

ESTTA Tracking number: **ESTTA1275849**

Filing date: **04/03/2023**

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: jmc@jclarklawfirm.com 480-418-1082
Submission	Motion to Suspend for Settlement Discussions
Filer's name	Justin Clark
Filer's email	jmc@jclarklawfirm.com
Signature	/Justin Clark/
Date	04/03/2023
Attachments	Motion for Suspension April 3 2023.pdf(107587 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 have finalized the settlement agreement for signatures. Applicant also completed negotiations with another third-party, which discussions resulted in additional limiting language that will be added to the Applicant’s application nos. 88197586 and 88197580. Opposer provided Applicant with the final settlement agreement on February 7, 2023 and is awaiting Applicant’s signature on the agreement.

Accordingly, the parties believe that an additional suspension of thirty (30) days is appropriate and will provide the Opposer and Applicant with sufficient time to obtain signatures on the agreement, and for Applicant to file a request for amendment of the subject applications with the USPTO. 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 thirty (30) days from the filing date of this Motion. The parties also agree to extend the Close of Discovery Deadline an additional 30 days from the date of granting of this Motion for Suspension.

Respectfully submitted April 3, 2023.

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

Knobbe Martens Olsen & Bear LLP

2040 Main Street, 14th 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 3rd day of April, 2023.

_____/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 3rd day of April, 2023, to the following:

Jeff Van Hoosear
Knobbe Martens Olsen & Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

_____/Justin Clark/_____
Justin M. Clark