAK TACTICAL, LLC d/b/a PARTISAN
TRIGGERS, a Wyoming limited liability
company,

and

NICHOLAS NORTON, an individual,

Defendants.

Case No. 2:26-cv-00018-KHR

JURY TRIAL DEMANDED

**MEMORANDUM IN SUPPORT OF PLAINTIFFS’
MOTION FOR EXPEDITED DISCOVERY**

I. INTRODUCTION

Plaintiffs ABC IP, LLC (“ABC”) and Rare Breed Triggers, Inc. (“RBT”) (collectively, “Rare Breed” or “Plaintiffs”) pioneered the forced reset trigger (“FRT”)—a semi-automatic firearm component that Rare Breed patented and then spent years defending against a Department of Justice enforcement action. Defendants Peak Tactical, LLC and Nicholas Norton (collectively, “Partisan”) entered the market in December 2025, selling a knockoff, infringing trigger for \$299, compared to Rare Breed’s \$450 trigger. Partisan projects selling between 1.68 to 3.4 million triggers over the next three years. This represents approximately 5–11% of the 30 million AR-15 rifles Partisan estimates are in the United States—and a larger share still of the actual pool of AR-15 owners likely to buy an FRT.

To prevent this, Rare Breed moved for a temporary restraining order and preliminary injunction. This Court denied the motion, finding that, on the record before it, Rare Breed had not met its burden on the preliminary injunction factors. Rare Breed now seeks limited, expedited discovery to support a renewed motion for preliminary injunction on a full and complete record, specifically to address the evidence the Court said was missing.

Courts in this Circuit have granted expedited discovery after denying a TRO. They also grant expedited discovery before a Rule 26(f) conference upon a showing of good cause. Good cause may exist where the movant seeks a preliminary injunction and needs discovery to avoid irreparable harm. Courts evaluate good cause under five related factors, including (1) whether a preliminary injunction is pending, (2) the breadth of the requests, (3) the purpose of the discovery, (4) the burden on the responding party, and (5) the timing of the request. Rare Breed establishes good cause here.

Start with avoiding irreparable harm. This is the most critical concern behind this motion. The most acute risk Rare Breed faces is not losing at trial—it is that Partisan will have freely

infringed for two or more years and cannot pay the awarded damages. As the Tenth Circuit has recognized, difficulty collecting a damages judgment is itself a form of irreparable injury. Partisan projects selling 1.68 to 3.4 million FRTs over the next three years. At Rare Breed’s undisputed per-unit lost profit of \$350, damages exposure exceeds \$500 million. Against that, Partisan’s currently known total capitalization across all entities is less than \$1.5 million. The Court credited Partisan’s claims that two insurance policies totaling \$10 million can help cover a judgment. But the policies were never produced. Partisan’s own witness could not say whether they cover willful infringement, attorneys’ fees, or false advertising. He did not know how much cash was in the company’s bank accounts. Asked how Partisan would cover a judgment of this magnitude, he answered: “No idea.”

That collectability risk alone warrants expedited discovery. But it is not the only reason. This case requires targeted discovery so that Rare Breed’s renewed preliminary injunction motion can be decided on a complete record—not the compressed one the Court previously had. Defendants filed their opposition five days before the hearing, supported by four declarations, including two from retained experts—totaling 325 pages. Plaintiffs had no reply brief, no depositions, no document discovery, and not even an opportunity to cross-examine Partisan’s technical and damages experts whose opinions the Court considered. Neither expert appeared at the hearing.

That limited record left unresolved fact disputes on both prongs of likelihood of success: infringement and validity. On infringement, the Court found a claim construction dispute on “substantially in-battery position” that it recognized as central but did not construe. On validity, Partisan’s expert referenced claim charts as exhibits to his declaration but never attached them,

and Rare Breed first learned of Partisan's obviousness theory five days before the hearing, with no opportunity to challenge it.

Rare Breed's requests are calibrated to fill these gaps and nothing more: six interrogatories, six requests for production, and five depositions—each targeting issues Partisan itself placed before the Court. (*See* Appendices A & B.) Partisan should not claim prejudice from producing documents and witnesses on subjects it raised in opposing Rare Breed's motion. And to eliminate any question of fairness, Rare Breed will respond in kind and make its own experts and a 30(b)(6) witness available.

II. BACKGROUND

On January 15, 2026, Rare Breed filed this action alleging that Defendants' Partisan Disruptor—a competing forced reset trigger for semi-automatic rifles—infringes four patents held by ABC and exclusively licensed to RBT. (ECF No. 1.) Plaintiffs moved for a temporary restraining order and preliminary injunction one day later. (ECF No. 6.)

Both filings came approximately one month after Partisan's first confirmed sales. Partisan announced the Disruptor on an online firearms forum in September 2025 but did not publicly release the product or its internal design until December 15, 2025. (Ex. 1 at 87:9–91:15.) Plaintiffs filed suit one month later—consistent with Rare Breed's obligation under a settlement with the U.S. Department of Justice to enforce its patent rights. (*Id.* at 18:12–19:8.)

The Court entered an order on January 20, 2026, requiring Rare Breed to serve the complaint and motion by January 23, setting Partisan's response to the TRO/PI motion for January 30, and scheduling the hearing for February 4. (ECF No. 9 at 1.) Under Local Rule 7.1(b)(2)(C), no reply brief is permitted when a motion is set for hearing—which meant Plaintiffs had no opportunity to respond in writing to Partisan's opposition or their four supporting declarations (totaling 325 pages with exhibits) before the hearing five days later. (*See* ECF Nos. 27-1–27-4.)

Each side received ninety minutes to present its case. (Ex. 2.) Rare Breed presented testimony from its firearms expert (Mr. Luettker), its damages expert (Dr. Warty), and RBT's President (Mr. DeMonico). (Ex. 1 at 29:18–49:20; *id.* at 98:6–99:9; *id.* at 16:3–29:6.) Defendants presented two fact witnesses—Mr. Woods, spokesperson for the Partisan brand, and Mr. Stakes, the named inventor on U.S. Patent No. 9,146,067 (the '067 Patent"), a prior art reference Defendants contend invalidates Rare Breed's asserted patents. (*See* ECF No. 39 at 27–28.) Defendants did not bring either of their retained experts—Mr. Nixon (technical) or Mr. Cragun (damages)—to testify or sit for cross-examination, despite submitting declarations from both. (Ex. 1 at 5:4–5; ECF No. 27 at 2, 4, 7–15, 20–21, 23; ECF Nos. 27-1, 27-2.)

On February 13, 2026, the Court denied the motion in a combined TRO and preliminary injunction ruling, finding that Rare Breed had not carried its burden on the relevant factors. (ECF No. 39 at 8.) The Court repeatedly noted Rare Breed had failed to respond to portions of Partisan's evidence (*id.* at 13, 25, 28–29, 30, 34) and expressly reserved that its "findings and conclusions set forth herein do not constitute a determination on the merits." (*id.* at 34–35)

Plaintiffs bring this motion for expedited discovery one week after the Court's Order.

III. ARGUMENT

A. Legal Standard

Discovery ordinarily cannot begin before the parties confer under Rule 26(f). Fed. R. Civ. P. 26(d)(1). But courts retain broad discretion to alter the timing, sequence, and volume of discovery—including by granting expedited discovery before that conference. *See Am. Equip. Sys., LLC v. Chester*, No. 23-cv-00680, 2023 WL 8261427, at *2 (D. Utah Nov. 29, 2023). The Tenth Circuit has not adopted a specific standard governing motions for expedited discovery. Courts within the Circuit—including this District—apply a good cause standard. *See id.* at *4; *Ainstein AI, Inc. v. ADAC Plastics, Inc.*, No. 23-2166, 2023 WL 3568661 (D. Kan. May 19, 2023) (granting

expedited discovery under good cause factors); *Legacy Measures. Sols., Inc. v. Chaput*, No. 15-CV-18, 2015 WL 11090694, at *2 (D. Wyo. Apr. 16, 2015) (same in this District). “Good cause may exist ‘where a party seeks a preliminary injunction.’” *Am. Equip. Sys.*, 2023 WL 8261427, at *2 (cleaned up).

In evaluating good cause, courts consider five well-established factors: (1) whether a preliminary injunction is pending; (2) the breadth of the discovery requests; (3) the purpose for requesting expedited discovery; (4) the burden on the opposing party to comply; and (5) how far in advance of the typical discovery process the request is made. *Am. Equip. Sys.*, 2023 WL 8261427, at *2. These factors are guideposts, not “binding” prerequisites—the court retains discretion to weigh them as the circumstances require. *Id.* (quotation omitted). The justification for expedited discovery grows even stronger when denying discovery deprives the movant of the opportunity to realistically demonstrate irreparable harm. *See Lindsey & Osborne P’ship v. Day & Zimmermann, Inc.*, No. 08-cv-2301, 2008 WL 2858786, at *2–4 (D. Kan. July 22, 2008).

B. The Discovery Sought Is Necessary to Address Irreparable Harm.

Irreparable harm carries particular weight among the good cause factors. *See Lindsey & Osborne*, 2008 WL 2858786, at *2–3 (finding good cause for expedited discovery where plaintiff “could suffer irreparable harm if it is prevented from conducting expedited discovery in order to prepare for its preliminary injunction hearing” and “the injury that Plaintiff will suffer if not permitted to conduct the expedited discovery looms greater than the injury that Defendant may suffer if the request for expedited discovery is granted”). That inquiry has particular force here. The risk to Rare Breed of losing at trial is less than the risk that it wins—and Partisan cannot pay.

Courts nationwide have established that difficulty collecting a damages judgment is itself a form of irreparable injury.¹

The question is simple: can Defendants pay if they lose? Based on Partisan’s own projections—1.68 to 3.4 million units over three years (Ex. 1 at 95:8; ECF No. 27-4 ¶¶ 22–23)—and Rare Breed’s undisputed per-unit lost profit of \$350 (Ex. 1 at 95:4–6, 134:16), damages in this case could exceed \$500 million. Yet the Court credited Partisan’s representation that two insurance policies totaling \$10 million could help satisfy any eventual judgment. (*Id.* at 92:23–25; ECF No. 39 at 32.) Discovery is the only way to accurately determine whether Partisan could actually pay what it might owe. Those insurance policies were never produced. Mr. Woods could not say whether they cover willful infringement damages (Ex. 1 at 93:12–16) or attorneys’ fees in an exceptional case (*id.* at 93:21–94:2). Partisan’s financial condition is equally opaque—Mr. Woods did not know how much cash sits in the company’s bank accounts now (*id.* at 94:7–9), could not identify the value of the company’s assets (*id.* at 94:10–12), and when asked how the Partisan

¹ *Tri-State Generation & Transmission Ass’n, Inc. v. Shoshone River Power, Inc.*, 805 F.2d 351, 355 (10th Cir. 1986); *Robert Bosch LLC v. Pylon Mfg. Corp.*, 659 F.3d 1142, 1155–56 (Fed. Cir. 2011) (“A district court should address whether a damage remedy is a meaningful one in light of the financial condition of the infringer before the alternative of money damages can be deemed adequate.”); *Canon Inc. v. GCC Int’l Ltd.*, 450 F. Supp. 2d 243, 256 (D.D.C. 2006), *aff’d*, 263 F. App’x 57, 62 (Fed. Cir. 2008) (holding money damages would not be an adequate remedy where “[d]efendants’ operations are far-flung, and locating and attaching assets sufficient to satisfy a money judgment would be exceedingly difficult”); *Carbon Autonomous Robotic Sys. Inc. v. Laudando & Assocs. LLC*, No. 24-cv-3012, 2025 WL 1678438, at *14 (E.D. Cal. June 12, 2025) (“[B]ecause there is a strong possibility that defendant would be unable to pay a monetary judgment at the end of this action were plaintiff to prevail, the court finds that defendant’s financial condition supports a finding of irreparable harm.”); *Shu v. Di*, No. 24-cv-1643, 2025 WL 1483497, at *4 (W.D. Pa. Apr. 11, 2025) (finding irreparable harm to support preliminarily enjoining design patent infringement where defendants were foreign corporations that allegedly continuously hid or changed identities, “providing little assurance that Plaintiff could collect monetary damages”); *QBAS Co., Ltd. v. C Walters Intercoastal Corp.*, No. 10-cv-406, 2010 WL 7785955, at *13 (C.D. Cal. Dec. 16, 2010) (“The fact that any potential trial victory by Plaintiffs would be an empty one when remedies are considered shows that irreparable harm to Plaintiffs would result without a preliminary injunction.”).

entities would cover a \$500 million damages award, responded: “I am not . . . an accountant” and that he had “no idea,” (*Id.* at 95:20–96:1). If the Court is to credit Partisan’s representations about its ability to satisfy a judgment, it should do so on a complete record.

C. Good Cause for Expedited Discovery Also Exists to Develop a Complete Record Before Any Renewed Motion for Preliminary Injunction.

1. Plaintiffs May File a Renewed Motion for Preliminary Injunction.

The first good cause factor is whether a preliminary injunction motion is “at issue.” *Am. Equip. Sys.*, 2023 WL 8261427, at *2. Plaintiffs intend to file a renewed motion for preliminary injunction if justified by the expedited discovery sought here.

When the evidentiary record at the TRO or early PI stage is in dispute on key elements, the court has discretion to allow the movant to develop “a more robust record to litigate the preliminary injunction.” *CLEAR Clinic v. Noem*, No. 25-cv-01906, 2025 WL 3033800, at *2 (D. Or. Oct. 29, 2025); *Am. Equip. Sys.*, 2023 WL 8261427, at *4 (good cause factors are guideposts, not rigid prerequisites). In *CLEAR Clinic*, the court denied a TRO after both sides presented competing evidence. 2025 WL 3033800, at *2. Rather than treating the denial as the final word on preliminary relief, the court ordered that “Plaintiffs shall have two weeks . . . to submit a renewed preliminary injunction motion addressing the evidence and arguments raised by Defendants.” *Id.* at *3. Courts in this Circuit have also denied TROs, but then granted expedited discovery to develop the record before a preliminary injunction. *See, e.g., Equity Bank v. McGregor*, No. 22-cv-1081, 2022 WL 1102640, at *8 (D. Kan. Apr. 13, 2022) (denying plaintiffs’ motion for TRO and granting request for expedited discovery given plaintiffs’ motion for preliminary injunction); *Phibro Biodigester, LLC v. Murphy-Brown, LLC*, No. 22-cv-50, 2022 WL 17243727, at *3 (D. Utah Nov. 23, 2022) (noting the parties conducted expedited discovery in anticipation of preliminary injunction proceedings after denial of TRO).

Here, as in *CLEAR Clinic*, the Court denied relief in the face of competing evidence it had no way to resolve. On infringement, the Court found “material disputes exist regarding the meaning of claim terms that are central to the infringement analysis”—including “substantially in-battery position,” which it recognized requires construction. (ECF No. 39 at 23–25). On invalidity, the Court credited Defendants’ expert, Mr. Nixon, who relied on claim charts but never produced them. (ECF No. 39 at 27–28; ECF No. 27-2 (Nixon Decl.) ¶¶ 75–79; Ex. 1 at 130:16–20.) Targeted discovery would allow a renewed preliminary injunction motion to be decided on a complete record.

2. The Discovery Requests Are Narrowly Tailored and Directed at a Clear Purpose (Factors 2 and 3).

Rare Breed addresses Factors 2 (narrowly tailored) and 3 (clear purpose) together because the analysis overlaps. The requests must be “limited and reasonably tailored to the ‘good cause’ circumstance for which expedited discovery is sought.” *Chaput*, 2015 WL 11090694, at *2. Courts have permitted up to five depositions, ten interrogatories, ten requests for production, and three third-party subpoenas at this stage. *See, e.g., Lindsey & Osborne*, 2008 WL 2858786, at *3–4; *Am. Equip. Sys.*, 2023 WL 8261427, at *6 (granting expedited discovery under good cause standard and permitting plaintiffs to serve 47 total discovery requests—21 interrogatories and 26 requests for production across three defendants). Rare Breed’s requests fall well within those bounds: five depositions; six interrogatories; and six requests for production. (Appendices A–B; Exs. 3–4.) Each is tied to a specific preliminary-injunction factor and targets evidence in Defendants’ exclusive possession that the Court either relied on or identified as missing or un rebutted.

On *likelihood of success*, the Court identified unresolved claim construction disputes—including “substantially in-battery position,” which requires construction before any renewed PI ruling (ECF No. 39 at 23–25). It also found a “substantial question of validity”—but Partisan’s

expert charts were never actually produced. (ECF No. 39 at 27–28; Ex. 1 at 130:16–20.) Rare Breed seeks the CAD files, measurement data, and expert depositions needed to test evidence the Court credited but Plaintiffs had no opportunity to challenge. On *irreparable harm*, the discovery sought is the same financial, insurance, and sales data discussed in Section III.B, *supra*. On *balance of hardships*, Partisan asserts an injunction would destroy its business and touts \$10 million in annual insurance coverage—yet no records have been produced to evaluate either representation. Basic questions remain unanswered: Is the insurance currently paying out to the Partisan entities? Can those funds sustain business operations during litigation? What is the actual financial condition of the companies they claim would be destroyed by an injunction? And the Court’s evaluation of *public interest* depended heavily on its evaluation of irreparable harm and the merits, so the same discovery discussed above will be relevant.

Appendix A outlines each requested deposition, its proposed scope, and why it is necessary. Appendix B details each written discovery request, the PI factor it addresses, and the relevant portion of the Court’s Order. Rare Breed’s proposed interrogatories and requests for production are also attached as Exhibits 3 and 4.

3. The Requested Discovery Does Not Impose an Undue Burden.

Expedited discovery is not unduly burdensome when the requests are properly scoped, the opposing party has had notice of the underlying claims, and the information sought would need to be produced during the normal course of litigation or has likely already been located and reviewed. *See Am. Equip. Sys.*, 2023 WL 8261427, at *5–6 (permitting expedited discovery where, despite a “compressed timeline,” the defendants “had notice of [the] requests for two months” and the “need for limited discovery before a preliminary injunction hearing outweighs any potential prejudice”); *Icon Health & Fitness, Inc. v. Johnson Health Tech N. Am., Inc.*, No. 10-cv-00209, 2011 WL 13136539, at *3 (D. Utah Mar. 1, 2011) (finding no undue burden where the expedited discovery

sought “would need to be produced during the normal course of the litigation and has quite probably already been located and reviewed in preparation for [the] injunction opposition”).

All conditions are satisfied here. On scope: Rare Breed’s requests are already narrowed to the preliminary injunction factors—not the “dozens of proposed interrogatories and requests for production” the court had to trim in *American Equipment* before granting the moving party’s requests for expedited discovery. *Am. Equip. Sys.*, 2023 WL 8261427, at *5. On notice: Partisan has been litigating these exact issues since January. It briefed infringement, validity, irreparable harm, and the balance of hardships. (ECF No. 27.) It prepared four declarations on those subjects. (ECF Nos. 27-1 through 27-4.) It presented witnesses and exhibits at a half-day hearing. The information Rare Breed seeks is the underlying evidence Partisan drew from in building that record. *See Icon Health & Fitness, Inc.*, 2011 WL 13136539, at *3.

4. The Timing of the Request for Expedited Discovery Is Appropriate.

The final factor compares the timing of the expedited discovery request to the normal discovery process. Where no scheduling order has been entered, and no Rule 26(f) conference has occurred, courts have found this factor neutral—even when the request is made at the earliest stages of the case. *Am. Equip. Sys.*, 2023 WL 8261427, at *6 (finding the timing factor “neutral” when “the court has not set a scheduling conference or a deadline for a scheduling order” and was “unaware of any pending meet and confer”).² So too here.

IV. CONCLUSION

For the above reasons, Rare Breed asks the Court to grant its motion for limited, expedited discovery to support a renewed motion for preliminary injunction.

² In *American Equipment*, the expedited discovery motion was filed with the preliminary injunction. Here, Rare Breed filed its complaint and its TRO/PI motion the next day—on an expedited timeline driven by Defendants’ public campaign to flood the market with 3,500 competing FRTs. (Ex. 1 at 11:18–25.) The priority was getting before the Court as fast as possible.

Dated: February 20, 2026

Respectfully Submitted,

By: /s/ Matthew A. Colvin
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**Pro Hac Vice*

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ABC IP, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2026, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notice of electric filing to all counsel of record.

/s/ Matthew A. Colvin _____

Matthew A. Colvin

Appendix A

**APPENDIX A
DEPOSITIONS**

#	Declarant	Declaration (ECF No.)	Appeared at Hearing?	Proposed Dep. Length	Proposed Topics/Scope
1	John Nixon (Technical Expert)	Yes: ECF No. 27-2	No	4 hours	Infringement analysis; claim construction of “substantially in-battery position”; obviousness theory and prior art analysis; missing claim charts (ECF No. 27-2, Exs. 11–14); opinions on ’067 Patent and Asserted Patents. Limited to subjects addressed in the declaration.
2	Michael Stakes (Fact Witness)	Yes: ECF No. 27-3	Yes	3 hours	Design and engineering of the Disruptor; trigger travel measurements and methodology; relationship between Disruptor and ’067 Patent; basis for “assisted reset” vs. “forced reset” opinions. Limited to subjects addressed in declaration and hearing testimony.
3	Ben Woods (Fact Witness)	Yes: ECF No. 27-4	Yes	3 hours	Sales projections and underlying data; insurance policies and coverage; corporate structure of Partisan entities; financial condition; dealer network and indemnification; pricing strategy. Limited to subjects addressed in declaration and hearing testimony.
4	Scott Cragun (Damages Expert)	Yes: ECF No. 27-1	No	3 hours	Price erosion methodology and calculations; compensability of damages; lost profits analysis; opinions on irreparable harm. Limited to subjects addressed in declaration.
5	Rule 30(b)(6) Designee	N/A	N/A	4 hours	Insurance coverage (scope, exclusions, claims submitted); financial condition of all Partisan entities (assets, liabilities, cash positions); corporate structure and interrelationship of Peak Tactical, Dark Flame Innovations LLC, QOX Consulting, LLC, and affiliated entities; ability to satisfy a damages judgment.

Appendix B

**APPENDIX B
DISCOVERY REQUESTS**

#	Topic	PI Factor(s)	Relevance	Court's Order
ROG 1	'067 Patent Analysis and Trigger Travel Measurements	Likelihood of Success	Validity; False Advertising	ECF 39 at 29–31
ROG 2	Pre-Suit Investigation of Asserted Patents	Irreparable Harm	Ability to Pay (Insurance coverage for willful infringement)	ECF 39 at 32
ROG 3	Corporate Structure; Financial Condition & Interests	Irreparable Harm; Balance of Hardships	Ability to Pay; Defendants' Business-Destruction Claim	ECF 39 at 31–32
ROG 4	Insurance Policies	Irreparable Harm; Balance of Hardships	Ability to Pay; Defendants' Business-Destruction Claim	ECF 39 at 31–32
ROG 5	Sales Projections	Irreparable Harm	Lost Profits Magnitude; Market Displacement; Loss of Business Opportunities	ECF 39 at 10–13
ROG 6	Sources of Funds & Assets	Irreparable Harm; Balance of Hardships	Ability to Pay; Business-Destruction Claim	ECF No. 31–32
RFP 1	Prior Art Analysis & Invalidity Contentions	Likelihood of Success	Validity; Mr. Nixon's Missing Claim Charts	ECF 39 at 27–28
RFP 2	Disruptor Design, Engineering & Trigger Travel Measurements	Likelihood of Success	Infringement	ECF 39 at 23–25
RFP 3	Insurance Policies; Financial Statements; Tax Returns; Asset/Liability Records	Irreparable Harm; Balance of Hardships	Ability to Pay; Business-Destruction Claim	ECF 39 at 31–32

**APPENDIX B
DISCOVERY REQUESTS**

#	Topic	PI Factor(s)	Relevance	Court's Order
RFP 4	Sales Records; Manufacturing Capacity	Irreparable Harm	Lost Profits Magnitude; Market Displacement; Loss of Business Opportunities	ECF 39 at 10–13
RFP 5	Dealer Indemnification	Irreparable Harm; Balance of Hardships	Market Displacement; Business-Destruction Claim	ECF 39 at 31–32
RFP 6	Pricing Strategy; Market Analyses	Irreparable Harm	Market Displacement; Price Erosion	ECF 39 at 11–15

Exhibit 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ABC IP, LLC, a Delaware limited liability company; and RARE BREED TRIGGERS, INC., a Texas corporation,

DOCKET NO. 26-CV-018-KHR

Plaintiffs,

Cheyenne, Wyoming

vs.

February 4, 2026

9:08 a.m.

PEAK TACTICAL, LLC, d/b/a Partisan Triggers, a Wyoming limited liability company; and NICHOLAS NORTON, an individual,

Defendants.

**TRANSCRIPT OF HEARING PROCEEDINGS
MOTION FOR TEMPORARY RESTRAINING ORDER**

**BEFORE THE HONORABLE KELLY H. RANKIN
CHIEF UNITED STATES DISTRICT JUDGE**

***JANET DAVIS, RDR, FCRR, CRR
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Proceedings reported by realtime stenographic reporter;
transcript produced with Computer-Aided Transcription.

INDEX IN REAR

OPENING - COLVIN

5

1 On behalf of the defendants.

2 MR. GETZOFF: Good morning, Your Honor, Tim Getzoff on
3 behalf of the defendants.

4 Our may calls would be Mr. Woods, who is present at
5 counsel table, and Mr. Stakes, who is sitting behind us.

6 For efficiency we would, with the Court's permission,
7 just do our redirect at the same time, assuming they're called
8 adversely first.

9 THE COURT: I think that makes sense.

10 Any objection to that approach for the plaintiffs?

11 MR. COLVIN: No, Your Honor.

12 MR. GETZOFF: And I would advise that our technical
13 expert, John Nixon, is not present today.

14 THE COURT: All right. Very well. One less witness,
15 I guess, today.

16 Well, I say we dive in, and I'll turn it over to the
17 plaintiff -- plaintiffs. You have the burden, and you may
18 either provide a brief summary or however you wish to proceed,
19 I'll leave it up to you.

20 MR. COLVIN: Thank you, Your Honor. My plan would be
21 to provide a brief overview, a short opening statement, if you
22 will, and then proceed with witnesses.

23 THE COURT: Very well. Mr. Colvin, thank you. You
24 may proceed.

25 MR. COLVIN: And I have a set of slides I can hand to

DEMONICO - DIRECT - COLVIN

16

1 **LAWRENCE DEMONICO, PLAINTIFFS' WITNESS, DIRECT EXAMINATION**

2 **BY MR. COLVIN:**

3 Q. Good morning, Mr. DeMonico.

4 A. Good morning.

5 Q. Where do you live, sir?

6 A. Austin, Texas.

7 Q. And what is your relationship to Rare Breed and ABC?

8 A. I am the president of Rare Breed Triggers. ABC IP is an
9 intellectual property holding company that Rare Breed Triggers
10 has access as an exclusive licensee to its portfolio of
11 patents.

12 Q. How long have you been president of Rare Breed?

13 A. Since its inception in 2020.

14 Q. Can you tell us a little bit about Rare Breed's business?

15 A. Rare Breed Triggers is in the business of manufacturing,
16 designing, developing, and selling forced reset triggers.

17 Q. And what is a forced reset trigger?

18 A. A forced reset trigger is a trigger that is forcibly reset
19 by the action of the firearm.

20 Q. And specifically, what forced reset triggers does Rare
21 Breed offer for sale?

22 A. Currently Rare Breed Triggers offers two models, the
23 FRT-15L3 and the FRT-MR3.

24 Q. What do those triggers retail for?

25 A. The FRT-15L3 retails for 425, that's \$425, and the FRT-MR3

DEMONICO - DIRECT - COLVIN

17

1 retails for \$525.

2 Q. Does the FRT-15L3 retail for \$450 or \$425?

3 A. I apologize. \$450. Thank you.

4 Q. How long is a forced reset trigger like Rare Breed's
5 designed to last?

6 A. So long as a forced reset trigger is made from decent
7 materials, it is expected to last the duration of the firearm
8 that you install it in.

9 Q. Can you tell us a little bit about the development of Rare
10 Breed's forced reset trigger products?

11 A. Rare Breed Triggers has been in the development of forced
12 reset triggers for quite some time. Quite a bit of time was
13 spent in development to bring our original model to market in
14 2020. That model was the FRT-15. And since that time, Rare
15 Breed Triggers has continued to design, develop, prototype, and
16 even patent additional technologies for additional models that
17 we have currently brought to market, like the FRT-15L3 and the
18 FRT-MR3, but additional models that we plan to release in
19 coming months.

20 Q. So let's discuss briefly the FRT-15L3.

21 Specifically, what is that trigger used for?

22 A. That trigger is designed for the AR-15 platform.

23 Q. And what does the L3 in that product designation refer to?

24 A. The L stands for -- it's based on our locking bar
25 technology, and the 3 means that it is a three-position.

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1 Q. When you say "three-position," can you explain that for the
2 Court?

3 A. Sure. "Three-position" meaning safe, standard
4 semi-automatic, and then forced reset semi-automatic.

5 Q. Are those different operation modes of the trigger?

6 A. Yes, sir.

7 Q. And how does -- how is the FRT-15L3 different from prior
8 models of triggers that Rare Breed has sold?

9 A. Our original model, the FRT-15, was a two-position, meaning
10 it had safe and forced reset semi-automatic. It did not have
11 the standard semi-automatic.

12 Q. Are Rare Breed's triggers patented?

13 A. Yes, sir.

14 Q. And who are those patents assigned to?

15 A. Those patents are assigned to ABC IP.

16 Q. And what's ABC's relationship with Rare Breed?

17 A. ABC IP is the intellectual property holding company that
18 Rare Breed has exclusive license -- is the exclusive licensee
19 to its portfolio of patents.

20 Q. Mr. DeMonico, are you aware of a settlement between Rare
21 Breed and the Department of Justice?

22 A. Yes, sir.

23 Q. How was it that you became knowledgeable of that?

24 A. I was personally involved in the negotiation, drafting, and
25 I ultimately signed that agreement with the Department of

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1 Justice.

2 Q. And what were the conditions that the Department of Justice
3 put on Rare Breed in that settlement?

4 A. Specifically, there were three requirements: One, that we
5 would not manufacture and sell forced reset triggers for
6 handguns; two, that we would enforce our patent rights; and,
7 three, that we would only employ responsible marketing
8 techniques.

9 Q. Has Rare Breed developed triggers for use in handguns?

10 A. No, sir.

11 Q. Has Rare Breed Triggers enforced its patents?

12 A. Yes, sir.

13 Q. About how many patent litigations has Rare Breed entered
14 into?

15 A. I think we currently have between 20 and 25 open and active
16 patent litigations right now.

17 Q. What did this DOJ settlement mean for the future of Rare
18 Breed Triggers?

19 A. Well, specifically, it means that we were able to go back
20 into business without a legal question hanging over our heads,
21 and, two, we no longer needed to be concerned about the machine
22 gun statute being enforced against us or any of our downstream
23 customers as we move forward in business.

24 THE COURT: Is there any oversight by the Department
25 of Justice in terms of the settlement terms and these ongoing

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1 patent litigations currently?

2 THE WITNESS: I know that they're paying attention
3 because they've weighed into one of the litigations that we
4 currently have in Tennessee that I attended a hearing on last
5 week. They submitted a statement of interest in that specific
6 case, so I know they're paying attention.

7 THE COURT: Thank you.

8 THE WITNESS: Yes, sir.

9 **BY MR. COLVIN:**

10 Q. Mr. DeMonico, is Rare Breed the only manufacturer of forced
11 reset triggers in the market?

12 A. No, sir.

13 Q. Can you name some of the other competitors?

14 A. There are many individuals that are manufacturing the super
15 safety. There is the Atrius, they make a super selector. AS
16 Designs, they make a product called the ARC-Fire. There is a
17 product on the market called the -- it is known by many names,
18 but most people refer to it as the WOT three-position, and then
19 there is the Partisan Disruptor.

20 Q. And has Rare Breed initiated litigation against any of
21 these other products in the market?

22 A. Yes, sir. I would -- all of them, I believe.

23 Q. And, to your knowledge, has the Department of Justice or
24 the ATF approved any other manufacturer to make forced reset
25 triggers?

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1 A. There is not another manufacturer that has a settlement
2 agreement or an agreement at all with the Department of Justice
3 to manufacture forced reset triggers.

4 Q. Rare Breed is the only one?

5 A. Yes, sir.

6 MR. COLVIN: Pass the witness, Your Honor.

7 THE COURT: Thank you, Mr. Colvin.

8 Cross-examination, Mr. Getzoff.

9 **CROSS-EXAMINATION**

10 **BY MR. GETZOFF:**

11 Q. Good morning, Mr. DeMonico.

12 I just wanted a couple of follow-up questions based on
13 what your client [sic] asked you already.

14 You were here when -- right before your testimony when
15 your counsel was talking about irreparable harm. He had a
16 slide that talked about the different kinds of irreparable
17 harm.

18 You saw that slide, right?

19 A. I was paying attention.

20 Q. And one of the aspects of irreparable harm that your
21 counsel put on the slide in the court today as well as in your
22 brief was a dealer disruption or disruption to dealer networks.

23 Do you recall that?

24 A. I don't recall that, but okay.

25 Q. The fact is Rare Breed does not sell through dealers,

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1 right?

2 A. We are currently establishing a dealer network as we speak.

3 Q. As we speak Rare Breed is not selling through any dealers,
4 correct?

5 A. I believe we've already set up one.

6 Q. Do you recall testifying just last week -- you talked about
7 that hearing last week where you sued Mr. Hoffman, right?

8 A. That's right. Yes, sir.

9 Q. And you testified, right?

10 A. Yes, sir.

11 Q. Do you remember testifying last week that Rare Breed had
12 no -- had no dealers, and all your sales were retail?

13 A. Yes, sir, but I would be happy to explain.

14 Q. Well, let me ask you: Is the statement that Rare Breed
15 sales are all retail through your website -- is that accurate
16 or not?

17 A. It was accurate when I made it last week. But in the last
18 week, as I mentioned, we are currently in the process of
19 setting up a dealer network. In that last week -- I believe we
20 have set up one in that last week. So we're in the process of
21 setting up the dealer network currently, like right now.

22 Q. So at least as of right now, there are no dealers selling
23 Rare Breed products; is that true?

24 A. I believe that I just stated we have set up one in the last
25 week, so as of right now, I believe we have one.

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1 Q. So what's the dealer that I could go to and buy a Rare
2 Breed trigger right now?

3 A. I'd have to get -- I'd have to get that name.

4 Q. Okay. Now, you talked about the settlement agreement with
5 the DOJ that happened just May of last year, correct?

6 A. Yes, sir.

7 Q. And you said one of the conditions was the DOJ wanted Rare
8 Breed to enforce its patents?

9 A. That's correct.

10 Q. And you have been doing that zealously, fair?

11 A. We have been active in our enforcement.

12 Q. Did the DOJ grant Rare Breed any sort of exclusive right to
13 be the only one to sell forced reset triggers beyond its patent
14 rights?

15 A. I don't think those words were used in the agreement, no.

16 Q. The DOJ didn't tell you in part of the settlement or part
17 of your discussion that it wanted you to enforce monopoly
18 rights beyond what your patents might protect, right?

19 A. In order to make sure we're on the same sheet of music, can
20 you rephrase that question. I want to make sure I answer it
21 accurately.

22 Q. Yeah. I just want to make clear that the DOJ said, Enforce
23 your patent rights, but didn't say anything further about, We
24 want you to be the only one in this market beyond what your
25 patent rights give you?

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1 A. They did not ask us to attempt to enforce patent rights
2 that we did not have a good faith belief that we had, if that's
3 what you're asking.

4 Q. And you said the DOJ entered a statement of interest in the
5 *Hoffman* case, right?

6 A. Yes, sir.

7 Q. And just to be fair, Mr. Hoffman, he's a 25-year-old kid by
8 himself posting plans on the Internet, right?

9 A. I believe Hoffman is -- I believe he is 25. I wouldn't
10 consider that a kid. Yes, that is his model of posting
11 downloadable 3D print files or CAD files in order for others to
12 download and use to manufacture forced reset trigger
13 components.

14 Q. Mr. DeMonico, you have a pending motion for preliminary
15 injunction against Mr. Hoffman; that hearing was last week, but
16 that hasn't been ruled on, right?

17 A. That is correct.

18 Q. And you said the DOJ entered a statement of interest in the
19 *Hoffman* case but has not entered a statement of interest in
20 this case, right?

21 A. That is correct.

22 Q. And in the *Hoffman* case, that concerned different patents
23 and different products than the patents and products at issue
24 in this case, right?

25 A. That is correct.

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1 Q. Does it cost you, your company, for these two different
2 models that you make -- your cost to make them are a hundred
3 dollars per item; is that right?

4 A. Approximately.

5 Q. So as a profit, you make either \$435 or \$325, depending on
6 the model?

7 A. No, sir, that is incorrect.

8 THE COURT: I think the testimony was \$450 and \$525.

9 MR. GETZOFF: I missed -- yes. Thank you, Your Honor.
10 I'm sure I misstated that. I'm going to move on.

11 BY MR. GETZOFF:

12 Q. Mr. DeMonico, did you testify that Rare Breed's FRT-15 was
13 the first commercialization of a forced reset trigger?

14 A. Yes, sir.

15 Q. Are you aware of the TacCon 3MR trigger that was
16 commercialized by Michal Stakes back in 2014?

17 A. Yes, sir, I am.

18 Q. Are you aware of the patent, the '067 Patent, that Michael
19 Stakes owned when he commercialized and produced that TacCon
20 MR3 product?

21 A. I am familiar with it now, yes, sir.

22 Q. In fact, you tried to purchase Mr. Stakes' '067 Patents on
23 two separate occasions, right?

24 A. No, sir, that's incorrect.

25 Q. Is it your testimony to this Court that you never attempted

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26

1 to purchase the '06 -- the '067 Patent?

2 A. Yes, sir, that is my testimony. I never attempted to
3 purchase the patent from Mr. Stakes; that is correct.

4 Q. Well, I don't want to quibble.

5 Have you -- has your company made any attempt to
6 acquire the '067 Patent at any time?

7 A. Yes, sir, we have.

8 Q. Okay. Tell me about that. When did you first try to
9 acquire the '067 Patent?

10 A. A few weeks ago.

11 Q. Was that the first time or was there an earlier time as
12 well?

13 A. No, that was the first time.

14 Q. You didn't personally make a phone call to Mr. Stakes back
15 in the 2021 time period to try to acquire the '067 Patent?

16 A. No, sir, I did not.

17 Q. You talked about the prior litigation with ATF, right?

18 A. Yes, sir.

19 Q. That went on for years, correct?

20 A. Yes, sir.

21 Q. And in the course of that litigation, the Court, the
22 Eastern District of New York, entered a preliminary injunction
23 against Rare Breed Triggers, right?

24 A. Yes, sir.

25 Q. And in that order, that was a 120-some-page order, right?

DEMONICO - CROSS - GETZOFF

27

1 A. I'm not sure, sir.

2 Q. It was a long -- it was a long order, and you read it,
3 correct?

4 A. I'm not sure how long it was, and, to be honest, I don't
5 really remember reading it either.

6 Q. Would you remember where the Court found that you had
7 willfully evaded a seizure order?

8 A. I don't remember those details, sir.

9 Q. Do you recall when the Court found that you were
10 responsible for filing a false declaration to the Court?

11 A. I don't remember that either, sir.

12 Q. You don't -- you don't remember a declaration filed by your
13 business partner, who is in the courtroom with us today, that
14 the Court found was a false declaration that you intentionally
15 and knowingly relied upon?

16 A. I litigated against the ATF and the DOJ for years. We
17 currently have more than 20 open and active litigations. I
18 don't remember what is in each and every one of them. I
19 apologize for that.

20 Q. Do you remember the Court -- the New York federal judge
21 finding that you had shredded documents to avoid the ATF?

22 A. No, sir.

23 Q. So just to be clear, this conduct that I just described
24 that's spelled out in the order that's a public record, you're
25 saying you don't remember this because you have so many cases

DEMONICO - CROSS - GETZOFF

28

1 you can't keep track of when courts find you at fault for such
2 egregious conduct?

3 A. Well, sir, we don't even own a shredder, so if I'm trying
4 to remember and put pieces together, we had a digital
5 anonymizing capability in our website if individuals, after
6 they purchased, after a given period of time had passed and we
7 weren't expecting a return, that their private information
8 would be anonymized and no longer available in our web system.

9 If that's what you're referring to, I do remember that
10 being an issue. But, in addition to that, yes, it is my
11 testimony that I have been litigating for years now. I have
12 been on the stand multiple times in multiple federal courts. I
13 do my best to keep up with the pleadings. We have more than a
14 dozen attorneys working on this. I do my best to keep up, and,
15 no, I cannot keep up with all of the details, and for that I'm
16 sorry.

17 Q. Do you recall the federal court finding that you
18 intentionally evaded her injunction by continuing to sell
19 triggers through a shell company?

20 A. I believe that is false. I don't think that ever happened,
21 and I don't know where you would have heard that because we
22 absolutely did not violate a court-ordered injunction, and I
23 never would violate a court-ordered injunction.

24 MR. GETZOFF: Thank you, Mr. DeMonico.

25 I have nothing further, Your Honor.

LUETTKE - DIRECT - COLVIN

29

1 THE COURT: Thank you, Mr. Getzoff.

2 Mr. Colvin, anything else?

3 MR. COLVIN: No, Your Honor.

4 THE COURT: Mr. DeMonico, thank you for your
5 testimony, sir. You may step down.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Plaintiffs may call their next witness.

8 MR. COLVIN: Your Honor, plaintiffs call Mr. Brian
9 Luettkke.

10 THE COURT: Very well. Mr. Luettkke, please come
11 forward to be sworn.

12 (Witness sworn.)

13 COURTROOM DEPUTY: Please state and spell your name
14 for the record.

15 THE WITNESS: Brian Luettkke, L-u-e-t-t-k-e.

16 **BRIAN LUETTKE, PLAINTIFFS' WITNESS, DIRECT EXAMINATION**

17 **BY MR. COLVIN:**

18 Q. Good morning, Mr. Luettkke.

19 A. Good morning.

20 Q. Please inform the Court of your current occupation.

21 A. I am a firearms consultant and firearms trainer with
22 Luettkke Firearms Consulting, Incorporated.

23 Q. And how long have you worked in the firearms field?

24 A. Over 25 years.

25 Q. And have you previously worked at the ATF?

LUETTKE - DIRECT - COLVIN

30

1 A. Yes, I did.

2 Q. What roles have you had at the ATF?

3 A. I started employment with ATF in 1998. I was a special
4 agent. I did criminal investigations for the first 16 years of
5 my career -- actually, first 14 years of my career.

6 I was promoted in 2014 to supervisory special agent
7 for the position of resident agent-in-charge. I did that
8 position for two years until ATF created a full-time training
9 position on firearms identification and topics, and I was
10 selected for that, and that was housed in the Firearms and
11 Ammunition Technology Division in West Virginia.

12 I ended my career being the branch chief of the
13 Advanced Firearms Interstate Nexus Branch, and I retired in
14 October of 2020.

15 Q. As a branch chief within the ATF's Firearms and Ammunition
16 Technology Division, what were your responsibilities?

17 A. My responsibilities, I supervised ATF's armorers, people
18 trained to -- well, they ordered the firearms. They set
19 firearms up. They maintained the inventory of firearms. I
20 supervised the nexus training staff, taught classes nationwide
21 to special agents and firearms enforcement officers to
22 identify, research, classify, and ultimately the goal is that
23 once they pass the course, then they're qualified to be put
24 forward as an expert witness.

25 Q. Have you also been responsible for the ATF's national

LUETTKE - DIRECT - COLVIN

31

1 reference collections?

2 **A.** Yes, I supervised that as well. That fell under my realm.
3 In that reference collection there's well over 10,000 firearms.
4 It is an inventory of firearms that are used for comparison
5 purposes for evidence, for training purposes, and also that's
6 where the undercover guns come from if they're used in an
7 operation.

8 **Q.** And has your training included firearm and trigger systems
9 training?

10 **A.** Yes.

11 **Q.** Have you received training at firearm manufacturing
12 facilities?

13 **A.** Yes, I've been to over 40 firearms factories in many
14 different locations, some of them in the United States. These
15 are the big ones like Colt, Smith & Wesson, Ruger, Sig Sauer.
16 I also received training from a firearms manufacturer in South
17 Africa called Excaliber; Glock in Austria, as well as their
18 Georgia location; Heckler and Koch; Walther in Germany; CZ in
19 the Czech Republic; and besides the Colt factory in
20 Connecticut, also the Colt factory in Canada.

21 **Q.** Have you ever attended a firearms armorer's course?

22 **A.** Yes, I've attended approximately nine. Some of them are
23 repeat classes that you go to to get recertified. I attended
24 my first armorer's class right around, I believe, 1986 when I
25 was a paratrooper in the 82nd Airborne Division, and I was

LUETTKE - DIRECT - COLVIN

32

1 selected to be -- to go to the training and help run the arms
2 room for my company. That was a two-week course given by the
3 18th Airborne Corps. So that's where my formal education for
4 learning about firearms, taking them apart, fixing, you know,
5 problems at maintenance level before it had to be elevated up.

6 And then throughout my law enforcement career,
7 different armorer's training in Colt, Remington, Smith &
8 Wesson, from revolvers to pistols, Remington shotguns,
9 bolt-action rifles, MP5 submachine guns, things like that.

10 Q. Since leaving the ATF, what kind of work do you perform?

11 A. The company, pretty much now it is a consulting company. I
12 consult for clients who have mainly questions about firearms,
13 firearms classification, in criminal and civil cases.

14 Q. Have you previously testified as an expert witness or an
15 opinion witness with respect to firearms?

16 A. Yes.

17 Q. About how many times?

18 A. Approximately 40 times.

19 Q. Did you say 40, 4-0?

20 A. 4-0.

21 Q. And in what subject areas have courts accepted you as an
22 expert or an opinion witness?

23 A. Firearms and ammunition identification; firearms
24 classification, from Gun Control Act firearms, regular pistols,
25 rifles, revolvers to NFA firearms, machine guns,

LUETTKE - DIRECT - COLVIN

33

1 short-barrelled rifles, shotguns, sawed-off shotguns as some
2 people refer to them as; firearms technology, operability,
3 forced reset triggers.

4 MR. COLVIN: Your Honor, at this time I would move to
5 tender Brian Luettker as an expert in firearms technology,
6 trigger systems, fire control groups, and the mechanical
7 operation and classification of forced reset triggers.

8 THE COURT: Any objection to the designation,
9 Mr. Getzoff?

10 MR. GETZOFF: I don't. I'll voir dire and
11 cross-examine.

12 THE COURT: Very well. Subject to the
13 cross-examination, I will so classify and declare Mr. Luettker
14 as an expert in the firearms field as addressed.

15 MR. COLVIN: Your Honor, at this time I would like to
16 mark a document as Exhibit 1.

17 THE COURT: Plaintiffs' Exhibit 1.

18 Does counsel have a copy of the exhibit?

19 MR. COLVIN: Yes, Your Honor.

20 Your Honor, may I approach the witness?

21 THE COURT: You may.

22 MR. COLVIN: Your Honor, I can pass you up a copy as
23 well, but this is just a copy of Mr. Luettker's declaration. It
24 is in the record.

25 THE COURT: It is. But I'll take a hard copy. Thank

LUETTKE - DIRECT - COLVIN

34

1 you.

2 **BY MR. COLVIN:**

3 Q. Mr. Luettkke, you've been handed Exhibit 1, which was an
4 Exhibit Q to plaintiffs' motion for a Temporary Restraining
5 Order and Preliminary Injunction.

6 Do you recognize this document, sir?

7 A. Yes.

8 Q. What is this document?

9 A. This is my declaration on this case dated and signed
10 January 16th, 2026.

11 MR. COLVIN: Your Honor, I would move Exhibit 1 into
12 evidence.

13 THE COURT: Any objection to Plaintiffs' Exhibit
14 Number 1?

15 MR. GETZOFF: No objection. I mean, it is already in
16 the record by virtue of the filing, so -- no objection, Your
17 Honor.

18 THE COURT: As part of the record to today's hearing,
19 I will receive Plaintiffs' Exhibit Number 1, and you may
20 proceed.

21 (Plaintiffs' Exhibit 1 received.)

22 **BY MR. COLVIN:**

23 Q. Mr. Luettkke, could you summarize the opinions that you have
24 offered in your declaration in this case, Exhibit 1?

25 A. Yes. I've analyzed both triggers, the Partisan Disruptor

LUETTKE - CROSS - GETZHOFF

35

1 as well as Rare Breed Triggers' 15L3, and throughout my
2 declaration I reviewed the claims and compared the triggers,
3 and I found that the Partisan Disruptor violated at least one
4 claim in each of the '223, the '003, '336 and the '0 -- the
5 '807 patents.

6 Q. Did you also form an opinion about whether or not the
7 Partisan Disruptor or Rare Breed meets any claim limitations of
8 the '067 Patent?

9 A. I did. So when I reviewed the '067 Patent, Claims 1
10 through 18, it requires that the TacCon, the -- later the --
11 was it the MR trigger -- requires a reset lever, and the
12 Partisan Disruptor or the Rare Breed trigger, they do not have
13 the reset lever as indicated in those claims. They don't have
14 them so they don't use them.

15 And then Claim 19 requires that -- the selector that
16 permits different travel distances, and the Rare Breed trigger
17 and the Partisan Disruptor, their trigger travel is the same in
18 both semi-automatic and semi-automatic FRT position or mode.

19 MR. COLVIN: No further questions. I will pass the
20 witness, Your Honor.

21 THE COURT: Thank you, Mr. Colvin.

22 Cross-examination, Mr. Getzoff.

23 **CROSS-EXAMINATION**

24 **BY MR. GETZOFF:**

25 Q. Good morning, Mr. Luettker.

LUETTKE - CROSS - GETZHOFF

36

1 A. Luettkke.

2 Q. I want to ask you about Exhibit 1, which is what you
3 submitted with plaintiffs' motion. That was attached as
4 Exhibit Q to the motion, right, so we're talking about the same
5 thing?

6 A. Yes, this one right here.

7 Q. In your declaration you attach a number of photos, or, I
8 should say, color-coded depictions that you claimed were the
9 infringing device, right?

10 A. Correct.

11 Q. And so this is one of them. And your -- your declaration
12 goes on and has pictures after pictures of what you claim is
13 the Partisan Disruptor, and then you compared it to the claim
14 elements, right?

15 A. That's correct.

16 Q. Now, to be clear, the depiction here, that's not of the
17 Partisan Disruptor, right?

18 THE COURT: Just for the record, can you reference a
19 page?

20 MR. GETZOFF: Yeah, thank you, Your Honor. So I'm on
21 Exhibit 1, and I'm on what I think is --

22 BY MR. GETZOFF:

23 Q. Well, I am showing you Exhibit W that followed Exhibit Q in
24 the -- in the plaintiffs' filing. But let me -- let me be
25 consistent here and show you -- this is from Exhibit 1, and

LUETTKE - CROSS - GETZHOFF

37

1 this would be page 43.

2 Apologies that I printed this in black and white, so
3 it is not color-coded.

4 But do you recognize these depictions as part of your
5 declaration that's Exhibit 1?

6 A. No. There seems to be a problem, 'cause on my page 43 I do
7 not have that picture.

8 Q. I'm sorry. It is 41 of the declaration, but when it was
9 filed, it got a different page number. That's my mistake.

10 Please turn to 41.

11 And my co-counsel has given me the color version.

12 Okay. Do you see that?

13 A. Yes.

14 Q. Is that page 41 of Exhibit 1?

15 A. Yes.

16 Q. And you represented that these are depictions of the
17 Partisan Disruptor that you color-coded, right?

18 A. Correct.

19 Q. But you understand that these are not depictions of the
20 Partisan Disruptor, right?

21 A. I do not understand that.

22 Q. Well, if you look, for example, the red item, that's --
23 what would you call the red toggle there?

24 A. That is a locking bar.

25 Q. Does that look like the locking bar of the Partisan

LUETTKE - CROSS - GETZHOFF

38

1 Disruptor or the locking bar of the -- your client's Rare
2 Breed?

3 A. Looks the same to me.

4 Q. So your testimony is that the locking bar of the Partisan
5 Disruptor looks exactly the same as the locking bar of the Rare
6 Breed?

7 A. Well, I'm comparing it to page 3 where it shows Rare Breed
8 and the Partisan Disruptor, and the way I look at both of
9 those, I guess there's one slight difference on the hook on --
10 the Rare Breed has a hook but the Partisan doesn't, so it
11 appears to be the same to me.

12 Q. Did you generate these pictures?

13 A. No, I did not.

14 Q. Do you know who did?

15 A. I do not.

16 Q. Okay.

17 A. Are you asking me for a named individual?

18 Q. Yeah.

19 A. I do not know the named individual, no.

20 Q. Is this the first case that you ever did a patent
21 infringement analysis?

22 A. No.

23 Q. What was the first case?

24 Let me rephrase.

25 Do you recall testifying last week that the *Hoffman*

LUETTKE - CROSS - GETZHOFF

39

1 case was your first patent case?

2 **A.** Yes, with clarification, meaning that I testified in an
3 arbitration hearing involving some forced reset triggers, and
4 then we backdated -- so analysis from -- when you say
5 "analysis," you're talking about two different companies or
6 you're talking about a patent that I've analyzed?

7 **Q.** I'm talking a case where you rendered an opinion on patent
8 infringement.

9 **A.** Last week would have been pretty much the first one, then.

10 **Q.** Okay. And that's the *Hoffman* case?

11 **A.** Correct.

12 **Q.** But you submitted your declaration in this case before last
13 week, right?

14 **A.** Yes.

15 **Q.** So this would be the first case?

16 **A.** This case right here?

17 **Q.** Yes.

18 **A.** Well, the declaration would be prior to *Hoffman*. I did not
19 write a declaration in the *Hoffman* case.

20 **Q.** Right. And the declaration in this case came first in
21 terms of your patent infringement analysis, right?

22 **A.** Yes.

23 **Q.** So this case would be your very first case in giving an
24 opinion on patent infringement?

25 **A.** In a declaration, but not in testimony.

LUETTKE - CROSS - GETZHOFF

40

1 Q. When did you give -- are you talking about the *Hoffman*
2 case?

3 A. Yes.

4 Q. Okay. So we've got the *Hoffman* case, and we have this
5 case, right?

6 A. Correct.

7 Q. Do you know the difference between literal infringement and
8 doctrine of equivalence?

9 A. Can you slow that down, please.

10 Q. Do you know the difference between literal infringement and
11 infringement under the doctrine of equivalence?

12 A. Not as I sit here today. I know I've read those terms,
13 but --

14 Q. Do you know which kind of infringement analysis you did in
15 this case?

16 A. I'd -- I'm not exactly sure. I don't --

17 Q. In your -- in this exhibit you say on paragraph 9 -- do you
18 see where you said you reviewed publicly available information
19 on the Partisan Disruptor trigger?

20 A. Yes.

21 Q. When is the first time you reviewed that publicly available
22 information?

23 A. I don't know exactly when I first -- I know when there was
24 talk about it before I was ever retained on this -- this case
25 that there was talk on the Internet from AR15.com about these

LUETTKE - CROSS - GETZHOFF

41

1 triggers coming out, Partisan Disruptor. There's a big thread,
2 if you will, on that topic.

3 And then later on before I testified in an arbitration
4 hearing involving conflict, we'll call it, that's when I really
5 started looking and going to different web pages that sold the
6 Partisan, as well as the Partisan Disruptor web page.

7 Q. That Internet thread that you just mentioned as part of
8 your answer, that started back in September of last year,
9 right?

10 A. Well, I probably saw that one. There's multiple threads on
11 forced reset triggers, so . . .

12 Q. And the public information that you reviewed, that included
13 technical specifications and images of the Partisan Disruptor,
14 right?

15 A. Yes, that's what they call it on the web page. I think
16 there's a picture of it on -- on one of these pages. It is
17 kind of dark, hard to see, but they list the technical
18 specifications.

19 Q. Sir, let me take you to paragraph 37 of Exhibit 1, your
20 declaration.

21 Do you see that?

22 A. Paragraph 37, you said?

23 Q. Yeah. And I've got it on the screen as well.

24 A. Can you -- yes.

25 Q. And just to orient you -- and feel free to flip through

LUETTKE - CROSS - GETZHOFF

42

1 your declaration, but this comes -- paragraph 37 comes after
2 pages of you going through the claim elements and comparing it
3 to this depiction -- to these depictions, right?

4 A. I think it might be pictured twice, if I remember
5 correctly.

6 Q. Paragraph 37 is, fair to say, your wrap-up on your
7 infringement opinion?

8 A. Yes. Do you know what page that is, sir?

9 Q. It is page 43.

10 A. Thank you.

11 Q. And I'm sorry. Please tell me to slow down if I'm going
12 too fast.

13 A. Okay.

14 Q. So you're with me on paragraph 37?

15 A. Yes.

16 Q. And 30 -- paragraph 37 follows all of your claim-by-claim
17 element analysis for your infringement opinion, right?

18 A. Correct.

19 Q. And this is essentially your wrap-up on why you think the
20 Partisan Disruptor infringes, right?

21 A. Yes.

22 Q. And for your wrap-up, you identify what you call is the
23 core functionality of the asserted patents, right? That's in
24 the first line (indicating)?

25 A. Yes.

LUETTKE - CROSS - GETZHOFF

43

1 Q. And the core functionality that you identify that you
2 believe means there's infringement is the fact that Partisan
3 uses a three-position safety selector, right?

4 A. Correct.

5 Q. And just to be clear, the three-position safety selector is
6 a safety selector that allows the user to switch between safety
7 or can't fire to regular semi-automatic to the forced or
8 assisted reset?

9 A. The third position is the semi-automatic forced reset,
10 correct.

11 Q. Right. And you're aware, aren't you, that the '067 Patent
12 that was filed back in 2013 describes at length a
13 three-position safety selector?

14 A. Yes.

15 Q. And the commercial embodiment, the TacCon 3MR trigger that
16 Mr. Stakes commercialized and sold that practiced his '067
17 Patent, that had a three-position safety selector?

18 A. Yes, I'm aware of that.

19 Q. And so this core functionality that you identify as being a
20 key reason for infringement was actually found over ten years
21 earlier by Mr. Stakes, right?

22 A. Well, yes, but those are different -- that patent is
23 totally different than the patents that I wrote about.

24 Q. Well, it's got the -- it's got a three-position safety
25 selector that switches between safety, regular semi-automatic

LUETTKE - CROSS - GETZHOFF

44

1 and assisted reset, right?

2 **A.** Assisted reset, yes. That one doesn't have the forced
3 reset, it is assisted reset, correct.

4 **Q.** Because you think there's a difference between assisted
5 reset and forced reset, right?

6 **A.** Very much so.

7 **Q.** You would agree that in the '067 Patent and Mr. Stakes' 3MR
8 trigger, the bolt carrier action forces the hammer down to the
9 trigger and resets the trigger, right?

10 **A.** Well, there's a reset lever in the '067 Patent. The reset
11 lever plays a very important part. And Partisan Disruptor and
12 the Rare Breed trigger do not have that reset lever that
13 pushes, then, the trigger forward. On the Rare Breed and the
14 Partisan it is -- it is the hammer that has direct contact in
15 the semi-automatic FRT mode that forces the trigger forward,
16 not a reset lever.

17 **Q.** Well, the reset lever is being struck by the hammer, right?

18 **A.** Yes.

19 **Q.** And then the reset lever moves that trigger, right?

20 **A.** Yes.

21 **Q.** So --

22 **A.** Partial reset.

23 **Q.** So mechanically it's the same principle, it is just one has
24 an additional component in between the mechanics, right?

25 **A.** Can you say that again, please?

LUETTKE - CROSS - GETZHOFF

45

1 Q. The mechanical principle is the same: The bolt carrier is
2 forcing the trigger forward. The difference is Mr. Stakes'
3 patent and product had an additional component in the chain,
4 right?

5 A. Yes. It has an additional component, and that trigger does
6 not reset all the way to a full reset position. It is a
7 partial reset where the shooter has to still release pressure
8 on the trigger to reset it fully.

9 Q. Have you ever tested or fired the TacCon 3MR trigger?

10 A. No, I've just done a lot of research, watched videos of
11 certain individuals -- they might be in this courtroom today --
12 showing videos at the SHOT Show Range Day where they're
13 demonstrating the function of their trigger. I've watched
14 videos of hobbyists who own their triggers demonstrating it.
15 So I've watched and read as much as I can, including magazine
16 articles.

17 Q. Are you aware of the -- strike that.

18 You haven't looked at the prior art or come to an
19 opinion for purposes of performing an invalidity analysis,
20 right?

21 A. Invalidity of what?

22 Q. Of the patents.

23 A. No, I analyzed these products.

24 MR. GETZOFF: Thank you. Nothing further.

25 THE COURT: Thank you, Mr. Getzoff.

LUETTKE - REDIRECT - COLVIN

46

1 Mr. Colvin, any redirect?

2 MR. COLVIN: Brief redirect, Your Honor.

3 **REDIRECT EXAMINATION**

4 **BY MR. COLVIN:**

5 Q. Mr. Luettker, do you still have paragraph 37 of your
6 declaration on page 43 open?

7 A. You said page 47?

8 Q. Paragraph 37, page 43.

9 A. Thank you.

10 Q. It's the same paragraph that counsel was asking you about a
11 moment ago.

12 A. One more time on the paragraph.

13 Q. Paragraph 37. It's at the top of the page.

14 A. Yes, got it. Thank you.

15 Q. You recall counsel asking you questions about the
16 importance of the three-position safety selector?

17 A. Yes.

18 Q. And do you describe the three-position safety selector as
19 the key feature of the Disruptor or a key feature of the
20 Disruptor?

21 A. It's the -- it's the claim of the Disruptor.

22 Q. That's right. And in the last sentence of that paragraph
23 37, are you describing the three-position safety selector as
24 the key feature of the Partisan or as just a key feature of the
25 Partisan Disruptor?

LUETTKE - REDIRECT - COLVIN

47

1 A. It is a key feature. There's other features.

2 MR. COLVIN: No further questions, Your Honor.

3 THE COURT: I might have you elaborate. Why the
4 distinction there? Why a key feature?

5 THE WITNESS: Because it also incorporates the forced
6 reset concept of that video that you saw earlier, Your Honor,
7 where the bolt carrier strikes the hammer and makes contact
8 with the upper part of the trigger and forces it forward. So
9 it is just -- 'cause that's a forced reset trigger, and there's
10 four patents, and the '223 was the first patent that had that
11 feature.

12 And then the other three patents have the three
13 selector positions for safe, semi-automatic, and semi-automatic
14 FRT.

15 THE COURT: All right.

16 Any follow-up, Mr. Colvin?

17 MR. COLVIN: One, Your Honor.

18 **BY MR. COLVIN:**

19 Q. In the Partisan and in the Rare Breed trigger, what happens
20 to the disconnecter when you move the selector to forced reset
21 mode?

22 A. The disconnecter is no longer in play.

23 Q. In the 3MR trigger, if you move the safety selector to
24 assisted reset mode, what happens to the disconnecter? Is it
25 moved out of the way?

LUETTKE - RECROSS - GETZOFF

48

1 A. I believe it is still present.

2 MR. COLVIN: No further questions, Your Honor.

3 THE COURT: Thank you, Mr. Colvin.

4 Recross, Mr. Getzoff.

5 MR. GETZOFF: Just briefly, Your Honor.

6 **RECROSS-EXAMINATION**

7 **BY MR. GETZOFF:**

8 Q. Mr. Stakes, on this issue between forced reset and assisted
9 reset, have you heard the word --

10 A. Sir, can I interrupt you? You called me Mr. Stakes.

11 Q. I'm sorry. Let me start over.

12 Mr. Luettkke, on the question of the difference in your
13 mind between a forced reset trigger and an assisted reset
14 trigger, have you heard the words "positive reset trigger"?

15 A. I have heard that term.

16 Q. Is there a difference in your mind between a positive reset
17 trigger and a forced or assisted reset trigger?

18 A. I think the positive is more in line with an assisted,
19 although I don't use that term. I've heard the term. I use
20 the assisted reset and I use the forced reset.

21 Q. But you've heard the public call these triggers that are
22 forcibly moved back from the force of the bolt carrier positive
23 reset, right?

24 A. I don't know the context. I've heard people talk about,
25 but I haven't gotten into it. I just -- I -- I recognize the

LUETTKE - RECROSS - GETZOFF

49

1 terms of the assisted reset and the forced reset. That's --
2 that's -- that's how I analyze things on these triggers.

3 Q. Do you -- sorry.

4 You've also heard the term "active reset," right?

5 A. Same thing applies.

6 Q. In fact, Mr. Hoffman, who was in the hearing yesterday or
7 last week, he uses the words "active reset" to describe his
8 triggers, right?

9 A. Yes, in his terminology, Mr. Hoffman uses the word "active
10 reset trigger" so he doesn't have to call his FRT the forced
11 reset trigger. He came up with "active reset trigger," but I
12 believe it is the same principle.

13 Q. So there's multiple words that describe the same principle,
14 right?

15 A. Somewhat.

16 MR. GETZOFF: Thank you.

17 THE COURT: Mr. Getzoff, thank you.

18 Mr. Luettker, thank you for your testimony, sir. You
19 may step down.

20 THE WITNESS: Thank you.

21 THE COURT: Plaintiff may call its next witness.

22 MR. COLVIN: Thank you, Your Honor. Plaintiff calls
23 Michael Stakes.

24 THE COURT: Mr. Stakes, if you'd please come forward.

25 (Witness sworn.)

WOODS - DIRECT - BRUCE

87

1 A. Yes.

2 Q. And Partisan Triggers posts on AR15.com; is that right?

3 A. Correct.

4 Q. And you also post under your own personal account on
5 AR15.com, right?

6 A. That's correct.

7 Q. Your user name on AR15.com is "Ben"?

8 A. Correct.

9 Q. So I'm going to show you here a post from Partisan
10 Triggers, and for the record, this is Exhibit J to Docket
11 Number 7 in the record, so Docket Number 7-10.

12 Sir, are you familiar with this post?

13 A. I am.

14 Q. And what is this post?

15 A. It's a post introducing Partisan Triggers to the market.

16 Q. And if I can read it correctly, it is dated September 13th,
17 2025, is that right, or thereabouts?

18 A. Yes, sir.

19 Q. Did you draft this post?

20 A. Not independently, no, sir.

21 Q. But you were involved in the drafting of it, yes?

22 A. Yes, sir.

23 Q. Okay. And do you control the Partisan Triggers AR15.com
24 account on AR15.com?

25 A. I am one of the people who does control it. I am not the

WOODS - DIRECT - BRUCE

88

1 sole controller of that account.

2 Q. Okay. And what was the purpose of this post in September
3 2025?

4 A. At the time of the original post, we had been planning to
5 release just a few weeks after that post was made. Subsequent
6 production delays resulted in the post being drug out for a
7 much longer period of time than we expected.

8 Q. And when you say "release," you're talking about releasing
9 the Partisan Disruptor product; is that right?

10 A. Correct.

11 Q. And in your declaration you refer to a September 20 -- in
12 paragraph 26 of your declaration submitted in this case, you
13 refer to a September 2025 post where you say: *We posted a*
14 *lengthy announcement of our upcoming trigger referring to*
15 *plaintiffs' litigation approach and describing at a high level*
16 *why defendants were ready to bring the Partisan FRT to market.*

17 Do you recall that from your declaration?

18 A. I do.

19 Q. And is this post, Exhibit J to Docket Number 7 -- is this
20 the post to which you refer in your declaration?

21 A. Exhibit J is the post on the screen?

22 Q. Yes.

23 A. I believe it is.

24 Q. You're not aware of any other posts that your declaration
25 would refer to?

WOODS - DIRECT - BRUCE

89

1 A. Not in that time frame. Not that I recall.

2 Q. So Exhibit J is the AR15.com post to which you're referring
3 in paragraph 26 of your declaration, right?

4 A. Yes, sir.

5 Q. Now, as we look at this post, there aren't any pictures of
6 the Partisan Disruptor on this post, right?

7 A. Correct. We did not post any pictures on this original
8 post.

9 Q. Okay. When was the first time that anyone from the public
10 would have been able to see the Partisan Disruptor?

11 A. Um, sometime in the summer. I wouldn't remember exactly.

12 Q. What do you mean by "summer"?

13 A. We had units that went out for testing prior to that post,
14 so there were members of the public who had seen it prior to
15 that post.

16 Q. And when you say "members of the public," you're talking
17 about specific people that you sent the units to for testing,
18 right?

19 A. We had some number of units -- I don't remember the exact
20 dates, but we had sent units to people for reviews.

21 Q. Okay. Did you ask them to keep the information or pictures
22 of the Partisan Disruptor under wraps for a certain period of
23 time when you sent those out?

24 A. We did.

25 Q. And when were those -- can we call them beta testers? Is

WOODS - DIRECT - BRUCE

90

1 that a fair word?

2 A. Sure, yeah, we can say beta testers. That's fine.

3 Q. When were those beta testers allowed to disclose the
4 Partisan Disruptor or pictures thereof to the public?

5 A. I believe the first public sales and disclosure was Black
6 Friday, and subsequently online the first public disclosures
7 were December 15th.

8 Q. And when you say -- what is your distinction between
9 disclosures on Black Friday versus December 15th?

10 A. I should correct myself. Actually, there was a leak of the
11 photos at one point much prior to on social media by a film
12 crew from somewhere in Hollywood, I think.

13 Q. Okay. Back to my question, when you talk about a release
14 on Black Friday versus a release on December 15th, how are you
15 distinguishing those two?

16 A. We had a soft release through local retailers prior to the
17 online release.

18 Q. And when you say "local retailers," who are you talking
19 about?

20 A. Primarily gun show sales.

21 Q. Where?

22 A. Montana.

23 Q. Only Montana?

24 A. I believe so, but I'm not a hundred percent sure.

25 Q. And then what occurred on December 15th?

WOODS - DIRECT - BRUCE

91

1 A. The public launch of the product.

2 Q. And those were the first controlled photos from Partisan,
3 would have been with the public launch on December 15th; is
4 that right?

5 A. Correct.

6 Q. And on December 15th did Partisan or Peak Tactical or
7 anybody associated with Partisan provide pictures of the
8 internals of the Partisan Disruptor trigger unit?

9 A. I don't -- I don't remember. I'm not sure. I know there
10 was a lot of reviews at various places online, either that day
11 or within days, but I couldn't tell you with any level of
12 certainty whether those included pictures of the internals.

13 Q. So the internals wouldn't have been shown to the public
14 prior to December 15th, right?

15 A. Not that I am aware of.

16 Q. And it could have been after that date, right?

17 A. Correct.

18 Q. In preparing to launch the Disruptor trigger, Partisan and
19 DFI and QOX and all the individuals associated with the launch
20 of the Partisan Disruptor, you were all aware of Rare Breed,
21 right?

22 A. Correct.

23 Q. And you were aware of the fact that Rare Breed had signed a
24 contract or a settlement agreement with the DOJ that required
25 it to enforce its patents, right?

WOODS - DIRECT - BRUCE

92

1 A. Correct.

2 Q. And, in fact, you mention the fact in the September 2025
3 post on AR15.com that Partisan is preparing and is prepared to
4 take on Rare Breed and its patents, right?

5 A. Correct.

6 Q. Now, as part of that preparation, Partisan never filed
7 what's called an Inter Partes Review of any of Rare Breed's
8 patents with the patent office, right?

9 A. Correct. We did not file an Inter Partes Review.

10 Q. Those are also known as IPRs?

11 A. Yes, correct.

12 Q. And Partisan could have filed an IPR on Rare Breed's
13 patents, right?

14 A. I wouldn't be the right person to ask that question. I'm
15 not an attorney. I'm not going to lie. I don't entirely know
16 how the Inter Partes review works.

17 Q. But you're not aware of anything that prohibited Partisan
18 from filing an IPR on any of Rare Breed's patents, right?

19 A. I wouldn't be able to tell you what is or isn't required
20 for an Inter Partes review. I don't know.

21 Q. So Partisan has obtained insurance for this case, right?

22 A. Correct.

23 Q. Do I understand it is correct that it is two \$5 million
24 policies?

25 A. Correct. It is two \$5 million policies per year.

WOODS - DIRECT - BRUCE

93

1 Q. And who do those policies cover?

2 A. Everyone involved in the Partisan brand all the way down to
3 consumers.

4 Q. And what do those policies cover?

5 A. IP defensive insurance as well as enforcement insurance.

6 Q. Do they cover any damages that Partisan may be liable for
7 in the event it's found to infringe any claim of Rare Breed's
8 patents?

9 A. They do cover damages, yes.

10 Q. Okay. But only up to, is it, \$10 million total?

11 A. Per year is my understanding, yes.

12 Q. Do those insurance policies cover willful infringement, so
13 doubling or tripling of damages in the event that Partisan is
14 found to have willfully infringed?

15 A. I would not be able to tell you whether or not that's in
16 the policy.

17 Q. Do those policies cover false marketing or false
18 advertising claims?

19 A. I wouldn't be able to tell you whether that's in the
20 policy.

21 Q. Do those policies cover Rare Breed's attorneys' fees if
22 this case is declared exceptional based on Partisan's actions?

23 A. Could you repeat that question? I'm sorry.

24 Q. Sure. Do those policies cover Rare Breed's attorneys' fees
25 if this case is declared an exceptional case due to Partisan's

WOODS - DIRECT - BRUCE

94

1 actions?

2 A. I can't recall.

3 Q. So with respect to Partisan, and I'm referring to all three
4 entities -- Peak, DFI and QOX -- how much money do those
5 companies have in their bank accounts, in any source? How much
6 money is available for those companies?

7 A. Immediately in the company accounts?

8 Q. Yes.

9 A. I don't know. I don't handle accounting. I'm not sure.

10 Q. Okay. How much are the assets worth for all three of those
11 entities?

12 A. I -- like I said, I don't handle accounting. I'm not sure.

13 Q. Any idea?

14 A. I really wouldn't know.

15 Q. And you didn't include that information in your
16 declaration, did you?

17 A. I don't believe so, no, because -- I'm not sure.

18 Q. So in the event that Partisan is found to infringe a valid
19 claim and Rare Breed is awarded lost profits damages, how would
20 Rare Breed's damages be covered by the Partisan entities?

21 A. That should be covered by the insurance policy.

22 Q. Now, you heard your counsel ask Mr. DeMonico a question
23 about the Rare Breed costs that it incurs to manufacture its
24 triggers, right?

25 A. Correct.

WOODS - DIRECT - BRUCE

95

1 Q. And Mr. DeMonico's testimony was around \$100 per unit; is
2 that what you understood?

3 A. Correct.

4 Q. And so if the Rare Breed trigger is selling for \$450, that
5 would leave \$350 per unit profit, correct?

6 A. Correct.

7 Q. In your declaration you estimated that Partisan will sell
8 1.68 million Disruptors within the next three years, right?

9 A. That sounds correct.

10 Q. And 1.68 million times \$350 profit, that's well over \$500
11 million in lost profits damages that Rare Breed will incur,
12 isn't it?

13 A. I can't speculate on how many lost profits Rare Breed will
14 have over three years. I wouldn't know.

15 Q. But you estimate sales of 1.68 million, right?

16 A. Correct.

17 Q. And Rare Breed's contention is that it would make those
18 sales but for Partisan's infringement, right?

19 A. That is their contention, yes.

20 Q. And how would the Partisan entities be able to cover a
21 damages award of over \$500 million?

22 A. I am not, as I said, an accountant, and I am not our lead
23 for counsel that deals with our insurance policies, so I
24 wouldn't be able to tell you.

25 Q. No idea?

WOODS - CROSS - SWANSON

96

1 A. No idea.

2 MR. BRUCE: Pass the witness.

3 THE COURT: Thank you, Mr. Bruce.

4 Cross-examination, Mr. Swanson.

5 MR. SWANSON: Paul Swanson for the defendants.

6 **CROSS-EXAMINATION**

7 **BY MR. SWANSON:**

8 Q. Good morning, Mr. Woods.

9 A. Good morning, sir.

10 Q. To make sure the record is clear, do you have any knowledge
11 about the profitability of Rare Breed's trigger for Rare
12 Breeds?

13 A. The profitability?

14 Q. That's right.

15 A. You mean as far as how much they're making or --

16 Q. That's right.

17 A. If I recall correctly, during the EDNY case they said
18 something like \$40 million over an 18-month period.

19 Q. Do you independently know anything about how much profit
20 Rare Breed makes off of each trigger sale?

21 A. No, we have no way of measuring how many triggers Rare
22 Breed has actually sold.

23 Q. If Partisan Triggers is able to continue selling and is not
24 enjoined, how many triggers did you say you expect the company
25 would sell in the next three years?

WARTY - DIRECT - BRUCE

98

1 THE COURT: You may.

2 MR. BRUCE: Would Your Honor also like a copy?

3 THE COURT: Very well. Thank you.

4 **SAMIR WARTY, PLAINTIFFS' WITNESS, DIRECT EXAMINATION**

5 **BY MR. BRUCE:**

6 Q. Dr. Warty, you have a copy of your declaration in this
7 case; is that correct?

8 A. Correct.

9 Q. You signed it?

10 A. Correct.

11 MR. BRUCE: Your Honor, at this point plaintiffs would
12 move for entry of Dr. Warty's declaration into the record.

13 This is Exhibit AA to plaintiffs' motion for TRO and
14 preliminary injunction in the record, Your Honor.

15 THE COURT: All right. Any objection to what's
16 previously been filed of record as Dr. Warty's designation?

17 MR. GETZOFF: No, subject to all our objections and
18 cross that we would have in terms of the foundation.

19 THE COURT: Very well. Subject to those objections or
20 concerns, it will be received into the record. It is already
21 part of the record, so the Court will consider it.

22 (Plaintiffs' Exhibit AA received.)

23 MR. BRUCE: Your Honor, in the interest of time, at
24 this point plaintiffs will pass Dr. Warty for any cross. Thank
25 you, Your Honor.

CLOSING - GETZHOFF

99

1 THE COURT: Thank you.

2 Mr. Bruce turns it over for any cross-examination for
3 the defendants.

4 MR. GETZOFF: No cross, Your Honor.

5 THE COURT: All right. Dr. Warty, that was an
6 impressive examination. Thank you for your appearance here
7 today. We'll take a close look at your designation, of course.
8 Thank you, sir. You may step down.

9 THE WITNESS: Thank you, Your Honor.

10 MR. BRUCE: Your Honor, at this point this concludes
11 plaintiffs' affirmative evidence, and we pass to the
12 defendants.

13 THE COURT: Very well. Thank you.

14 Plaintiffs having rested their presentation, I'll turn
15 it over to the defendants.

16 Any remarks, opening remarks, or would you like to cut
17 right to the chase and call your first witness?

18 MR. GETZOFF: Your Honor, I'm going to cut right to
19 the chase.

20 By cutting to the chase, Your Honor, I mean all the
21 witnesses to be called have been called. I think all the
22 evidence is submitted. I want to use the bulk of my time to
23 discuss the substantive issues before the Court that bear on
24 the Court's determination and analysis of the pending motion
25 for TRO and preliminary injunction.

CLOSING - COLVIN

130

1 he did not show up. Remember, we just got these
2 noninfringement issue positions and their invalidity positions
3 on Friday evening, and so this stuff is coming at us pretty
4 quick. And, obviously, we haven't had a chance to put in a
5 rebuttal paper. If the Court would like that, we certainly
6 would do that.

7 But we were hoping to cross their expert, and he did
8 not show up.

9 Let me turn to validity. Partisan raises several
10 references in an attempt to cobble together enough disclosure
11 to try to meet these claims. But a very important thing is
12 missing from their argument, and it is not even in the Nixon
13 declaration, if you take a look at it. They don't even provide
14 claim charts that show how these references are cobbled
15 together to try to meet our claim language.

16 Now, the Nixon declaration references claim charts as
17 Exhibits 11 through 14 in his declaration, but those were not
18 attached; they were not submitted to the Court; we've never
19 seen them; we're not sure that they exist. They provide no
20 mapping of this art to the specific claim language.

21 And if you look at the claims that we present, these
22 are very long claims. These claims in some cases cover more
23 than a column of the patent page. In order to show invalidity,
24 they have to prove with clear and convincing evidence that
25 every single limitation is met by a reference for anticipation

CLOSING - COLVIN

134

1 component here and the lack asserted by defendants -- the lack
2 of evidence regarding what the damages really are. And I heard
3 your sort of summary a moment ago with regard to the
4 irreparable harm, but can you elaborate a little bit on your
5 onus when it comes to money damages in this -- in this
6 equation?

7 MR. COLVIN: Your Honor, my colleague Mr. Bruce is
8 really the damages person, so if I could pass it over to him to
9 answer that question.

10 THE COURT: Fair enough. Thank you.

11 Mr. Bruce.

12 MR. BRUCE: Your Honor, I think, given the defendants'
13 actual presentation of -- and assertion of the numbers that
14 they expect to produce over the next three years of 1.68
15 million units and the testimony elicited that our client
16 profits to the tune of \$350 per unit, that's where the large
17 numbers are coming from, is defendants' own projections,
18 and that, you know, testimony was that they have no idea --
19 their witness that they presented has no idea if they can pay
20 that.

21 And we would ask Your Honor to look further into the
22 declaration where Mr. Woods specifies that they have only
23 capitalized the companies to something less than \$1.5 million.

24 THE COURT: Aren't the damages claims fairly
25 identifiable in terms of the equity relief that's sought versus

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C E R T I F I C A T E

I, JANET DAVIS, Federal Official Court Reporter for the United States District Court for the District of Wyoming, a Registered Diplomate Reporter, Federal Certified Realtime Reporter, and Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein on the aforementioned subject on the date herein set forth and that the foregoing pages constitute a full, true and correct transcript.

Dated this 6th day of February, 2026.

/s/ Janet Davis

JANET DAVIS, RDR, FCRR, CRR
Federal Official Court Reporter

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25**I N D E X**

OPENING STATEMENTS	PAGE
Opening - Mr. Colvin	5
<u>PLAINTIFFS' WITNESSES</u>	<u>PAGE</u>
LAWRENCE DEMONICO	
Direct - Mr. Colvin	16
Cross - Mr. Getzoff	21
BRIAN LUETTKE	
Direct - Mr. Colvin	29
Cross - Mr. Getzoff	35
Redirect - Mr. Colvin	46
Recross - Mr. Getzoff	48
MICHAEL STAKES	
Direct - Mr. Colvin	50
Cross - Mr. Getzoff	67
Redirect - Mr. Colvin	77
Recross - Mr. Getzoff	80
BEN WOODS	
Direct - Mr. Bruce	85
Cross - Mr. Swanson	96
SAMIR WARTY	
Direct - Mr. Bruce	98

PLAINTIFFS'			IDENTIFIED	RECEIVED
EXHIBITS	DESCRIPTION			
1	Luettke Declaration		34	34
3	CAD Partisan Disruptor Drawings		78	80
AA	Warty Declaration		98	98

Exhibit 2

From: WYDdb_Rankin <wyojudgekhr@wyd.uscourts.gov>
Sent: Tuesday, January 27, 2026 10:21 AM
To: Matt Colvin; WYDdb_Rankin; Nathan Nicholas
Cc: Travis Koch; Ben Christoff; Carl Bruce; Jeffrey Pope; Andrew Orr; Timothy Getzoff; Paul Swanson
Subject: RE: Requested Conferral on Time Allotment for 2/4/26 Hearing 26-CV-18-R

Good Morning Counsel,

In response to the inquiry regarding the hearing, the Court will allot 90 minutes per side for the parties to utilize how they deem appropriate. Additionally, we are going to be moving the hearing to 9am to accommodate the parties with 90 minutes each.

Thank you, and let me know if you have any questions or concerns,

John Conder

Career Clerk | Hon. Kelly H. Rankin
District of Wyoming
(307) 433-2180

From: Matt Colvin <colvin@fr.com>
Sent: Monday, January 26, 2026 12:13 PM
To: WYDdb_Rankin <wyojudgekhr@wyd.uscourts.gov>; Nathan Nicholas <nnicholas@kochlawpc.com>
Cc: Travis Koch <tkoch@kochlawpc.com>; Ben Christoff <christoff@fr.com>; Carl Bruce <Bruce@fr.com>; Jeffrey S. Pope <jspope@hollandhart.com>; Andrew C. Orr <ACOr@hollandhart.com>; Timothy Getzoff <TGetzoff@hollandhart.com>; Paul D. Swanson <PDSwanson@hollandhart.com>
Subject: RE: Requested Conferral on Time Allotment for 2/4/26 Hearing 26-CV-18-R

CAUTION - EXTERNAL:

Ms. Harmon,

The parties have conferred and believe that three hours (90 minutes per side) will be sufficient for argument.

There is some confusion on our side as to if the Court would like to hear from witnesses at this hearing since the Court's order (Dkt. No. 9) notes that "counsel should be prepared to present any evidence or argument." We request guidance on this point and note that if the court would like to hear from witnesses then we need to revisit our time allotment.

The parties would be happy to join a conference with the court to discuss the procedure here.

Respectfully,

Matt

Matt Colvin

Principal ■ Fish & Richardson P.C.

T: 214 292 4013 | colvin@fr.com

From: WYDdb_Rankin <wyojudgekhr@wyd.uscourts.gov>

Sent: Friday, January 23, 2026 4:24 PM

To: Nathan Nicholas <nnicholas@kochlawpc.com>

Cc: Travis Koch <tkoch@kochlawpc.com>; Matt Colvin <colvin@fr.com>; Ben Christoff <christoff@fr.com>; Carl Bruce <Bruce@fr.com>; Jeffrey S. Pope <jspope@hollandhart.com>; Andrew C. Orr <ACOr@hollandhart.com>; Timothy Getzoff <TGetzoff@hollandhart.com>; Paul D. Swanson <PDSwanson@hollandhart.com>

Subject: Requested Conferral on Time Allotment for 2/4/26 Hearing 26-CV-18-R

[This email originated outside of F&R.]

Good afternoon,

The Notice and Report has been forwarded on to the Clerk.

Additionally, the Court requests the parties confer as to the time required to present each respective argument during the February 4, 2026, Motion Hearing, and the overall time allotment required. Please respond in this thread as to the agreed upon time frame.

Please let me know if you have any questions.

Thank you!

Emily Harmon

Term Clerk | Hon. Kelly H. Rankin

District of Wyoming

(307) 433-2180

From: Nathan Nicholas <nnicholas@kochlawpc.com>

Sent: Thursday, January 22, 2026 8:19 PM

To: WYDdb_Rankin <wyojudgekhr@wyd.uscourts.gov>

Cc: Travis Koch <tkoch@kochlawpc.com>; Matt Colvin <colvin@fr.com>; Ben Christoff <christoff@fr.com>; Carl Bruce <bruce@fr.com>; Jeffrey S. Pope <jspope@hollandhart.com>; Andrew C. Orr <ACOr@hollandhart.com>; Timothy Getzoff <TGetzoff@hollandhart.com>; Paul D. Swanson <PDSwanson@hollandhart.com>

Subject: Report on the filing or determination of an action regarding a patent or trademark

CAUTION - EXTERNAL:

Good Evening,

We just filed the attached Notice and Report on the filing or determination of an action regarding a patent or trademark for the Clerk to send to the USPTO. PACER would not let me file the "fillable form" so I have included that version as well.

Thank you,



Nathan A. Nicholas
P.O. Box 2660
Cheyenne, WY 82003
T: 307.426.5010
F: 307.426.4927

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CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

Exhibit 3

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Telephone: (202) 783-5070
christoff@fr.com

ATTORNEYS FOR PLAINTIFFS

**Pro Hac Vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

ABC IP, LLC, a Delaware limited liability
company, and RARE BREED TRIGGERS,
INC., a Texas corporation,

Plaintiffs,

v.

PEAK TACTICAL, LLC d/b/a PARTISAN
TRIGGERS, a Wyoming limited liability
company,

and

NICHOLAS NORTON, an individual,

Defendants.

Case No. 2:26-cv-00018-KHR

JURY TRIAL DEMANDED

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO PEAK TACTICAL, LLC
d/b/a PARTISAN TRIGGERS AND NICHOLAS NORTON (NOS. 1 – 6)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and subject to the Court's Order granting Plaintiffs' Motion for Expedited Discovery, Plaintiffs ABC IP, LLC and Rare Breed Triggers, Inc. ("Plaintiffs") request that Defendants Peak Tactical, LLC d/b/a Partisan Triggers and Nicholas Norton ("Defendants") respond separately and fully, in writing and under oath, to each of the following interrogatories within (15) days of service, or within such other time as the Court may order.

In answering these Interrogatories, Defendants shall give full and complete answers based on their knowledge, as well as the knowledge of any agents, employees, investigators, attorneys, or other Persons who may have obtained information on their behalf. To the extent that any answer to any of these Interrogatories may at any time be incomplete or incorrect due to information acquired subsequent to the service of its initial response, service of supplemental answers reflecting the complete and correct information, pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, shall be promptly provided.

The following definitions and instructions apply:

DEFINITIONS

The following definitions shall apply throughout these requests, regardless of whether upper or lower case letters are used:

1. "This Action" or "this Litigation" means the above-captioned litigation, including all claims and counterclaims, if any, asserted therein.
2. "Defendants" or "You" means Peak Tactical, LLC d/b/a Partisan Triggers, Nicholas Norton, and any past or present officers, directors, managers, members, employees, agents, consultants, contractors, representatives, predecessors, successors, parents, subsidiaries, affiliates, or other persons acting or purporting to act on their behalf.

3. “Financial Interest” means any ownership interest, equity stake, membership interest, revenue share, profit share, royalty interest, right to indemnification, right to reimbursement, insurance coverage, or other direct or indirect economic interest.

4. “Rare Breed” means Plaintiff Rare Breed Triggers, Inc., including its officers, directors, employees, agents, and representatives.

5. “FRT” means Forced Reset Trigger.

6. “Rare Breed FRT” means any FRT product designed, manufactured, marketed, or sold by Rare Breed, including, without limitation, the FRT-15L3 and any prior or subsequent variants.

7. “The ’223 Patent” means U.S. Patent No. 10,514,223.

8. “The ’003 Patent” means U.S. Patent No. 11,724,003.

9. “The ’336 Patent” means U.S. Patent No. 12,036,336.

10. “The ’807 Patent” means U.S. Patent No. 12,274,807.

11. “Asserted Patents” means the ’223 Patent, the ’003 Patent, the ’336 Patent, and/or the ’807 Patent (collectively and individually).

12. “The ’067 Patent” means U.S. Patent No. 9,146,067.

13. “Claim 19” means Claim 19 of the ’067 Patent, as issued and as it exists at any relevant time.

14. “Partisan Disruptor” means any trigger product marketed, sold, offered for sale, distributed, licensed, or otherwise commercialized under that name or designation, including all versions, iterations, modifications, prototypes, design variants, or rebranded versions thereof.

15. “Partisan Triggers” means any trade name, brand, business designation, website, or commercial identity used in connection with the marketing, manufacture, distribution, or sale of the Partisan Disruptor.

16. “Communication” means any transmission or exchange of information from one Person to another, regardless of the medium of communication, and includes, without limitation, oral, electronic, and written communication.

17. “Date” means the precise day, month, and year, if known, or as precise a statement of the day, month, and year as is permitted by Your knowledge and the information available to You.

18. “Document” has the meaning prescribed by Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. The term “Document” includes Documents in any form, including data stored electronically. Any draft of a Document that varies from any other draft of the Document and any comment or notation to any Document that is not part of the original text are to be considered separate Documents.

19. “Person” means any natural person, individual, firm, corporation, partnership, proprietorship, joint venture, unincorporated associations, government agency, and all other groups of persons, organizations, or entities of any type.

20. To “identify” a Document means to provide the date of preparation and, if different, the date of the Document itself, the identity of each author, the identity of each addressee and copy recipient, the format of the Document (e.g., hardcopy or electronic), the number of pages and the type of Document, and the present location and the identity of each Person who has possession, custody, or control of the Document, and the production number of such Document.

21. To “identify” a Person means to provide the Person’s full name, present or last known residence address and telephone number, present or last known employer or other business affiliation, and the Person’s present or last known employment address and telephone number.

22. The phrases “relate(s) to,” “related to,” “relating to,” “concern(s),” or “concerning” mean embodying, identifying, confirming, containing, showing, constituting, reflecting, referring to, evidencing, discussing, or pertaining to in any way, directly or indirectly, or having any logical or factual connection with the subject matter in question.

23. The terms “and,” “or,” and “and/or” shall be construed in the conjunctive and the disjunctive to encompass the broadest category.

24. “Including” means including without limitation.

25. The singular shall be construed to include the plural and vice versa.

INSTRUCTIONS

The following instructions apply to the interrogatories below and should be considered part of each interrogatory:

1. If you withhold information or decline to fully identify any person, document, or communication, or portion thereof, in response to any of the interrogatories set forth below on grounds of privilege or any other claim of immunity from discovery, then for each identification, document, communication, or portion thereof withheld, state the following: (a) the type of document (e.g., letter, memorandum, contract, etc.); (b) its title; (c) its date; (d) its subject matter; and (e) names and addresses of all persons to whom that information was disclosed.

2. In the event that you object to any interrogatory on the ground that it is overbroad and/or unduly burdensome for any reason, respond to that interrogatory as narrowed to the least

extent necessary to render it not overbroad/unduly burdensome and state specifically the extent to which you have narrowed the interrogatory.

3. In the event that you object to any interrogatory on the ground that it is vague and/or ambiguous, identify the particular words, terms, or phrases that are asserted to make such request vague and/or ambiguous and specify the meaning attributed by you to such words, terms, or phrases for purposes of your response thereto.

4. These interrogatories are continuing and may require supplemental response and production. If any information responsive to any interrogatory is not presently known, identifiable or available, include a statement to that effect and provide modified or supplemental responses when known, identifiable, or available.

5. Each interrogatory shall be answered separately and fully in writing under oath as required by Fed. R. Civ. P. 33.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify and describe in detail any assessment, analysis, or testing performed by or on behalf of Defendants—including by Michael Stakes—of the Partisan Disruptor’s relationship to Claim 19 of the ’067 Patent, including: (a) all processes by which trigger travel distances were measured, including the instruments used, the fixtures or setups employed, the dates of measurement, and the identities of all persons involved; (b) the specific trigger travel distances measured in each operating mode of the Partisan Disruptor; (c) whether the same measurements were performed on the Rare Breed FRT-15L3 or any other Rare Breed FRT, and, if so, the results; and (d) identify all documents that record, memorialize, or relate to any such assessment, analysis, or testing.

INTERROGATORY NO. 2:

Identify and describe in detail any investigation, analysis, or evaluation Defendants or any person acting on their behalf undertook concerning the Asserted Patents before or during the design, manufacture, marketing, or sale of the Partisan Disruptor, including: (a) the date(s) of any such investigation; (b) the identity of each person who participated; (c) which patent(s) were analyzed; and (d) all non-privileged documents relating to the same. This interrogatory does not seek the disclosure of any privileged legal advice or attorney-client communication, but does seek the factual contours of any pre-suit awareness and investigation of the Asserted Patents.

INTERROGATORY NO. 3:

Describe in detail the business history and corporate structure of Peak Tactical, LLC, Dark Flame Innovations, LLC, QOX Consulting LLC, and any other entity that operates under, is affiliated with, or has a direct or indirect Financial Interest in the Partisan Triggers brand or the design, manufacture, marketing, distribution, sale, licensing, or monetization of the Partisan Disruptor, including for each such entity: (a) the date of formation and state of organization; (b) the identity of all current and former owners, members, managers, officers, directors, and partners, proceeding up the chain of ownership until every individual and corporation with a direct or indirect ownership or Financial Interest in the entity has been identified; (c) the purpose for which each entity was formed and its role in the design, manufacture, marketing, distribution, sale, licensing, or monetization of the Partisan Disruptor; (d) the relationship among the entities, including any parent-subsidary, management, licensing, revenue-sharing, cost-sharing, joint venture, or indemnity arrangements; (e) the identity of any person or entity not named in this action that has a direct or indirect Financial Interest in the outcome of this litigation, including by reason

of insurance, franchise agreement, lease, profit-sharing agreement, indemnity agreement, equity interest, or any other arrangement, and the nature of that Financial Interest.

INTERROGATORY NO. 4:

Identify each insurance policy that Defendants contend may cover damages, defense costs, or any other liability arising from this litigation, including: (a) the identity of the insurer; (b) the policy number(s); (c) the effective dates; (d) the per-occurrence and aggregate coverage limits; (e) whether the policy covers willful patent infringement, enhanced damages, false advertising claims under the Lanham Act, and/or attorneys' fees awarded under 35 U.S.C. § 285; (f) whether any claims have been submitted under the policy in connection with this litigation or any related litigation, and the status of any such claims; (g) whether any coverage exclusions may apply to the claims asserted in this case; and (h) identify all documents constituting or relating to each such policy.

INTERROGATORY NO. 5:

Describe in detail the factual basis for Defendants' projected sales volume of the Partisan Disruptor as set forth in the Declaration of Ben Woods (ECF No. 27-4), including: (a) total units sold from product launch through the date of this response; (b) weekly and monthly unit sales for each month since launch; (c) the methodology and assumptions underlying the projections; and (d) any alternative or updated projections.

INTERROGATORY NO. 6:

Identify all sources of funds or assets available to Defendants to satisfy a judgment in this action. For each source identified, state the amount currently available and identify all documents relating to the same.

Exhibit 4

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Travis W. Koch, Wyo. Bar # 7-5418
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ATTORNEYS FOR PLAINTIFFS

**Pro Hac Vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

ABC IP, LLC, a Delaware limited liability
company, and RARE BREED TRIGGERS,
INC., a Texas corporation,

Plaintiffs,

v.

PEAK TACTICAL, LLC d/b/a PARTISAN
TRIGGERS, a Wyoming limited liability
company,

and

NICHOLAS NORTON, an individual,

Defendants.

Case No. 2:26-cv-00018-KHR

JURY TRIAL DEMANDED

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO
PEAK TACTICAL, LLC d/b/a PARTISAN TRIGGERS AND NICHOLAS NORTON
(NOS. 1 – 6)**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and subject to the Court's Order granting Plaintiffs' Motion for Expedited Discovery, Plaintiffs ABC IP, LLC and Rare Breed Triggers, Inc. (collectively, "Plaintiffs") request that Defendants Peak Tactical, LLC d/b/a Partisan Triggers and Nicholas Norton ("Defendants") produce the Documents and Things described below within fifteen (15) days of service, or within such time as the Court may order.

Production shall be made electronically in reasonably usable form at a mutually agreed location or by secure electronic transfer. These Requests seek Documents and Things within Defendants' possession, custody, or control.

The following Definitions and Instructions apply:

DEFINITIONS

As used herein, unless specified otherwise, the terms listed below shall be defined as follows. Insofar as a term is not explicitly defined, the meaning to be used is the commonly accepted definition of the term in the context of the request with the understanding that each word, term, or phrase used in this set of Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. In this set of requests, the following terms are to be given their ascribed definitions:

1. "This Action" or "this Litigation" means the above-captioned litigation, including all claims and counterclaims, if any, asserted therein.
2. "Defendants" or "You" means Peak Tactical, LLC d/b/a Partisan Triggers, Nicholas Norton, and any past or present officers, directors, managers, members, employees, agents, consultants, contractors, representatives, predecessors, successors, parents, subsidiaries, affiliates, or other persons acting or purporting to act on their behalf.
3. "Rare Breed" means Plaintiff Rare Breed Triggers, Inc., including its officers, directors, employees, agents, and representatives.

4. “FRT” means Forced Reset Trigger.
5. “Rare Breed FRT” means any FRT product designed, manufactured, marketed, or sold by Rare Breed, including, without limitation, the FRT-15L3 and any prior or subsequent variants.
6. “The ’223 Patent” means U.S. Patent No. 10,514,223.
7. “The ’003 Patent” means U.S. Patent No. 11,724,003.
8. “The ’336 Patent” means U.S. Patent No. 12,036,336.
9. “The ’807 Patent” means U.S. Patent No. 12,274,807.
10. “Asserted Patents” means the ’223 Patent, the ’003 Patent, the ’336 Patent, and/or the ’807 Patent (collectively and individually).
11. “The ’067 Patent” means U.S. Patent No. 9,146,067.
12. “Partisan Disruptor” means any trigger product marketed, sold, offered for sale, distributed, licensed, or otherwise commercialized under that name or designation, including all versions, iterations, modifications, prototypes, design variants, or rebranded versions thereof.
13. “Partisan Triggers” means any trade name, brand, business designation, website, or commercial identity used in connection with the marketing, manufacture, distribution, or sale of the Partisan Disruptor.
14. “TacCon 3MR” means the trigger product marketed, offered for sale, or sold under the name “TacCon 3MR,” including all versions, iterations, modifications, design variants, prototypes, rebranded versions, and component parts thereof, and any trigger product derived from or based upon the TacCon 3MR design.

15. “Communication” or “Correspondence” means any transmission or exchange of information from one Person to another, regardless of the medium of communication, and includes, without limitation, oral, electronic, and written communication.

16. “Document” has the meaning prescribed by Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. The term “Document” includes Documents in any form, including data stored electronically. Any draft of a Document that varies from any other draft of the Document and any comment or notation to any Document that is not part of the original text are to be considered separate Documents.

17. “Person” means any natural person, individual, firm, corporation, partnership, proprietorship, joint venture, unincorporated association, government agency, and all other groups of persons, organizations, or entities of any type.

18. “Produce” means to provide copies of Documents and Things in full, including all attachments and metadata, in reasonably usable form consistent with Fed. R. Civ. P. 34.

19. The phrases “relate(s) to,” “related to,” “relating to,” “concern(s),” or “concerning” mean embodying, identifying, confirming, containing, showing, constituting, reflecting, referring to, evidencing, discussing, or pertaining to in any way, directly or indirectly, or having any logical or factual connection with the subject matter in question.

20. The terms “and,” “or,” and “and/or” shall be construed in the conjunctive and the disjunctive to encompass the broadest category.

21. “Including” means including without limitation.

22. The singular shall be construed to include the plural and vice versa.

INSTRUCTIONS

1. You are to provide full and complete responses to the following Requests after conducting a thorough, diligent investigation into all information and materials within your possession, custody, or control.

2. If You decline to produce any Document or part thereof based on a claim of privilege or any other claim, provide the nature and basis for Your claim.

3. If no Documents or Things are responsive to a particular request, You are to state that no responsive Documents or Things exist.

4. If You object to any portion of a Request, produce all non-privileged Documents responsive to the portion not objected to.

5. Documents and Things shall be produced as they are kept in the usual course of business or organized and labeled to correspond to the categories in these Requests. Electronically stored information shall be produced in reasonably usable form consistent with Fed. R. Civ. P. 34.

6. The obligation to produce extends to Documents and Things within Your possession, custody, or control, including Documents and Things held by Your officers, employees, agents, consultants, affiliates, and other persons acting or purporting to act on Your behalf.

7. These requests are continuing and may require supplemental response and production. You are under a duty to supplement all responses to these requests to include information acquired after service of the responses, even if such responses were correct when first provided.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

All Documents relating to, referring to, or constituting any prior art analysis of the Asserted Patents, including but not limited to: (a) the claim charts referenced in Mr. Nixon's declaration as Exhibits 11 through 14 (ECF No. 27-2 at ¶¶ 75–79); (b) any additional claim charts, invalidity contentions, or prior art analyses prepared by or on behalf of Defendants; (c) documents relating to the TacCon 3MR trigger's technical specifications and its relationship to the '067 Patent; and (d) any documents relating to or constituting the prosecution history of the '067 Patent that were reviewed, relied upon, or referenced by Defendants or their experts in connection with this litigation.

DOCUMENT REQUEST NO. 2:

All Documents relating to or referring to the design and engineering of the Partisan Disruptor trigger, including but not limited to: (a) all versions of computer-aided design (CAD) files for the Partisan Disruptor and its component parts; (b) engineering drawings, specifications, and schematics; (c) records of trigger travel measurements, including those created by Michael Stakes and referenced in his declaration (ECF No. 27-3) and testimony in this Action; and (d) any comparison, analysis, or testing of the Partisan Disruptor against the Rare Breed FRT-15L3, any other Rare Breed FRT, any claim of the Asserted Patents, or the '067 Patent.

DOCUMENT REQUEST NO. 3:

All Documents sufficient to show Defendants' ability to satisfy a damages judgment in this case, including: (a) complete copies of all litigation and/or patent insurance policies referenced in Mr. Woods's declaration (ECF No. 27-4) and testimony in this Action, including all endorsements, riders, exclusions, and amendments; (b) correspondence with any insurer concerning coverage for claims asserted in this litigation; (c) financial statements (audited or unaudited), balance sheets,

income statements, and tax returns for Peak Tactical, LLC, Dark Flame Innovations, LLC, QOX Consulting LLC, and any affiliated entity for the years 2024, 2025, and 2026 to date; and (d) documents reflecting the current assets, liabilities, and cash positions of each entity.

DOCUMENT REQUEST NO. 4:

All Documents sufficient to show Defendants' projected sales volume of the Partisan Disruptor, as set forth in the Declaration of Ben Woods (ECF No. 27-4), including: (a) internal sales forecasts, projections, and business plans; and (b) production schedules and manufacturing capacity analyses.

DOCUMENT REQUEST NO. 5:

All Documents relating to or referring to any indemnification agreement, offer of indemnification, hold-harmless agreement, or similar undertaking that Defendants have made to existing or prospective dealers, distributors, customers, or purchasers of the Partisan Disruptor, including but not limited to indemnification for intellectual property claims.

DOCUMENT REQUEST NO. 6:

All Documents sufficient to show Defendants' pricing strategy for the Partisan Disruptor, including but not limited to: (a) any analysis, discussion, or consideration of Rare Breed's pricing, market position, or competitive standing in connection with setting the Partisan Disruptor's price; (b) documents reflecting or analyzing the decision to set the Partisan Disruptor's wholesale or retail price at any level, including any cost analyses, margin calculations, or pricing models; (d) any market share analyses, market sizing estimates, or competitive landscape assessments relating to the FRT market.

