

Date: July 9, 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

**CORRECTED PETITIONER'S MOTION TO SEAL EXHIBITS AND
ITS SUBSTITUTE 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 Corrected Motion to Seal Exhibits and Its Substitute Reply to Patent Owner’s Response. In its Motion to Seal filed July 7, 2026 (Paper 52), Petitioner inadvertently mis-labeled Petitioner’s Substitute Reply to Patent Owner’s Response (which Petitioner seeks to seal) as Paper “51.” This Corrected Motion corrects that error to identify the Substitute Reply sought to be sealed as Paper “53.” Except for that correction and this introductory paragraph, this Corrected Motion to Seal is identical to the July 7 Motion to Seal.

Petitioner’s Substitute Reply to Patent Owner’s Response includes material 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 has conferred with Patent Owner regarding this Motion. Patent Owner stated: “NSC cannot represent that it is unopposed to [FreightCar America’s] motion to seal unless and until it receives written confirmation from Canadian National that [FreightCar America] is authorized to file the subject materials with the PTAB.” FreightCar America has confirmed that CN agrees that these exhibits should be sealed.

II. GOOD CAUSE EXISTS TO SEAL

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).

Good cause exists to seal the following:

~~Paper 51~~ Paper 53 (Substitute for Paper 48)	Petitioner’s Substitute Reply to Patent Owner’s Response
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EX1059	Exhibit 96 (CN00095541) in <i>National Steel Car Ltd. v. FreightCar America, Inc., et al.</i> , No. 1:24-cv-00594 (D. Del.)
EX1060	Exhibit 92 (CN00099533–34) in <i>National Steel Car Ltd. v. FreightCar America, Inc., et al.</i> , No. 1:24-cv-00594 (D. Del.)
EX1062	CN00094712–32 in <i>National Steel Car Ltd. v. FreightCar America, Inc., et al.</i> , No. 1:24-cv-00594 (D. Del.)

A non-litigant, Canadian National (“CN”) produced EX1059 under a protective order in the Related Litigation and designated it “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” It is a CN internal document related to an award of business to supply new railcars. Disclosure of the document may reveal internal business practices and procedures, confidential pricing, and potential trade secret information.

CN produced EX1060 under a protective order in the Related Litigation and designated it “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” It is a CN internal document related to company railcar strategy, including status of a request for proposal related to railcars. Disclosure of the document may reveal internal business practices and procedures, confidential pricing, and potential trade secret information.

CN produced EX1062 under a protective order in the Related Litigation and designated it “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” It is a CN internal email related to acquisition of railcars from Petitioner. Disclosure of the document may reveal internal business practices and procedures, confidential pricing, and potential trade secret information.

CN agrees that these exhibits should be sealed.

For each of the exhibits listed above, the entire exhibits have been designated confidential, so Petitioner is not aware of how discrete portions could be redacted to satisfy CN. Moreover, the exhibits to be sealed represent a small portion of the overall evidence relied on in Petitioner’s Reply, allowing the public to understand the record. Thus, sealing these exhibits as requested reasonably balances the need for public disclosure of PTAB filings with protecting CN’s confidential information contained in the exhibits.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Board grant this motion to seal the above-listed exhibits and the replacement version of Petitioner's Reply provided herewith that refers or cites to content contained in those exhibits.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 9, 2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CORRECTED PETITIONER'S MOTION TO SEAL EXHIBITS AND ITS SUBSTITUTE REPLY TO PATENT OWNER'S RESPONSE** is being served electronically on July 9, 2026, to the e-mail addresses shown below:

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