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**To:** [Safet.Metjahic@icemiller.com](mailto:Safet.Metjahic@icemiller.com); [Director Discretionary Decision](#)  
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**Subject:** RE: Request for leave to file single reply to Petitioner's Opposition to Patent Owner's Requests for Discretionary Denial in IPR2025-01046, -01047 and -01048  
**Date:** Friday, September 26, 2025 2:33:33 PM  
**Attachments:** [image001.png](#)

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Your request is approved and you may file the documents today.

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**From:** Safet.Metjahic@icemiller.com <Safet.Metjahic@icemiller.com>  
**Sent:** Thursday, September 25, 2025 5:46 PM  
**To:** Director\_Discretionary\_Decision <Director\_Discretionary\_Decision@uspto.gov>  
**Cc:** Trials <Trials@USPTO.GOV>; 2tmc <2TMC@knobbe.com>; 2pmn <2pmn@knobbe.com>; 2Jjg <2Jjg@knobbe.com>; FCAIPR-515-048 <FCAIPR-515-048@knobbe.com>; FCAIPR-515-047 <FCAIPR-515-047@knobbe.com>; FCAIPR-892 <FCAIPR-892@knobbe.com>; IM-NSClit@icemiller.com; Robert.Keeler@icemiller.com  
**Subject:** Request for leave to file single reply to Petitioner's Opposition to Patent Owner's Requests for Discretionary Denial in IPR2025-01046, -01047 and -01048

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Dear Honorable Director,

Pursuant to the Interim Discretionary Denial Process, Patent Owner National Steel Car, Ltd. requests leave to file a single reply to Petitioner FreightCar America Inc.'s Oppositions to Patent Owner's Requests for Discretionary Denial in IPR2025-01046, -01047, and -01048 (collectively, the "Oppositions").

Good cause exists for this request. Petitioner argues in the Oppositions that economic and national security interests support review of the '892 and '515 Patents at issue in IPR2025-01046, -01047, and -01048. Patent Owner could not have foreseen these arguments as there are important facts that refute any such argument that will be material to the Honorable Director's assessment regarding whether to discretionarily deny the Petitions. For example, Petitioner claims it is a U.S. company, despite deliberately closing its U.S.-based manufacturing facilities and opening facilities in Mexico in 2008. It is the Mexican facility where the infringing rail cars were built that prompted the District Court Litigation and these IPRs. These facts are entirely ignored by Petitioner in its Oppositions. Thus, Patent Owner seeks to correct the record and demonstrate its own long-standing support of the U.S. steel industry, which Petitioner claims is the basis for its economic and national security interests.

Moreover, Patent Owner seeks to point out the existence of non-infringing alternatives that have been sold and used on the same railway as Patent Owner's practicing products and Petitioner's infringing products; and that the particular railway upon which the patent-practicing and infringing

rail cars are used is only one of many in the steel transport industry. Thus, there is no legitimate concern relating to economic or national security issues since Petitioner is free to make and sell alternative non-infringing rail cars to move steel, and not the infringing rail cars that it copied from Patent Owner to within measurement tolerances.

Because the arguments raised by Petitioner are the same in each of the three IPRs, Patent Owner seeks to enter a single Reply brief to avoid over-burdening the Honorable Director.

A copy of Patent Owner's proposed Reply Brief is enclosed. Proposed new Exhibits 2036 and 2037 are also enclosed. Proposed new Exhibits 2038-2041 can be provided upon request because they contain information that will be designated under the Proposed Protective Order when filed.

Thank you,

**Safet Metjahic** | Partner



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ICE MILLER LLP

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