

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUEL AUTOMATION STATION, LLC.
Petitioner,

v.

FRAC SHACK INC,
Patent Owner

CASE IPR2017-01349
United States Patent No. 9,346,662

PETITIONER FUEL AUTOMATION STATION, LLC.'S
MOTION FOR *PRO HAC VICE* ADMISSION
PURSUANT TO 37 C.F.R. § 42.10(C)

This unopposed Motion for *Pro Hac Vice* admission is filed on behalf of Fuel Automation Station, LLC (“FAS” or “Petitioner”). FAS respectfully moves that the Board recognize Steven Susser as counsel *pro hac vice* during this proceeding. Patent Owner does not oppose this motion.

1. Time for Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty-one (21) days after service of the petition.

2. Statement of Facts Showing Good Cause for Admission of Counsel *Pro Hac Vice*

Petitioner’s lead and back-up counsel are registered petitioners:

Lead Counsel: Matthew L. Koziarz, Reg. No. 53,154; and

Backup Counsel: Alex Szypa, Reg. No. 70,374.

Mr. Susser is a skilled litigator, has extensively participated in the co-pending litigation in federal district court involving the patent at issue in this proceeding, and if admitted, will be involved with the depositions that occur in this proceeding. U.S. Patent No. 9,346,662 is currently asserted by the Patent Owner in co-pending litigation, in the District of Colorado, 1:16-cv-02275 (*Frac Shack Inc. v. Atlas Oil Company and Fuel Automation Station, LLC*) (“the co-

and is representing the Petitioner in the co-pending litigation.

Mr. Susser has analyzed prior art references and claim charts in connect with invalidity contentions and has been involved in forming claim construction positions related to the claim inventions, all of which are relevant to the petition requesting *inter partes review* of U.S. Patent No. 9,346,662. Petitioner wishes to apply Mr. Susser's knowledge of the patent by employing him as counsel in this proceeding. Admission of Mr. Susser *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

Petitioner's lead and backup counsel are registered practitioners and Mr. Susser is an experienced litigation attorney having familiarity with the subject matter at issue in this proceeding. Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Susser as counsel *pro hac vice* during this proceeding.

3. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is supported by an Affidavit of Mr. Susser (Ex. 1036).

Dated: August 8, 2017

Respectfully submitted,

/Matthew L. Koziarz/

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Alex Szypa, Reg. No. 70,374

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PETITIONER'S EXHIBIT LIST IPR 2017-01349

Exhibit No.	Description
Ex. 1036	Affidavit of Steven Susser in Support of Petitioner's Motion for <i>Pro Hac Vice</i> Admission

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