

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)

IPR2025-01047 (Patent 8,132,515)

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

On behalf of National Steel Car Limited

By: Safet Metjahic (Reg. No. 58,677)

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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 1003: Declaration of Mehdi Ahmadian, Ph.D.

Patent Owner has not yet cross-examined Dr. Ahmadian but intends to do so. Patent Owner reserves the right to move to exclude Exhibit 1003 or portions of the declaration/testimony based on FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), and/or FRE 702/703 (insufficient support for expert testimony). Further, Patent Owner objects to Exhibit 1003 under FRE 802 (hearsay), to the extent that Patent Owner does not have the opportunity to cross-examine Dr. Ahmadian.

II. Exhibit 1004: Excerpts from 1946 Car Builders’ Cyclopedia, 17th ed. (“1946 Cyclopedia”)

Patent Owner objects to Exhibit 1004 based on FRE 401/402 (relevance) and/or FRE 403 (probative value outweighed by prejudice, confusing, waste of time), including to the extent that it is replaced by Exhibit 1054.

III. Exhibit 1022: Declaration of Sylvia Hall-Ellis, Ph.D.

Patent Owner has not yet cross-examined Dr. Hall-Ellis but intends to do so. Patent Owner reserves the right to move to exclude Exhibit 1022 or portions of the declaration/testimony based on FRE 401/402 (relevance), FRE 403 (probative value

outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), and/or FRE 702/703 (insufficient support for expert testimony). Further, Patent Owner objects to Exhibit 1022 under FRE 802 (hearsay), to the extent that Patent Owner does not have the opportunity to cross-examine Dr. Hall-Ellis.

IV. Exhibits 1026-1053

Patent Owner objects to these Exhibits based on FRE 401/402 (relevance) and/or FRE 403 (probative value outweighed by prejudice, confusing, waste of time), including because Petitioner does not cite these Exhibits in its Petition.

V. Exhibit 1054: Higher Resolution Excerpts from 1946 Car Builders' Cyclopedia, 17th ed. ("1946 Cyclopedia")

Patent Owner objects to Exhibit 1054 based on FRE 401/402 (relevance) and/or FRE 403 (probative value outweighed by prejudice, confusing, waste of time), including because Petitioner did not cite the exhibit in its Petition as filed and because this exhibit was untimely filed.

FreightCar America v. National Steel Car
IPR2025-01046 – U.S. Patent 8,166,892
IPR2025-01047 – U.S. Patent 8,132,515

Respectfully Submitted,

Date: December 30, 2025

/Safet Metjahic/

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*Attorneys for Patent Owner,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER’S
OBJECTIONS TO PETITIONER’S PRE-INSTITUTION 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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