UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:12-cv-02640-REB

WYERS PRODUCTS GROUP,

Plaintiff,

v.

CEQUENT PERFORMANCE PRODUCTS, INC.,

Defendant.

CEQUENT'S AMENDED[1] MOTION TO PARTIALLY DISMISS UNDER RULE 12(B)(6)

Cequent Performance Products, Inc. moves under Federal Civil Rule 12(b)(6) to partially dismiss the amended complaint (ECF # 13). As explained in the accompanying memorandum, collateral estoppel bars Wyers' claims for direct and induced 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 Wyers' claim for induced infringement of claim 23 of the Sleeve Patent because it fails to plausibly allege many of the elements required to state such a claim.

Dated: December 13, 2012

Respectfully submitted,

s/ David B. Cupar

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[1] This amended motion and accompanying memorandum correct font and page limit defects in Cequent's original filings as identified in the Court's Minute Order (ECF # 17).

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2012, I electronically filed the foregoing **Cequent's Amended Motion to Partially Dismiss 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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