

Filed: December 31, 2025

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.,
Petitioner,

v.

NATIONAL STEEL CAR LIMITED,
Patent Owner

Case IPR2025-01047
Patent No. 8,132,515

**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF PATENT
OWNER'S EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner FreightCar America, Inc. submits the following objections to the admissibility of evidence served with Patent Owner's Request for Discretionary Denial of Institution (Paper 8) and Patent Owner's Preliminary Response (Paper 12). Petitioner reserves its rights to: (1) timely file a motion to exclude Patent Owner's evidence, including evidence in the form of testimony or exhibits, or portions thereof; (2) challenge the credibility and/or weight that should be afforded Patent Owner's evidence, whether or not Petitioner files a motion to exclude the evidence; and (3) cross-examine any Patent Owner declarant within the scope of his or her direct testimony that relates to exhibits or other evidence, without regard to whether Petitioner has objected to the testimony or related exhibits or whether the testimony or related exhibits are ultimately found to be inadmissible.

Exhibit	Objections
EX2001	FRE 402-403: This exhibit is not cited in Patent Owner's POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner

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	also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). The exhibit includes testimony that is not relevant to the issues set forth in the Petition, including, without limitation, testimony related to Exhibits EX2002–EX2033. The exhibit also includes testimony that is not relevant to the arguments and factual assertions set forth in the Petition. By way of example and not limitation, this objection applies to any paragraph citing or referencing any of Exhibits EX2002–EX2033. In addition to the foregoing, Petitioner reserves the right to move to exclude this Exhibit or portions of the declaration or testimony therein based on FRE 602 (lack of personal knowledge), and/or FRE 701/702/703 (insufficient support for expert testimony).

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EX2004	FRE 402-403: Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Patent Owner cites its own litigation complaint for an alleged public announcement by Petitioner. Paper 12 at 5. Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2005	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not

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EX2006	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or

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EX2007	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those

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EX2008	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that

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EX2009	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2010	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not

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EX2011	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or

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EX2012	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those

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EX2013	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that

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EX2014	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2015	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not

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EX2016	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or

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EX2017	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those

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EX2018	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that

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EX2019	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2020	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not

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	relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2021	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or

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EX2022	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those

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EX2023	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that

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EX2024	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2025	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not

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EX2026	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or

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EX2027	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those

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EX2028	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that

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EX2029	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2030	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not

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EX2031	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or

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EX2032	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those

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EX2033	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that

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EX2035	FRE 701-702: The exhibit includes opinion testimony that does not comply with the requirements of FRE 701 and 702. The testimony is not lay opinion testimony under FRE 701. With respect to FRE 702, the evidence does not establish that the declarant’s non-obviousness opinions are (1) “based on sufficient facts or data,” (2) “the product of reliable principles and methods,” and that (3) “the expert has reliably applied the principles and methods to the facts of the case.” For example, the exhibit’s interpretations of claim limitations relating to Claims 7, 18, 20, and 32 (e.g., “extend to,” “extend between,” and “extend . . . to meet”) are not explained or supported, despite being very narrow and important to the exhibit’s underlying conclusions. By way of example and not limitation, this objection applies to at least paragraphs 84, 107, 138, 164, 179–185, of the exhibit.

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	Deficiencies in the declarant’s analysis include, without limitation: (1) conclusory assertions unsupported by sufficient underlying facts, data, or reasoning, (2) reliance on allegedly known facts or alleged claim interpretations without citation to evidence; and (3) failure to consider evidence or factors necessary to a claim construction or non-obviousness analysis. By way of example and not limitation, this objection applies to at least paragraphs 84, 107, 138, 164, 179–185 of the exhibit, any other paragraph incorporating or referencing the foregoing paragraphs. In addition to the foregoing, Petitioner reserves the right to move to exclude this Exhibit or portions of the declaration or testimony therein 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 703 (insufficient support for expert testimony).

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EX2036	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2037	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is

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EX2038	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to

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EX2039	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR).

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	FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2040	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.

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EX2041	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR). FRE 802: Petitioner objects, on the basis of inadmissible hearsay, to any statement included in the exhibit that Patent Owner relies upon to prove the truth of the matter asserted in the statement.
EX2042	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is

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EX2043	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to

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EX2044	FRE 402-403: This exhibit is not cited in Patent Owner’s POPR. Petitioner objects to this exhibit because it is not relevant to the unpatentability theories set forth in the Petition and, alternatively, because any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner also objects to Patent Owner’s reliance on this exhibit to support any argument or factual assertion beyond those for which patent owner has cited it so far (e.g., in the POPR).

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Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR, LLP

Dated: December 31, 2025

By: / Philip M. Nelson /

Philip Nelson (Reg. No. 62,676)

Ted M. Cannon (Reg. No. 55,036)

Justin Gillett (Reg. No. 71,099)

Attorneys for Petitioner

FreightCar America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e), a true and correct copy of **PETITIONER’S OBJECTIONS TO ADMISSIBILITY OF PATENT OWNER’S EVIDENCE** is being served electronically on December 31, 2025, to the e-mail addresses shown below:

ICE MILLER LLP
Safet Metjahic
Robert Keeler
1500 Broadway, 29th Floor
New York, NY 10036
Email: Safet.Metjahic@icemiller.com
Robert.Keeler@icemiller.com

Dated: December 31, 2025

By: / Philip M. Nelson /

Philip Nelson (Reg. No. 62,676)
Ted M. Cannon (Reg. No. 55.036)
Justin Gillett (Reg. No. 71,099)
KNOBBE MARTENS OLSON & BEAR, LLP