

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

IPR2025-01047

IPR2025-01048

Patent 8,166,892

Patent 8,132,515

DECLARATION OF MICHAEL SELAPACK

I, Michael Selapack, declare as follows:

1. I have worked for FreightCar America, Inc. since 1998. My current role at FreightCar America is Director of Field Services and Support. I previously held roles at FreightCar America as Director of Aftermarket Services, Product Development Engineer, Production Engineer, Director of Field Services and Support, and Manager of Warranty and Customer Service.

2. Iron ore mined in the U.S. is transported from the mines in gondola freight cars, open-top hopper freight cars or trucks to the crushing/grinding/pelletizing operation. Once pelletized, the refined ore is loaded into open top hopper cars that transport the product to steel mills or ports of export.

3. In the pending district court litigation between the parties, National Steel Car Limited has asserted two patents against hopper cars that FreightCar America manufactured for Canadian National in 2023–2024. FreightCar America manufactured those hopper cars to carry iron ore on the Duluth, Missabe and Iron Range Railway (“DMIR”). The iron ore is mined in Minnesota and then transported on the DMIR, including in hopper cars manufactured by FreightCar America, to docks in Minnesota. There, the ore is loaded onto ships and sent to mills operated by U.S. Steel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 17, 2025



Michael Selapack