Exhibit 1

BEFORE THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re: Disruptor Patent Litigations	MDL No. _____

BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR TRANSFER OF DISRUPTOR ACTIONS PURSUANT TO 28 U.S.C. § 1407

Pursuant to 28 U.S.C. § 1407(c)(ii) and J.P.M.L. Rules 6.1(b) and 6.2, Peak Tactical, LLC ("Peak") and Nick Norton[1]; SGC, LLC, Terence Schmidt, and Ronald Kennedy[2]; WebCorp, Inc. ("WebCorp") and TJ Kirgin[3]; Hawkphin Sales, LLC ("Hawkphin") and Adam Gerleman[4]; Cloak Industries, Inc. and William King, Jr.[5]; Firearm Systems, LLC, Brandon Donatto, and Michael Stakes[6]; AR-TT LLC, Clausen Inc., Jonathan Clausen, and Jodi Clausen[7]; and Canuck Tactical LLC[8] (altogether, "Movants") respectfully move the Judicial Panel on Multidistrict Litigation for an order transferring for coordinated or consolidated proceedings ten patent infringement cases in nine different federal district courts (the "Disruptor Actions") filed by ABC IP, LLC and Rare Breed Triggers, Inc. (together, "Rare Breed") against the makers and sellers of the Disruptor trigger mechanism. *See* **Exhibit 12** (Schedule of Actions[9]).

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[1] Defendants in No. 26cv00018 (D. Wyo.), **Exhibit 2**.

[2] Defendants in No. 26cv00085 (D. Ariz.), **Exhibit 3**.

[3] Defendants in No. 26cv00018 (E.D. Mo.), **Exhibit 4**.

[4] Defendants in No. 26cv00015 (S.D. Iowa), **Exhibit 5**.

[5] Defendants in No. 26cv00001 (D. Idaho), **Exhibit 6**.

[6] Defendants in No. 25cv04938 (D. Ariz.), **Exhibit 7**.

[7] Defendants in No. 26cv00014 (E.D. Wash.) (unserved), **Exhibit 8**.

[8] Defendants in No. 26cv00576 (E.D. La.) (unserved), **Exhibit 9**.

[9] The Schedule of Actions includes non-moving defendants in two Disruptor Actions—against TRG Ventures, LLC and TRG Ventures, LP (No. 26cv00201 (E.D. Tex.) (unserved), **Exhibit 10**) and Optics Planet, LLC (No. 26cv01072 (N.D. Ill.), **Exhibit 11**).

Each of the Disruptor Actions implicates the same product—the Disruptor trigger mechanism—and asserts the same set of patents that Rare Breed claims the Disruptor infringes. Because the same plaintiffs assert the same infringement claims over the same products allegedly practicing the same patents in all of these cases, coordinated or consolidated proceedings will serve the interests of witnesses, the judiciary, and the parties. Transfer to the District of Wyoming—where Chief Judge Rankin has already conducted an evidentiary hearing on the patents and Disruptor product at issue and has issued substantive rulings on a temporary restraining order, a preliminary injunction, and expedited discovery—will likewise serve the interests of efficiency.

Rare Breed, in contrast, has sought consolidation in Texas for the Disruptor Actions *and* roughly two dozen other actions that implicate two other distinct products that allegedly infringe two other sets of patents. Those other cases, against makers and sellers of so-called super safety trigger mechanisms ("Super Safeties") and the Atrius Forced Reset Selector ("Selektor"), turn on different facts that will be addressed by different documents and different witnesses than the Disruptor Actions. Moreover, forcing the Disruptor Actions to proceed in Texas, Rare Breed's home state, would countenance tacit forum shopping that violates the policies underlying the *TC Heartland* venue doctrine in patent cases.

Movants respectfully request a transfer order for coordination or consolidation of the ten Disruptor Actions in the District of Wyoming.

BACKGROUND

Peak makes, markets, and sells the Disruptor, which is a patented drop-in cassette trigger mechanism designed for the AR-15 firearm. It is an assisted reset trigger (a/k/a forced reset trigger), meaning, through a precise mechanical process, it pushes the trigger forward after each shot so the shooter can rapidly fire follow-up rounds once the trigger is reset without removing

pressure by the trigger-finger. The Disruptor practices U.S. Patent No. 9,146,067 (the "'067 Patent").

In the lead case among the Disruptor Actions, Rare Breed claims that Peak does not practice the '067 Patent and that Peak's manufacture and sale of the Disruptor infringes Rare Breed's Patent Nos. 10,514,223 ("'223 Patent"), 11,724,003 ("'003 Patent"), 12,036,336 ("'336 Patent"), and 12,274,807 ("'807 Patent"). In the other nine Disruptor Actions, Rare Breed accuses the defendants of infringing the same four patents by distributing the Disruptor. Those defendants are all retail sellers of the Disruptor product, i.e., their supposed liability is premised solely on the allegation that they purchase the Disruptor wholesale from Peak and resell it at retail.

Rare Breed commenced litigation against Peak in the U.S. District Court for the District of Wyoming on January 15, 2026, and moved for a temporary restraining order and preliminary injunction the next day. *ABC IP, LLC v. Peak Tactical, LLC*, No. 2026cv18, Dkts. 1, 6 (D. Wyo.). Chief Judge Rankin received evidence and argument at a hearing on February 4, 2026, and denied preliminary relief ten days later in a 35-page order. *ABC IP, LLC v. Peak Tactical, LLC*, 2026 U.S. Dist. LEXIS 55891 (D. Wyo. Feb. 13, 2026). Rare Breed thereafter sought expedited discovery to support a renewed motion for preliminary injunction, which Chief Judge Rankin denied in a 17-page order on March 11, 2026. No. 2026cv14, Dkts. 41, 45. The other Disruptor Actions either are stayed or have deadlines held in abeyance pending consolidation proceedings, and none has proceeded as far as Rare Breed's case against Peak in the District of Wyoming. Rare Breed continues to file new actions against Disruptor distributors, including two in the last week. *See supra* nn.8-9.

Rare Breed's other cases against Super Safety makers and sellers began in mid-2025, and in December 2025 those Super Safety defendants sought a transfer order from the Panel in MDL

No. 3176, *In re Super Safety Patent Litigations*, Dkts. 1, 2-1. In response, Rare Breed did not oppose consolidation but rather sought consolidation of all the cases it has brought over Super Safeties, Selektors, and Disruptors. *Id.* Dkt. 14; *see also id.* Dkts. 2-1, 14-1, 19-1 (schedules of actions Rare Breed seeks to transfer). Interested party responses by Super Safety defendants, Selektor defendants, and Disruptor defendants have all opposed such sweeping consolidation. *Id.* Dkts. 17, 24, 28.

The Super Safety and the Selektor are different products than the Disruptor. They utilize a cam and cam lever designed to replace an AR-15's safety selector; they don't replace the entire trigger mechanism like the Disruptor drop-in cassette does. According to Rare Breed, they also implicate a completely different body of patents—U.S. Patent Nos. 12,038,247 ("'247 Patent"), 12,031,784 ("'784 Patent"), and 7,398,723 ("'723 Patent").

LEGAL STANDARD

"When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings." 28 U.S.C. § 1407(a). Centralization is authorized upon the Panel's determination that "transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions." *Id.* In transferring cases under its authority, "the panel may separate any claim, cross-claim, counter-claim, or third-party claim . . . ." *Id.*

ARGUMENT

The Disruptor Actions share an identical factual core—the same accused products allegedly practicing the same four patents that the '067 Patent and other prior art likely invalidate. Thus, parties and witnesses will benefit from a single case in which to seek and produce

documents, take deposition testimony, conduct *Markman* proceedings, proffer expert opinion evidence, and resolve pretrial motions. Likewise, centralizing these disputes in one court—rather than nine—will serve the interests of judicial efficiency and consistency of outcomes. That is doubly true for a transfer to Chief Judge Rankin in the District of Wyoming, whose subject-matter experience and expeditious docket-management are well-suited to administering the Disruptor Actions collectively. The minor differences among a few of the ten cases can be readily addressed by this Panel or the transferee court and, in any event, do not outweigh the value of centralized proceedings in complex, overlapping patent cases like these. Nor is Rare Breed's proposal for mass centralization of dissimilar cases in its own backyard an appropriate alternative. Accordingly, the Panel should order transfer of the Disruptor Actions to the District of Wyoming.

I. THE DISRUPTOR ACTIONS SHARE AN IDENTICAL FACTUAL CORE.

In all ten Disruptor Actions, Rare Breed accuses the same complex trigger mechanism of infringing the same four patents: the '223 Patent, the '003 Patent, the '336 Patent, and the '807 Patent. These cases therefore "present common factual questions arising from multiple common patents and involving complex technology." *In re Taasera Lic., LLC*, 619 F. Supp. 3d 1352, 1353 (J.P.M.L. 2022); *see also In re Pipe Flashing Pat. Litig.*, 713 F. Supp. 3d 1414, 1415 (J.P.M.L. 2024) (centralization warranted where "[t]he same two patents are involved in each action, and the complaint asserts at least one common accused product").

Specifically, each case will share the same factual foundation from which the patents will be construed, and each will turn on the same facts regarding "design, development, and sales of the accused" product. *See Pipe Flashing*, 713 F. Supp. 3d at 1415. Moreover, Peak already has been deemed to "have raised a substantial question of validity" as to Rare Breed's patents, given that the '067 Patent long predates Rare Breed's four patents, which, in combination with roughly

a century of prior art, renders them obvious. *Peak Tactical*, 2026 U.S. Dist. LEXIS 55891, at *36-37. This Panel has "consistently held that the issue of patent validity presents common questions of fact which satisfy the statutory requirements of § 1407." *In re Embro Patent Infr. Litig.*, 328 F. Supp. 507, 508 (J.P.M.L. 1971) (collecting cases and centralizing six patent cases); *see also In re Proven Nets., LLC Patent Litig.*, 492 F. Supp. 3d 1338, 1340 (J.P.M.L. 2020) (consolidating eight cases in two districts with five overlapping patents that implicated "overlapping claim construction and patent validity").

While all of the Disruptor Actions accuse the Disruptor of infringing the '223, '003, '336, and '807 Patents, three of those cases—against WebCorp, Hawkphin, and non-Movant Optics Planet, Inc.—also accuse other products of infringing the '247 and '784 Patents. But "[t]he involvement of defendant-specific issues is not an impediment to transfer where, as here, the actions share a common factual core." *Pipe Flashing*, 713 F. Supp. 3d at 1415. Even so, the '247 and '784 patent infringement claims against WebCorp, Hawkphin, and Optics Planet, Inc. for sales of the Selektor or Super Safety can be readily separated from the Disruptor Actions and remanded to their original transferor courts. Section 1407(a) "permit[s] the Panel to separate any 'claim, cross-claim, counter-claim, or third-party claim' of a transferred civil action and to remand 'any of such claims before the remainder of the action is remanded.'" *In re Private Civ. Treble Damage Litig.*, 298 F. Supp. 484, 489 (J.P.M.L. 1968). The transferee court has the same authority. *See* Fed. R. Civ. P. 42; *In re Vioxx Prods. Liab. Litig.*, 360 F. Supp. 2d 1352, 1354 (J.P.M.L. 2005) ("[W]e leave the extent and manner of coordination or consolidation . . . to the discretion of the transferee court [which] on further refinement of the issues and close scrutiny [may determine] that some claims or actions can be remanded to their transferor districts for trial in advance of the other actions in the transferee district."). Thereafter, those separate claims

against the Super Safety and Selektor may proceed in the transferor court where they started or be transferred to another centralized proceeding covering those products and associated patents.

In no event do a few cases with extra products and patents undermine the benefits of centralizing ten cases with common claims and defenses over the Disruptor and the '223, '003, '336, and '807 Patents. "[T]here is enough commonality to make centralization necessary [and] advantageous." *In re Charles R. Bobo Patent Litig.*, 829 F. Supp. 2d 1374, 1375 (J.P.M.L. 2011) (finding a lack of necessity or advantage in centralization where, unlike here, cases had different patents, defendants, and plaintiff, and each was in a different stage).

II. CENTRALIZATION WILL LOWER COSTS, REDUCE BURDEN, AND ENSURE FAIRNESS.

The intricacies of patent litigation enhance the value of centralization, so this Panel routinely transfers even small sets of patent cases for multidistrict proceedings. *See, e.g.*, *Taasera*, 619 F. Supp. 3d at 1352-53 (consolidating four patent cases pending in three district courts); *In re RAH Color Techs. LLC Patent Litig.*, 347 F. Supp. 3d 1359, 1359-60 (J.P.M.L. 2018) (consolidating three patent litigations with nine overlapping patents and overlapping accused products).

Centralization of ten patent cases will serve the interests of witnesses, the judiciary, and the parties. It "offers substantial savings in terms of judicial economy by having a single judge become acquainted with the complex patented technology and construing the patent[s] in a consistent fashion (as opposed to having [ten] judges separately decide such issues)." *In re Bear Creek Techs., Inc.*, 858 F. Supp. 2d 1375, 1380 (J.P.M.L. 2012). It also "eliminate[s] duplicative discovery; prevent[s] inconsistent pretrial rulings (particularly with respect to claim construction); and conserve[s] the resources of the parties, their counsel, and the judiciary." *Taasera*, 619 F. Supp. 3d at 1352.

"[A]bsent centralization, judges in [nine] different districts will be called upon to become familiar with the asserted patents . . . and rule on substantially the same claim construction and patent validity defenses, which presents a significant risk of inconsistent rulings and unnecessary expenditure of judicial resources." *Pipe Flashing*, 713 F. Supp. 3d at 1415. In contrast, transferring the ten Disruptor Actions to Wyoming "offers substantial opportunity to streamline the pretrial proceedings in these overlapping patent actions and prevent inconsistent rulings." *Id.* (rejecting informal coordination in light of administrative benefits of centralization); *accord In re Bill of Lading Transmission & Processing Sys. Patent Litig.*, 626 F. Supp. 2d 1341, 1341-42 (J.P.M.L. 2009) (centralizing eight cases implicating patent validity in three districts and rejecting opposition that cited potential for cooperative coordination due to need in patent cases for a single judge to guide discovery).

III. CHIEF JUDGE RANKIN IN THE DISTRICT OF WYOMING IS OPTIMALLY POSITIONED TO EFFICIENTLY ADMINISTER THESE PROCEEDINGS.

The Panel should transfer the Disruptor Actions to the District of Wyoming for three reasons.

First, Wyoming is the "center of gravity" for claims against the Disruptor. It is the nerve center for design, manufacture, and sale of the Disruptor, which is why Rare Breed commenced litigation there. *See In re Church of Jesus Christ of Latter-Day Saints Tithing Litig.*, 730 F. Supp. 3d 1357, 1359 (J.P.M.L. 2024). Indeed, Wyoming is where Rare Breed *had* to lay venue for a claim against the manufacturer of the Disruptor. *See TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 581 U.S. 258, 266 (2017) (making 28 U.S.C. § 1400(b) the "sole and exclusive provision controlling venue in patent infringement actions"); *see also* 28 U.S.C. § 1400(b) (restricting venue to (1) "the judicial district where the defendant resides" or (2) "where the defendant has committed acts of infringement and has a regular and established place of business"). Rare Breed's raft of

cases against Disruptor dealers should not upset the litigation of this Wyoming-based dispute in Wyoming.

Second, Cheyenne is a convenient location for witnesses, parties, and lawyers. Counsel for Movants has offices in Cheyenne and is principally based just across the state border in Denver. For those farther afield, the District of Wyoming's Cheyenne courthouse is closer to the geographic center of the cities where the Disruptor Actions are proceeding than any other federal courthouse except perhaps Denver's. *See infra* Figs. 1 & 2.[10] Although Cheyenne is a small city, it is only 100 miles from Denver—a 90-minute drive or 60-minute flight from Denver International Airport.

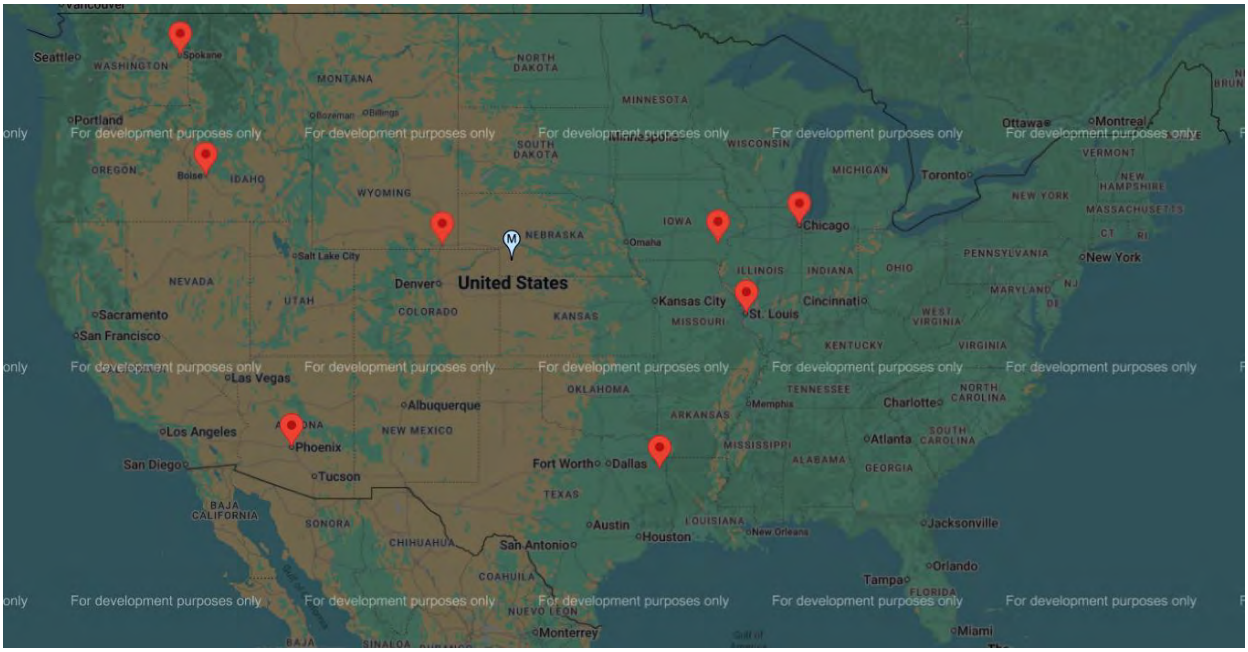

Fig. 1 – US cities in which Disruptor Actions are pending (red) and center point (blue)

[10] Movants calculated the midpoint among the cities in which the Disruptor Actions are pending—Cheyenne, WY; Spokane, WA; Boise, ID; Phoenix, AZ; Des Moines, IA; St. Louis, MO; Chicago, IL; and Marshall, TX—by averaging those cities' latitudes and longitudes using the online tools Geocode Finder (mapdevelopers.com) and Geo Midpoint (geomidpoint.com). Movants did not include New Orleans, LA because the Canuck Tactical matter was filed so recently.

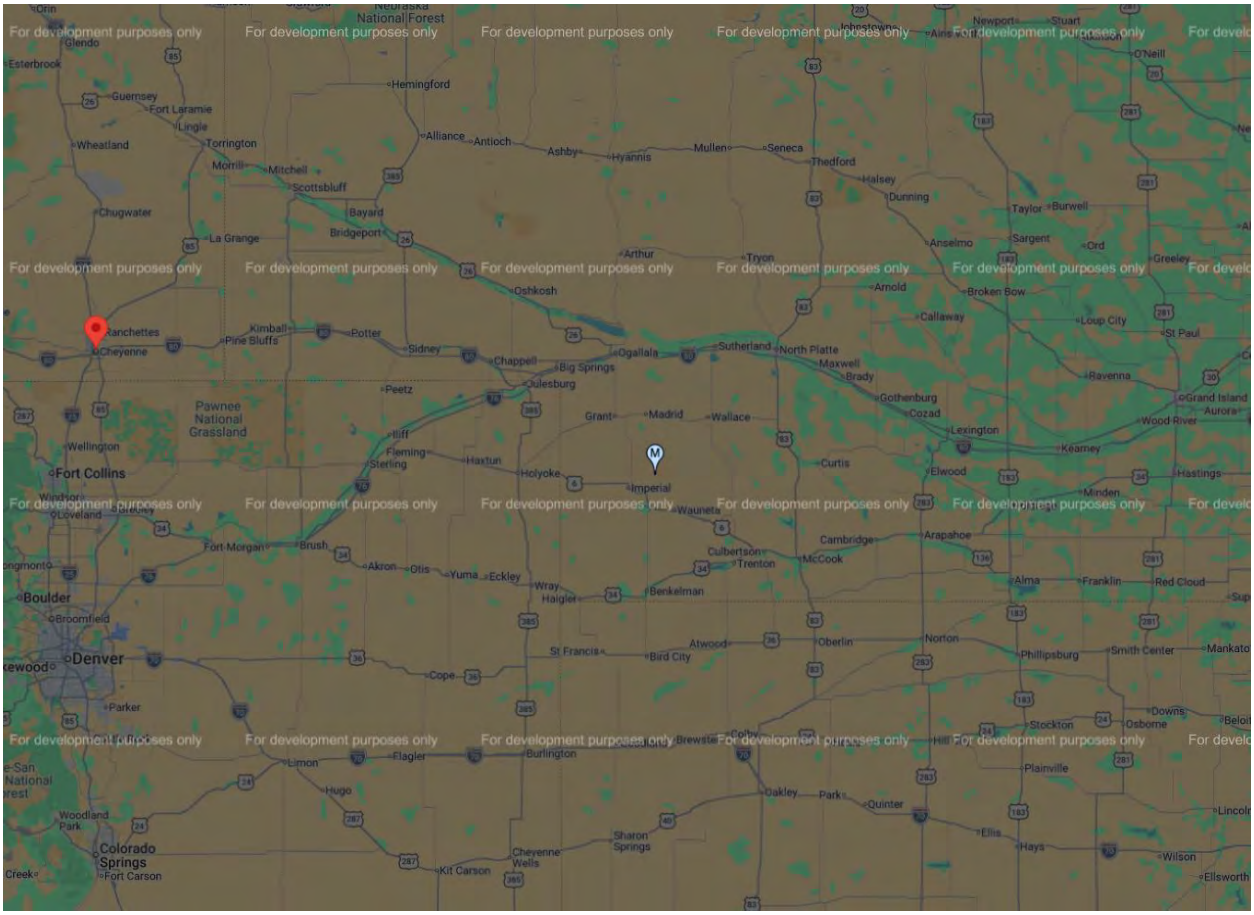

Fig. 2 – magnified portion of Fig. 1 surrounding geographic center point

Third, Wyoming's federal court manages its caseload in a manner that positions it better than most federal district courts to efficiently administer a multidistrict litigation. The 2025 annual report on federal judicial case load shows that, of the 89 federal district courts in the United Stated, Wyoming had fewer pending cases than all except six.[11] *See In re Janus Mut. Funds Inv. Litig.*, 310 F. Supp. 2d 1359, 1361 (J.P.M.L. 2004) (noting the importance of judicial capacity to take on a complex case). Moreover, Chief Judge Rankin expeditiously resolved complicated, thoroughly briefed disputes on the merits of Rare Breed's TRO and preliminary injunction motion, which

[11] *Available at* https://www.uscourts.gov/data-news/reports/statistical-reports/federal-judicial-caseload-statistics/federal-judicial-caseload-statistics-2025-tables.

implicated substantive analysis as to the claims for infringement and patent invalidity, and discovery matters. All these factors support transfer to the District of Wyoming.

IV. IN NO EVENT SHOULD THE DISRUPTOR ACTIONS BE CENTRALIZED WITH DISSIMILAR SELEKTOR AND SUPER SAFETY CASES IN TEXAS.

None of the relevant facts support Rare Breed's effort to consolidate all its cases in the Eastern or Western District of Texas. First, there are *no* factual issues in common between the Disruptor Actions and the cases accusing the Selektor and the Super Safety, except that Rare Breed filed them all. The Selektor and Super Safety are safety-selector products, just pieces of a trigger mechanism; the Disruptor is a full, cassette-style trigger mechanism. The development, function, operation, materials, testing, and marketing for these products are different, and the parties and witnesses with relevant knowledge do not overlap. This conclusion is supported by the fact that Rare Breed is asserting different patents against these products than the patents asserted against the Disruptor. Document discovery, manufacturing records, expert analysis, and third-party testimony will be product specific.

Second, no one except Rare Breed would benefit from centralizing the Disruptor Actions with the Selektor and Super Safety cases. Merging these distinct types of actions would force a transferee court to learn multiple technologies and separate patent histories, run parallel *Markman* hearings on unrelated claims, and manage non-overlapping discovery. Including the Disruptor cases with cases about the Selektor, the Super Safety, the expired '723 Patent, or the '247 or '784 Patents would serve only to multiply disputes and burden all defendants with motion practice and discovery that are irrelevant to their cases.

Third, Rare Breed urges mass centralization of dissimilar cases in two districts in its own backyard. That contravenes the intent of 28 U.S.C. § 1404 and *TC Heartland*, which barred Rare Breed from filing the cases at issue in its home districts. These districts also are extremely popular

with patent plaintiffs. For many years, the Eastern District of Texas was "a venue notorious for the opportunistic filing of patent infringement lawsuits." *HP Hood LLC v. Stremicks Heritage Foods LLC*, 2010 U.S. Dist. LEXIS 155479, at *13 (S.D. Cal. Mar. 9, 2010).[12] Then, the Western District of Texas, containing Austin and many tech companies, surpassed its eastern neighbor as the preeminent venue for patent plaintiffs.[13] Both attract plaintiffs because of their pro-trial, anti-transfer, anti-dismissal local rules and practice standards. *See supra* nn.13-14. Rare Breed asks for these cases to be transferred to Marshall or Waco because it perceives it will have the upper hand there. The Panel should not countenance this tactic and should instead centralize the Disruptor Actions in the District of Wyoming.

CONCLUSION

For the foregoing reasons, Movants respectfully request that the Panel transfer the Disruptor Actions to the District of Wyoming.

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[12] *See also* Julie Creswell, *So Small a Town, So Many Patent Suits*, N.Y. Times (Sept. 24, 2006), https://www.nytimes.com/2006/09/24/business/so-small-a-town-so-many-patent-suits.html; James Bessen, *Why Do Patent Trolls Love East Texas and Delaware? They Win More There.*, Wash. Post (Sept. 19, 2013), https://www.washingtonpost.com/news/the-switch/wp/2013/09/19/why-do-patent-trolls-love-east-texas-and-delaware-they-win-more-there/.

[13] J. Jonas Anderson & Paul R. Gugliuzza, *How the West Became the East: The Patent Litigation Explosion in the Western District of Texas*, PATENTLYO (Sept. 15, 2020), https://patentlyo.com/patent/2020/09/litigation-explosion-district.html; Stephen Paulsen, *The Rise and Fall of a Texas Patent Court*, Courthouse News (Oct. 28, 2022), https://www.courthousenews.com/the-rise-and-fall-of-a-texas-patent-court/.

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