

Date: July 7, 2026

Filed on behalf of **FreightCar America, Inc.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREIGHTCAR AMERICA, INC.
Petitioners,

v.

NATIONAL STEEL CAR LIMITED,
Patent Owner

Case No. IPR2025-01046
US Patent No. 8,166,892

**PETITIONER'S MOTION TO EXPUNGE EXHIBITS AND
ITS UNREDACTED REPLY TO PATENT OWNER'S RESPONSE**

I. INTRODUCTION

Pursuant to 37 CFR §§ 42.14 and 42.54, Petitioner FreightCar America, Inc. (“FreightCar America”) submits this Motion to Expunge Exhibits and Its Unredacted Reply to Patent Owner’s Response. Petitioner’s Unredacted Reply to Patent Owner’s Response initially cited evidence that Patent Owner National Steel Car produced in related district court litigation, *National Steel Car Limited v. FreightCar America, Inc., et al.*, Case No. 24-cv-594-JLH-CJB (D. Del.) (the “Related Litigation”). Petitioner is not relying on initially cited exhibits EX1061 and EX1064.

Petitioner has conferred with Patent Owner, who does not oppose this motion.

II. GOOD CAUSE EXISTS TO EXPUNGE

The standard for granting a motion to seal is “good cause.” 37 CFR § 42.54; *see Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (Jan. 19, 2018) (Informative). That same standard is appropriate for this similar motion to expunge. *See Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 97 at 2 (P.T.A.B. Apr. 15, 2015).

Good cause exists to expunge the following:

Paper 48	Petitioner’s Reply to Patent Owner’s Response (unredacted version, filed June 22, 2026)
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EX1061	Exhibit 171 (NSC031405–07) in <i>National Steel Car Ltd. v. FreightCar America, Inc., et al.</i> , No. 1:24-cv-00594 (D. Del.)
EX1064	Exhibit 114 (NSC021540–47) in <i>National Steel Car Ltd. v. FreightCar America, Inc., et al.</i> , No. 1:24-cv-00594 (D. Del.)

Patent Owner produced EX1061 under a protective order in the Related Litigation and designated it “Confidential – Attorneys’ Eyes Only.” It is an internal document from Patent Owner regarding a call with its customer about tests of railcars supplied by Patent Owner. Disclosure of the document may reveal internal business practices and procedures, confidential testing or other technical protocols, and potential trade secret information.

Patent Owner produced EX1064 under a protective order in the Related Litigation and designated it “Confidential – Attorneys’ Eyes Only.” It is an email Patent Owner received from its potential customer regarding an RFQ for ore cars. Disclosure of the document may reveal internal business practices and procedures, and confidential pricing or technical specifications.

Petitioner sought Patent Owner’s consent to use EX1061 and EX1064 in this IPR, but NSC did not consent and instead requested that Petitioner expunge these materials.

In this circumstance, Petitioner is not relying on EX1061 and EX1064. Accordingly, there is no need to balance any need for public disclosure of PTAB

filings. Expungement will satisfy Patent Owner's desire to protect any confidential information contained in the exhibits.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Board grant this motion to expunge the above-listed exhibits, and the initial, unredacted version of Petitioner's Reply, filed June 22, 2026 that refers or cites to content contained in those exhibits.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 7, 2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITIONER’S
MOTION TO EXPUNGE EXHIBITS AND ITS UNREDACTED REPLY TO
PATENT OWNER’S RESPONSE** is being served electronically on July 7, 2026,
to the e-mail addresses shown below:

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