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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 Director Review of Institution Decision, dated December 30, 2025 (Paper 31). 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
EX2046	FRE 402: Petitioner objects to this exhibit because it is not relevant to the issue for which Patent Owner has offered it, namely, for the Director's review of the Board's institution decision. The exhibit is a statutory disclaimer filed <i>after</i> both the POPR and the Board's institution decision. A statutory disclaimer that is non-existent at the time of the Board's institution decision is not relevant to the Board's institution decision because it can neither

Exhibit	Objections
	prevent institution under 37 C.F.R. § 42.107(e) nor be considered for discretionary denial. A statutory disclaimer that is non-existent at the time of the Board’s institution decision is also not relevant to Director review of the Board’s institution decision because such review is for correcting errors in the Board’s institution decision, and the Board could not have erred by not considering evidence that did not exist at the time of that decision.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR, LLP

Dated: January 7, 2026

By: /Philip M. Nelson /

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Attorneys for Petitioner

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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 January 7, 2026, to the e-mail addresses shown below:

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