

ESTTA Tracking number: **ESTTA1206139**

Filing date: **04/29/2022**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91254128
Party	Plaintiff Axon Enterprise, Inc.
Correspondence address	JUSTIN CLARK J CLARK LAW FIRM PLLC 3100 WEST RAY ROAD, SUITE 201 CHANDLER, AZ 85226 UNITED STATES Primary email: <a href="mailto:jmc@jclarklawfirm.com">jmc@jclarklawfirm.com</a> 480-418-1082
Submission	Motion to Suspend for Settlement Discussions
Filer's name	Justin Clark
Filer's email	<a href="mailto:jmc@jclarklawfirm.com">jmc@jclarklawfirm.com</a>
Signature	/Justin Clark/
Date	04/29/2022
Attachments	Motion for Suspension April 29 2022.pdf(104934 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AXON ENTERPRISE, INC.

Opposer,

v.

MAZTECH INDUSTRIES, LLC

Applicant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Mark: X4 and X4A1

Opposition No. 91254128

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**JOINT STATEMENT OF PROGRESS OF SETTLEMENT DISCUSSIONS**

Opposer Axon Enterprise, Inc. (“Opposer”) and Applicant Maztech Industries, LLC (“Applicant”) hereby provide an update on their settlement negotiations, pursuant to the Board’s Suspension Order of February 25, 2022 (the “Suspension Order”). 29 TTAB. In the Suspension Order, the Board made a request that any future request for suspension or extension include a report specifically addressing the following subjects: (1) the issues that have been resolved; (2) the issues that remain to be resolved or that remain for trial; and (3) a proposed timetable for resolution of the unresolved issues. *Id.* The parties believe this joint statement meets the requirements of the Board’s Suspension Order.

The parties have agreed upon terms for a settlement and are in the process of finalizing the settlement agreement. Opposer sent the draft settlement agreement to Applicant’s counsel, who provided additional comments to Opposer on April 26, 2022. Opposer is currently reviewing Applicant’s comments on the draft settlement agreement and will provide Applicant with feedback in due course. The parties believe that an additional suspension of sixty (60) days

is appropriate and will provide the Opposer and Applicant with sufficient time to provide any further comments on the current draft agreement. Having additional time for the parties to finalize the settlement agreement without the pressure of the current deadlines in the TTAB proceeding will foster continued cooperation between the parties. Also, because the subject Application is the subject of two different oppositions, filed by two different parties, it has taken longer for Opposer and Applicant to resolve the issues surrounding the current opposition.

In terms of the trial, the parties have not reached any agreement as to the substantive claims of the Notice of Opposition or the affirmative defenses asserted by Applicant in its Answer. However, any issues that would remain for trial will be completely resolved through the parties' full execution of the settlement agreement. Both parties believe it is more sensible at this stage to devote their resources to executing and implementing the settlement agreement than to continue prosecuting their respective positions in this opposition.

Accordingly, the parties jointly petition for a Motion for Suspension for Settlement for a period of sixty (60) days from the filing date of this Motion, with all remaining dates in this opposition to be extended accordingly.

Respectfully submitted April 29, 2022

Axon Enterprise, Inc.

By: /Justin Clark/

Justin M. Clark  
J. CLARK LAW FIRM, PLLC  
3100 West Ray Road, Suite 201  
Chandler, AZ 85226  
ATTORNEY FOR OPPOSER

By: /Jeff L. Van Hoosear (with permission)

Jeff Van Hoosear  
Knobb Martens Olsen & Bear LLP  
2040 Main Street, 14<sup>th</sup> Floor

Irvine, CA 92614  
ATTORNEY FOR APPLICANT

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this MOTION TO SUSPEND is being filed electronically with the United States Patent and Trademark Office utilizing the *Electronic System for Trademark Trials and Appeals* this 29 day of April, 2022.

\_\_\_\_\_/Justin Clark/\_\_\_\_\_  
Justin M. Clark

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing MOTION TO SUSPEND was served via email on this 29 day of April, 2022, to the following:

Jeff Van Hoosear  
Knobb Martens Olsen & Bear LLP  
2040 Main Street, 14<sup>th</sup> Floor

\_\_\_\_\_/Justin Clark/\_\_\_\_\_  
Justin M. Clark