

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)
IPR2025-01048 (Patent 8,132,515)


DECLARATION OF JUSTIN J. GILLETT

I, Justin J. Gillett, declare as follows:

1. I am an attorney with Knobbe, Martens, Olson and Bear, LLP and I have personal knowledge of the statements made herein.

2. I, other attorneys on the team, and expert witness Dr. Ahmadian, used a large book (the “1946 Cyclopedia”) as prior art for the three petitions and supporting declarations for the IPRs listed in the caption appearing above.

3. Those petitions and supporting declarations contain figures that reproduce portions of the 1946 Cyclopedia. Other Knobbe Martens attorneys, staff, and I created those figures by scanning and photographing the reproduced portions of the 1946 Cyclopedia. We used the scans to create a PDF document and designated it EX1004. We saved that PDF document in an electronic system my law firm maintains. Details of that PDF document appear below. As shown, the PDF document is approximately 197 MB in size and we last modified it on May 26, 2025.

Name	Date modified	Size
 EX1004 - 1946 Car Builders' Cyclopedia excerpt (CP 1946).pdf	5/26/2025 7:24 PM	196,825 KB

4. On May 27, 2025, my team and I tasked Brandon Hernandez, a paralegal at our firm, with filing the petitions in the three IPRs listed in the caption appearing above.


5. I sent an email at 10:18 a.m. on May 27, 2025, instructing Mr. Hernandez to prepare exhibits for those IPR petitions, including the 197-MB PDF document designated EX1004.

6. I understand that Mr. Hernandez then made a copy of the 197-MB document and prepared the copy for filing. I understand he used the Bates numbering tool in the Adobe software program to add page numbers and an exhibit label to each page of the document (an automated process in Adobe that slightly reduces image size on each page to make room for the superimposed numbering labels in the lower margin) and conformed the document to file size limits for uploading material to the Board through PACTS.

7. After I received Patent Owner's preliminary responses in the above-captioned IPRs on September 18, 2025, I reviewed the 197-MB version of EX1004 identified above in paragraph 3, which is still stored in the same electronic system my law firm maintains. I used the zoom function within the Adobe program and discovered that this document has relatively high resolution and shows fine details.

8. Also after I received Patent Owner's preliminary responses, I reviewed another version of EX1004 that I understand Mr. Hernandez filed. This as-filed version is saved in another folder of the electronic system my law firm maintains. The as-filed document has page numbers and an exhibit label on each page, which is consistent with my understanding of Mr. Hernandez's process on May 27. Details

of this as-filed document appear below. As shown, the as-filed document is approximately 13.1 MB in size and was last modified on May 27, 2025. I used the zoom function within the Adobe program and discovered that this 13.1-MB as-filed document has relatively lower resolution than the 197-MB version. Based on my investigation, no one on Petitioner’s team realized before receiving the POPRs that the as-filed version of EX1004 had its resolution reduced enough to affect the technical drawings in that exhibit.

Name	Date modified	Size
 EX1004 - 1946 Car Builders' Cyclopedia excerpt (CP 1946).pdf	5/27/2025 2:42 PM	13,133 KB

9. Further, after I received Patent Owner’s preliminary responses, I investigated how the 197-MB PDF document was changed into the 13.1-MB PDF document by speaking to Mr. Hernandez about his filing process (which he reported included adding page numbers and an exhibit label and conforming to exhibit size limits using a standard function in the Adobe software program, as described above). I also confirmed, by re-creating Mr. Hernandez’s workflow, that performing the steps he described on the larger PDF document produced a smaller PDF file approximately 13.1 MB in size.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 8, 2025



Justin J. Gillett