



## DIGITAL ALLY BEATS TASER'S LAST-MINUTE ATTEMPT TO ADD A NEW INVALIDITY THEORY TO THE CASE

*Court denies Axon's attempt to add a defense proposing Digital Ally's own prior products invalidate its auto-activation patent*

**Lenexa, KS | October 31, 2018 Digital Ally, Inc. (NASDAQ: DGLY)** Digital Ally, which develops, manufactures and markets advanced video surveillance products for law enforcement, homeland security and commercial applications, is pleased to announce that its case against Axon Enterprise, Inc. (formerly known as TASER International, Inc.) continues its march toward trial. Axon, having lost an *ex parte* reexamination challenge, four different *inter partes* review (IPR) challenges in the U.S. Patent and Trademark Office, and one post-grant review challenge against Digital Ally's law enforcement patent portfolio, continued its desperate search for evidence to invalidate Digital Ally's auto activation patent in an effort to avoid liability for Axon's alleged infringement. Axon's latest effort was an attempt to insert an entirely new invalidity defense into the case. The United States District Court for the District of Kansas rejected Axon's request yesterday, severely limiting the prior art Axon can present at trial.

On the last day of discovery in the case, Axon sought to amend its invalidity contentions to add a previously unidentified theory. Curiously, this theory was based on Digital's own patented in-car products that were disclosed to and considered by the Patent Office when it granted the auto-activation patent. Denying Axon's motion, the Court found that Axon "has failed to show good cause for its belated request to amend its invalidity contentions."

With this denial and Axon's prior losses at the Patent Office, the body of prior art available at trial is now severely limited. A scheduling conference to set a trial date is set for January 16, 2019.

"Axon's plan from the beginning has centered on invalidating our patents," said Digital Ally's CEO, Stanton Ross. "We have defeated each one of these attempts," continued Ross. "It is clear Axon wants to avoid answering for its conduct in front of a Kansas jury, but we remain committed to holding Axon accountable for its actions and the harm it has caused Digital, its shareholders and employees," concluded Ross.

### **About Digital Ally**

[Digital Ally](#), Inc., headquartered in Lenexa, KS, specializes in the design and manufacturing of the highest quality video recording equipment and video analytic software. Digital Ally pushes the boundaries of technology in industries such as law enforcement, emergency management, commercial fleets, and consumer use. Digital Ally's complete product solutions include in-car and body cameras, cloud and local management software, and automatic recording technology. These products work seamlessly together and are simple to install and operate. Digital Ally products are sold by domestic direct sales representatives and international distributors worldwide.

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