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ATTORNEYS FOR DEFENDANTS

**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,

vs.

PEAK TACTICAL, LLC, d/b/a
PARTISAN TRIGGERS, a Wyoming
limited liability company, and NICHOLAS
NORTON, an individual,

Defendants.

Civil Action No. 2:26-cv-00018-KHR

**DEFENDANT NICHOLAS NORTON'S
MOTION TO DISMISS**

Defendant Nicholas Norton, through undersigned counsel, hereby moves this Court pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) to dismiss all claims asserted against him individually in Plaintiffs' Complaint (Dkt. 1).

First, this Court lacks personal jurisdiction over Mr. Norton. Mr. Norton is domiciled in Florida, has no continuous or systematic ties to Wyoming, and has directed no individual conduct at this forum. The Complaint's jurisdictional allegations consist entirely of a concededly uncertain residence allegation and a conclusory, "information and belief" assertion that Mr. Norton "commits and directs infringing activities" from Peak Tactical's Wyoming address. Those allegations are false and, in any event, are legally insufficient to establish either general or specific jurisdiction. Nor can Plaintiffs manufacture jurisdiction over Mr. Norton by imputing Peak Tactical's Wyoming contacts to him—jurisdiction over a company does not confer jurisdiction over its owner.

Second, and independently, the Complaint fails to state a plausible claim for individual liability against Mr. Norton under any of the three causes of action asserted. The Complaint does not identify a single specific act that Mr. Norton personally took. Instead, it lumps Mr. Norton together with Peak Tactical under the collective label "Defendants" throughout, without distinguishing between alleged corporate conduct and alleged individual conduct. That group-pleading approach is legally insufficient under the Tenth Circuit's pleading standards. Moreover, the corporate veil shields Mr. Norton from personal liability for Peak Tactical's alleged patent infringement absent alter-ego allegations the Complaint does not make; the false marking claim fails to satisfy Rule 9(b)'s heightened pleading standard; and the false advertising claim fails because the Complaint identifies no statement that Mr. Norton personally made. The entirety of Plaintiffs' theory of individual liability against Mr. Norton rests on the single allegation that he

owns Peak Tactical. Ownership alone is not infringement, is not false marking, and is not false advertising.

This Motion is supported by the Memorandum in Support filed concurrently herewith, the Declaration of Nicholas Norton filed concurrently herewith, any additional materials that Mr. Norton may file before or at any hearing on this Motion, and any oral argument requested by this Court.

Dated: March 24, 2026.

/s/ Timothy P. Getzoff
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2026, a copy of the foregoing was filed electronically using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Timothy P. Getzoff
Timothy P. Getzoff

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**ORDER GRANTING DEFENDANT NICHOLAS NORTON'S
MOTION TO DISMISS**

Before the Court is Defendant Nicholas Norton’s Motion to Dismiss (“Motion”). Being well-advised, and having fully considered the Motion, the Court is of the opinion that the Motion should be **GRANTED**.

It is therefore ORDERED that the Complaint is hereby dismissed in its entirety as to Mr. Norton.

DATED this _____ day of _____, 2026.

UNITED STATES DISTRICT COURT JUDGE

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