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On behalf of **FreightCar America, Inc.**

By: Philip Nelson (Reg. No. 62,676)
Ted M. Cannon (Reg. No. 55,036)
Justin Gillett (Reg. No. 71,099)
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
Tel.: (949) 760-0404
Fax: (949) 760-9502
Email: FCAIPR-515-047@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREIGHTCAR AMERICA, INC.,
Petitioner,

v.

NATIONAL STEEL CAR LIMITED,
Patent Owner.

IPR2025-01047

Patent 8,132,515

**PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

Pursuant to the Board’s September 30, 2025 order, Petitioner FreightCar America submits this reply to correct two misstatements in Patent Owner’s Preliminary Response (“POPR”).

**I. PATENT OWNER WRONGLY ACCUSES PETITIONER OF
FABRICATING EVIDENCE**

In the introduction to its POPR, Patent Owner wrongly accuses Petitioner of altering the evidence of the prior art on which the Petition is based:

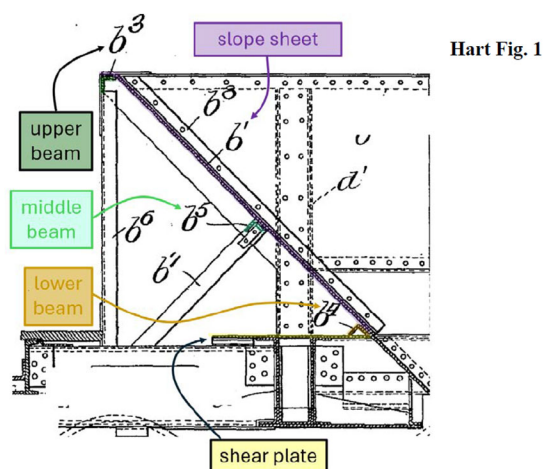
Further, the Petition and Dr. Ahmadian’s report amend the exhibits of the asserted art to add details that are not present from the low-resolution images provided in the exhibits. In this way, the Petition and Dr. Ahmadian substitute what they would like the asserted art to show for what is actually shown in the exhibits of the asserted art.

POPR at 2. Despite the gravity of these charges, Patent Owner never discusses them in the body of its POPR and never provides any example of an exhibit that Petitioner supposedly “amended.” Patent Owner’s accusations are baseless and incorrect and should be ignored.¹

¹ In its POPRs for the two related petitions (IPR2025-01046 and -01048), Patent Owner incorrectly argued that Petitioner altered the prior-art 1946 Cyclopedia using “computer generated vector graphics.” ’046 POPR at 20–21; ’048 POPR at 17–18. As explained in Petitioner’s replies to those POPRs, the

II. PETITIONER’S EXPERT DECLARATION PROVIDES SUFFICIENT DETAIL, CONSISTENT WITH PTAB PRACTICE AND GUIDANCE

Patent Owner also argues that Dr. Ahmadian addressed obviousness without considering every claim element or addressing differences between the prior art and the challenged claims “as a whole.” POPR at 13–14. But Dr. Ahmadian did consider the claims as a whole. EX1003, ¶¶17, 24. And contrary to NSC’s assertion (POPR at 14), he did not “ignore” limitation [1d], which requires a slope sheet “over hanging” the shear plate. His declaration shows and labels these very features in discussing limitation [1e], in a figure showing the claimed overhang:



details depicted in those petitions and expert declarations were scanned from the 1946 Cyclopedia itself, and the discrepancy with EX1004 is due to a clerical error that reduced the resolution of the images in the exhibit. *See* EX1051; EX1052.

Pursuant to the Board’s September 30, 2025 order (EX1053), Petitioner has moved for leave to submit a corrected, higher resolution version of EX1004.

EX1003, ¶ 68.

Patent Owner argues that Dr. Ahmadian ignored limitations because his declaration does not contain sections devoted to those limitations.² PROPR at 14 (referring to limitations [1b] and [1d]). But he was not required to devote entire sections to limitations plainly present in the prior art, such as an end slope sheet positioned over a shear plate. The Office has explained that experts need not discuss claim elements that technically educated Board judges will readily recognize. *See* PTAB Consolidated Trial Practice Guide (Nov. 2019) at 34–36. Dr. Ahmadian explained the conventions that apply to very old prior-art railcar schematics. EX1003, ¶¶ 54–59. He also identified claim elements that might not be immediately apparent to the Board and explained the reasons and motivations to combine prior art. All of this is proper expert testimony. Patent Owner’s criticisms of Dr. Ahmadian are inconsistent with the Office’s policies and guidance and should be disregarded.

² Patent Owner elsewhere argues, inconsistently, that the Petition should be denied because it relies too heavily on expert testimony. Paper 8 at 42–45.

Dated: October 8, 2025

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KNOBBE MARTENS OLSON & BEAR, LLP

Attorneys for Petitioner FreightCar America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITIONER’S
REPLY TO PATENT OWNER’S PRELIMINARY RESPONSE is being served on
October 8, 2025, via email on counsel of record for Patent Owner at the address
below:

Safet Metjahic (Reg. No. 58,677)
Robert Keeler (Reg. No. 70,546)
ICE MILLER LLP
1500 Braodway, 29th Floor
New York, NY 10036
Safet.Metjahic@icemiller.com
Robert.Keeler@icemiller.com

Dated: October 8, 2025

By: / Philip M. Nelson /

Phillip Nelson (Reg. No. 62,676)
KNOBBE MARTENS OLSON & BEAR, LLP