



Phazzer Electronics Inc. Wins Legal Challenge in FINAL Office Action of USPTO to Invalidate AXON Enterprises Inc. Patent Claims

Phazzer Electronics Inc. announces that on April 2, 2018, the United States Patent and Trademark Office (USPTO) released its Final Office Action regarding Axon's U.S. Patent No. 7,234,262 patent (TASER Patent). The United States Patent and Trademark Office (USPTO) has rejected all 51 claims of the TASER Patent owned by Axon Enterprises Inc. (formally TASER International Inc). The USPTO Final Office Action is in response to a second *ex parte* reexamination request filed by Phazzer Electronics, Inc. Axon has until June 2, 2018 to appeal this matter with the USPTO.

In Axons recent press release on April 6, 2018 Axon downplayed the significance of this USPTO Final Office Action calling this a "procedural step in the reexamination process that does not invalidate the patent" according to TASERS General Council Doug Klint. This Final Office Action has placed the patent invalid until and unless TASER appeals AND wins.

The TASER Patent describes a dart weapon using a microprocessor used to track date and time. All TASER Patent claims were found to be unpatentable by the USPTO due to the prior art identified by Phazzer Electronics. The USPTO considered all of TASER's evidence in an attempt to prop up its fatally wounded patent, but after due consideration the decision in its Final Action was clear and determinative:

[T]he characteristics of the high voltage pulsed current required by the dependent claims (e.g., claims 15 and 16) are taught by the references relied upon (i.e., Poole, Murray, Cover and Mangolds et al.) for the reasons given in GROUNDS 1-2 above. Therefore, the *prior art relied upon teaches the structure required by the rejected claims*, and the *prior art structure is capable of performing the function recited in claim 13* for the reasons given above (emphasis added).

* * *

[T]he declarant's assertion is not found to be persuasive because Poole directly refutes the assertion, i.e., Poole has a filing date that precedes the effective date of the claimed invention, and *Poole teaches a CEW controlled by a microprocessor* (emphasis added) . . . Accordingly, **THIS ACTION IS MADE FINAL.**

"This presents a great day in our country's history when we can rely on the diligent work and effort by our country's executive agencies as exemplified here by the USPTO in its exhaustive and fair review of TASER's patent claims." said Kirk French, President of Phazzer Electronics. The

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decision of the USPTO can be read in its entirety located on the USPTO's website or at <https://www.phazzerstore.com>

Phazzer Electronics, being Axon's only competitor in the marketplace, is still currently barred from selling its otherwise lawfully competing products based solely on the previously entered injunction Order by the District Court. The USPTO's Final Office Action rejecting all claims of the TASER patent is a significant change in circumstances that calls into question any continued enforcement of the District Court injunction order.

Phazzer Electronics' appeal of the injunction Order is pending before the US Federal Circuit Court of Appeals, and the briefing schedule has been closed. Because of the recent Final Office Action of the USPTO, French posits that Phazzer Electronics has also moved for an Emergency Stay of the injunction Order pending appeal. "If granted," notes French, "Phazzer will once again be able to service its community with safe, efficient and effective means of nonlethal enforcement measures."

"We will continue to aggressively protect the right of the public and challenge suspect intellectual property rights of competitors" concluded French.

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USPTO Final Office Action:

<https://goo.gl/TCQ8C9>

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