IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02640-REB-KMT
(consolidated with Civil Action No. 13-cv-02976-REB-KMT)

WYERS PRODUCTS GROUP, INC. et al.,

Plaintiffs,

v.

CEQUENT PERFORMANCE PRODUCTS, INC. et al.,

Defendant.

CEQUENT CONSUMER'S MOTION TO PARTIALLY
DISMISS SECOND AMENDED COMPLAINT UNDER RULE 12(B)(6)

Cequent Consumer Products, Inc. moves to partially dismiss the second amended complaint [#133] under Federal Rule of Civil Procedure 12(b)(6). Collateral estoppel entirely bars plaintiffs' claims for infringement of U.S. Patent No. 6,672,115 (the "Sleeve Patent") based on the Federal Circuit's prior ruling that the Sleeve Patent is invalid as obvious in *Wyers v. Master Lock Co.*, 616 F.3d 1231 (Fed. Cir. 2010). Alternatively, the Court should dismiss plaintiffs' claim for induced infringement of claim 23 of the Sleeve Patent because they fail to plausibly allege many of the elements required to state such a claim.

The reasons for granting this motion are more fully explained in the memorandum that co-defendant Cequent Performance Products, Inc. filed in support of its motion to dismiss [#140], which is incorporated here by reference,

Respectfully submitted,

Dated: May 1, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2014, I electronically filed the foregoing **Cequent Consumer's Motion to Partially Dismiss Second Amended Complaint Under Rule 12(b)(6)** with the Clerk of this Court using the CM/ECF system, which will electronically mail notice to the following:

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