

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREIGHTCAR AMERICA, INC.,

Petitioner,

v.

NATIONAL STEEL CAR LIMITED,

Patent Owner

IPR2025-01046 (Patent 8,166,892)

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
REPLY EVIDENCE PER 37 CFR § 42.64(b)(1)**

On behalf of National Steel Car Limited

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Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner National Steel Car Limited submits its objections to Petitioner's pre-institution evidence.

I. Exhibit 1057: Declaration of Justin J. Gillett

Patent Owner reserves the right to move to exclude Exhibit 1057 or portions of the declaration/testimony based on FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), and/or FRE 701/702/703 (improper lay opinion or insufficient support for expert testimony). Further, Patent Owner objects to Exhibit 1057 FRE 602 (personal knowledge) and FRE 802 (hearsay), to the extent that Patent Owner does not have the opportunity to cross-examine Attorney Gillett.

II. Exhibits 1059-1064

Patent Owner objects to these Exhibits based on lack of foundation, FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), and/or FRE 901/902 (authenticity), including because Petitioner has failed to establish that the documents are relevant or authentic. Moreover, Patent Owner objects to Exhibits 1059-1062 and 1064 to the extent that they were used without permission in this proceeding in violation of the Protective Order issued by the District Court in the pending infringement action by Patent Owner against Petitioner (D.I. 042, *National Steel Car Ltd. v. FreightCar America, Inc.*, No. 24-594-JLH-CJB).

Respectfully Submitted,

Date: June 29, 2026

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER’S OBJECTIONS TO PETITIONER’S REPLY EVIDENCE PER 37 CFR § 42.64(b)(1)** was served electronically in its entirety on the date noted below via electronic mail to the following attorneys of record:

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