

ESTTA Tracking number: **ESTTA1289314**

Filing date: **06/05/2023**

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

Proceeding no.	91254128
Party	Plaintiff Axon Enterprise, Inc.
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Submission	Motion to Suspend for Settlement Discussions
Filer's name	Justin Clark
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Date	06/05/2023
Attachments	Motion for Suspension June 5 2023.pdf(107422 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.

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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. Counsel

for the Applicant reached out to Opposer's counsel on May 30, 2023 and indicated that Applicant had a proposal for a minor clarifying change to certain language in the draft settlement agreement. Opposer and Applicant are in the process of updating the settlement agreement to include this language and anticipate that the agreement will be finalized and ready to sign following this amendment.

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 June 5, 2023.

Axon Enterprise, Inc.

By: /Justin Clark/

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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 5th day of June, 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 5th day of June, 2023, to the following:

Jeff Van Hoosear
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2040 Main Street, 14th Floor
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_____/Justin Clark/_____
Justin M. Clark