

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

TASER INTERNATIONAL, INC.,
Plaintiff-Appellee

v.

PHAZZER ELECTRONICS, INC.,
Defendant-Appellant

2017-2637

Appeal from the United States District Court for the Middle District of Florida in No. 6:16-cv-00366-PGB-KRS, Judge Paul G. Byron.

ON MOTION

PER CURIAM.

ORDER

Phazzer Electronics, Inc. moves renewing its request to stay or suspend, pending appeal, the injunction entered against it by the United States District Court for the Middle District of Florida and seeking to stay the district court's order for damages against Phazzer. TASER International, Inc. opposes the motion.

2 TASER INTERNATIONAL, INC. v. PHAZZER ELECTRONICS, INC.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant a stay pending appeal. Our determination is governed by four factors, the first two of which are the most critical: (1) whether the movant has made a strong showing of likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

Without prejudicing the ultimate disposition of this case by a merits panel, we conclude based upon the papers submitted that Phazzer has not established that a stay is warranted here.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

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