

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FUEL AUTOMATION STATION, LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 1:22-cv-00801
	§	
v.	§	
	§	JURY TRIAL DEMANDED
PERMIAN GLOBAL, INC., AND	§	
MANTICORE FUELS, LLC,	§	
	§	
Defendants.	§	

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff Fuel Automation Station, LLC (“FAS”) complains against Defendants Permian Global Inc. and Manticore Fuels, LLC (“Defendants”) and alleges as follows:

PARTIES

1. FAS is a limited liability company organized and existing under the laws of the State of Michigan, with a principal office at 24501 Ecorse Road, Taylor, Michigan, 48180.
2. Permian Global Inc. is a corporation organized and existing under the laws of the State of Texas with a principal place of business at 1113 Dayton Rd Midland, Texas 79706-3806
3. Manticore Fuels, LLC is a limited liability company organized and existing under the laws of the State of Texas with a principal place of business at 2419 W Murphy St., Odessa, Texas 79763-4804.

JURISDICTION AND VENUE

4. This Court has original subject matter jurisdiction over the claims in this action

pursuant to 28 U.S.C. § 1331 (federal question), § 1332 (diversity), and § 1338 (patents).

5. Defendants are subject to personal jurisdiction in this Court because Defendants are incorporated and organized in Texas and have their principal places of business in Texas.

6. Venue is proper in this judicial district as to Defendants under 28 U.S.C. § 1391(b)(1) and (c)(2) and 28 U.S.C. § 1400(b).

BACKGROUND

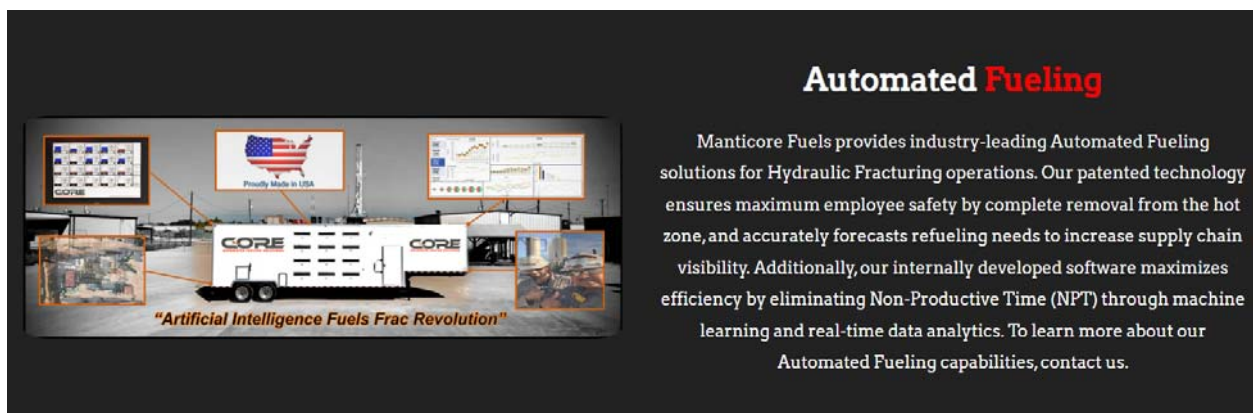
7. FAS manufactures and provides services related to an automated frac fuel delivery system known as the Fuel Automation Station (“FAS Equipment”).

8. The FAS Equipment is engineered to fuel multiple pieces of fracking equipment simultaneously, boosting operational efficiency while eliminating spills, hazards and downtime.

9. FAS protected its technology by filing patent applications, resulting in the issuance of numerous patents related to this technology.

10. FAS commercializes products that practice the inventions claimed in the Asserted Patents (defined below) by way of the FAS Equipment.

11. Defendants are competitors of FAS and are also in the business of providing services related to automated frac fuel delivery systems, as marketed on their websites:



<https://manticorefuels.com/services.html>, Exhibit 1



The most advanced diesel automation technology available.

CORE's custom-built, fully automated fueling units are tailor-made to client needs and specifications. We design and bring the most advanced diesel automation technology to the market, including:

- ✔ 26+ custom-built heavy-duty motorized hose reels with over 450 feet of capacity, dynamic flow rate modulation and predictive fuel consumption technology
- ✔ 1,500-gallon clear fuel cell with gauge panels and reinforced seams
- ✔ Bulk fuel storage (over 21,000-gallon capacity), including a patent pending piping system that prevents manual pull-off and fuel contamination issues
- ✔ Proprietary fuel valves that avoid clogging and spills, enhance pump performance and eliminate Non-Productive Time (NPT)

<https://corefueling.com/our-solutions/automated-fueling/>, Exhibit 2

12. These websites each market the CORE Automated Fueling Solution, which, on information and belief, is made, used, sold, and offered for sale in the United States by Defendants.

13. The CORE Automated Fueling Solution includes, among other things, a mobile trailer; a pump on the mobile trailer; a manifold on the mobile trailer and connected with the pump; a plurality of reels on the mobile trailer; a plurality of flow passages, each flow passage being connected to the manifold and running through a respective one of the reels; a plurality of hoses, each hose being connected with a respective one of the flow passages via a respective one of the reels; a plurality of valves on the mobile trailer, each valve situated between the manifold and a respective different one of the reels and being operable to control fluid flow through a respective one of the flow passages; a plurality of fluid level sensors, each fluid level sensor being connected or connectable with a respective different one of the hoses; and a controller configured to operate the valves responsive to fluid level thresholds to control fluid flow to the hoses.

14. The CORE Automated Fueling Solution includes, among other things, a container including first and second opposed side walls that join first and second opposed end walls; a pump in the container; first and second manifolds in the container and fluidly connected with the pump;

a plurality of reels in the container; a plurality of hoses, each hose connected with a different one of the reels, wherein a portion of the reels are connected to be fed from the first manifold and another portion of the reels are connected to be fed from the second manifold; a plurality of valves in the container, each valve situated between one of the first or second manifolds and a respective different one of the reels; a plurality of fluid level sensors, each fluid level sensor being associated with a different one of the hoses; and a controller configured to individually open and close the valves responsive to the fluid level sensors.

15. The CORE Automated Fueling Solution includes, among other things, a mobile trailer; a pump on the mobile trailer; first and second manifolds on the mobile trailer and fluidly connected with the pump; a plurality of reels on the mobile trailer; a plurality of hoses connected, respectively, with the reels, wherein a portion of the reels are connected with the first manifold and another portion of the reels are connected with the second manifold; a plurality of valves on the mobile trailer, each of the valves situated between one of the first or second manifolds and a respective different one of the hoses; and a plurality of fluid level sensors, each of the fluid level sensors being associated a respective different one of the hoses, wherein the reels are arranged on first and second opposed sides in the mobile trailer, with an aisle walkway down the middle of the mobile trailer.

16. Manticore Fuels, LLC provides diesel and related fueling solutions to drilling operators at least throughout West Texas, offering on site services on a 24/7 basis.

17. On July 19, 2022, FAS sent to each of the Defendants a letter demanding Defendants to cease using without permission the inventions set forth in these automated fueling system patents: U.S. Patent Nos. 10,815,118; 10,974,955; and 9,586,805 (“the Asserted Patents”). The letters are attached as Exhibit 3.

18. Along with each letter, FAS sent to each Defendant a claim chart that compared certain claims in the Asserted Patents with the CORE automated fueling system. (Exhibit 3). FAS maintains that Defendants infringe the Asserted Patents at least for the reasons set forth in those claim charts.

19. Defendants knew of the Asserted Patents at least as of the date that they received their July 19, 2022 letters.

20. Permian Global Inc. submitted an Information Disclosure Statement to the United States Patent and Trademark Office on December 26, 2019 citing FAS's U.S. Patent No. 9,586,805 ("the '805 Patent").

21. Permian Global Inc. knew of the '805 patent at least as of December 26, 2019.

22. The '955 Patent is in the same patent family as the '805 patent.

23. In each letter FAS sent to Defendants, FAS asked for a substantive response by August 1, 2022.

24. Neither Defendant provided a substantive response to the letter by August 1, 2022.

25. Notwithstanding Defendants' knowledge of the Asserted Patents, Defendants have intentionally and continued their infringement of the Asserted Patents.

26. Permian Global Inc. represented to the United States Patent and Trademark Office in a trademark application for its CORE Automated Fueling Solutions trademark that it has used the CORE Automated Fueling Solutions trademark in connection with the following goods and services since January 1, 2019:

- Fuel dispensing pumps for service stations; High-pressure pumps for use in oil or gas well hydraulic fracturing operations; Skid-mounted oil and natural gas extracting and processing machines, namely, fuel pumps, flow meters, motorized reels, fuel hoses, PLC panel, electric wiring, wireless volume IOT sensors, tank level monitoring devices, fuel valves, solenoid valves, 35kw diesel Generator.

- Apparatus for testing gas, liquids and solids; Fuel pump testers; Power controllers for fuel dispenser, automated fuel dispensing technology, PLC control panel, power controllers, electric wiring, 35kw diesel generator, auto switch on-off valves.
- Providing a website featuring non-downloadable software for cloud-based platform streamlines the delivery of the industry's most accurate time-series and oilfield data directly to your laptop, tablet or smartphone. Cloud-based technology captures real-time data related to fuel transfer consumption and analyzes tanks' fuel level, flow rate modulation by stage, fleet and individual asset tracking.

27. Permian Global Inc. further provided a Specimen with its trademark application to support its alleged use of the trademark, and that Specimen is attached as Exhibit 4, showing the same CORE Automated Fueling Solution that Defendants market on their websites.

THE ASSERTED PATENTS

28. FAS is the assignee of a number of patents relating to automated fueling for fracturing systems, including the Asserted Patents.

29. On October 27, 2020, the United States Patent and Trademark Office duly and lawfully issued United States Patent No. 10,815,118 (“the ’118 patent”), entitled “Mobile Distribution Station Having Sensor Communication Lines Routed With Hoses.” A true and correct copy of the ’118 patent is attached hereto as Exhibit 5.

30. The ’118 patent names Ricky Dean Shock as the inventor.

31. FAS is the owner by assignment of all right, title and interest in the ’118 patent.

32. On April 13, 2021, the United States Patent and Trademark Office duly and lawfully issued United States Patent No. 10,974,955 (“the ’955 patent”), entitled “Mobile Distribution Station For Fluid Dispensing.” A true and correct copy of the ’955 patent is attached hereto as Exhibit 6.

33. The ’955 patent names Ricky Dean Shock as the inventor.

34. FAS is the owner by assignment of all right, title and interest in the ’955 patent.

35. On March 7, 2017, the United States Patent and Trademark Office duly and lawfully issued the '805 Patent, entitled "Mobile Distribution Station With Aisle Walkway." A true and correct copy of the '805 patent is attached hereto as Exhibit 7.

36. The '805 Patent names Ricky Dean Shock as the inventor.

37. FAS is the owner by assignment of all right, title and interest in the '805 patent.

COUNT I
(DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,815,118)

38. FAS incorporates by reference all of the preceding paragraphs as though fully set forth herein.

39. Defendants have directly infringed, literally or under the doctrine of equivalents, at least claim 1 of the '118 patent by making, using, selling, offering to sell and/or importing into the United States, without authority, the CORE Automated Fueling Solution.

40. An exemplary claim chart based upon publicly available information illustrating how the CORE Automated Fueling Solution meets each and every limitation of claim 1 of the '118 patent is attached, *see* Exhibit 3, pp. 59, 124.

COUNT II
(DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,974,955)

41. FAS incorporates by reference all of the preceding paragraphs as though fully set forth herein.

42. Defendants have directly infringed, literally or under the doctrine of equivalents, at least claim 1 of the '955 patent by making, using, selling, offering to sell and/or importing into the United States, without authority, the CORE Automated Fueling Solution.

43. An exemplary claim chart based upon publicly available information illustrating how the CORE Automated Fueling Solution meets each and every limitation of claim 1 of the '955

patent is attached, *see* Exhibit 3, pp. 61, 126.

COUNT III
(DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,586,805)

44. FAS incorporates by reference all of the preceding paragraphs as though fully set forth herein.

45. Defendants have directly infringed, literally or under the doctrine of equivalents, at least claim 1 of the '805 patent by making, using, selling, offering to sell and/or importing into the United States, without authority, the CORE Automated Fueling Solution.

46. An exemplary claim chart based upon publicly available information illustrating how the CORE Automated Fueling Solution meets each and every limitation of claim 1 of the '805 patent is attached, *see* Exhibit 3, pp. 64, 129.

DEMAND FOR JURY TRIAL

47. FAS requests a trial by jury on all claims and issues triable by jury.

PRAYER FOR RELIEF

FAS and Defendants are competitors. FAS has suffered substantial damages and will suffer severe and irreparable harm as a result of Defendants' infringement, unless that infringement is enjoined by this Court. The threatened injury to FAS outweighs any harm that an injunction may cause to Defendants. Injunctive relief would not disserve the public interest under these circumstances.

FAS requests that the Court enter judgment in its favor against Defendants and grant the following relief:

- A. A declaration that Defendants have infringed one or more claims of the Asserted Patents;
- B. A permanent injunction preventing Defendants, as well as its officers, directors, agents, servants, assigns, and those in active concert and participation with any of

them from infringing the Asserted Patents.

- C. A ruling that this case be found exceptional under 35 U.S.C. § 285, and a judgment awarding FAS its reasonable attorneys' fees and costs incurred in prosecuting this action;
- D. A judgment that requires Defendants to pay FAS damages under 35 U.S. C. 284, including supplemental damages for any continuing post-verdict infringement until the entry of final judgment, with an accounting as necessary;
- E. A judgment that Defendants' infringement is willful and award FAS enhanced damages under 35 U.S.C. § 284, up to and including trebling FAS's damages, based on Defendants' willful infringement of the Asserted Patents.
- F. A judgment and order requiring that in the event a permanent injunction preventing further acts of infringement is not granted, that Frac Shack be awarded a compulsory ongoing licensing fee;
- G. A judgment awarding FAS costs under 28 U.S.C. § 1920; and,
- H. Such other legal and equitable relief to which FAS is entitled or which the Court deems just and proper.

Dated: August 10, 2022

Respectfully Submitted,

By: /s/Eric H. Findlay

Eric H. Findlay

Texas Bar No. 00789886

Brian Craft

Texas Bar No. 04972020

FINDLAY CRAFT P.C.

102 N. College Avenue, Suite 900

Tyler, TX 75702

Telephone: (903) 534-1100

Facsimile: (903) 534-1137

Email: efindlay@findlaycraft.com

Email: bcraft@findlaycraft.com

Steven Susser (*pro hac vice forthcoming*)

Alex Szypa (*pro hac vice forthcoming*)

CARLSON, GASKEY & OLDS, PC

400 W. Maple Rd., Suite 350

Birmingham, MI 48009

Telephone: (248) 988-8360

Facsimile: (248) 988-8363

ssusser@cgolaw.com

aszypa@cgolaw.com

Attorneys for Plaintiff Fuel Automation Station, LLC