disclose each element of claim 8. The following claim chart demonstrates, in further detail, how

each element is disclosed by this combination.

Claim Element	Lemelson in View of Dorweiler
8. The method according to claim 6, further including the steps of:	**As discussed in the claim chart above, the combination of Lemelson and Dorweiler discloses the method as defined in claim 6.**
determining if the one or more data elements indicate one or more predetermined triggering events,	**Lemelson discloses determining if data indicates predetermined triggering events at 3:24-26; 3:31-36:** "[T]he system is programmed to analyze the stored performance variables over a period of time and compute an evaluation code corresponding to an assessment as to how the vehicle is being driven. . . Evaluation codes may *define a plurality of select driving patterns including, for example, erratic or otherwise hazardous driving*. Other evaluation codes may *correspond to other driving patterns such as deviation from a planned course of travel*."
where if the determination is positive, correlating the one or more data elements to one or more types of triggering events stored in a third memory;	**Lemelson discloses correlating data to a triggering event if determination is positive at 3:39-44; 3:50-54; 3:63-4:2:** "*When an evaluation code is computed which indicates an erratic or otherwise hazardous driving pattern or condition*, the system is programmed to warn [the] driver . . . The system may also be programmed to transmit *an alert signal* to a remote monitor station *when an evaluation code is computed which corresponds to erratic or otherwise hazardous driving*. . . . Also provided are a vehicle brake controller 27 and acceleration controller 29. . .[that] can be used to prevent the vehicle from being driven at an unsafe speed or may be used to disable the vehicle from being driven. The brake and acceleration controllers may be activated by the programming of the system 10 itself when a hazardous driving pattern is detected. . ." *Determining whether to "warn the driver," "transmit an alert signal to a remote monitor station," "prevent the vehicle from being driven at an unsafe speed" or "disable the vehicle from being driven" based on "hazardous driving" inherently discloses correlating the data elements to multiple types of predetermined trigger events (e.g. hazardous driving events merely requiring a warning versus hazardous driving events requiring disabling the vehicle). A person of ordinary skill would have understood this disclosure to teach that these types of predetermined trigger events are stored in a third memory or region of memory separate from group data values stored in the first memory or region of memory and preset driving patterns stored in the second memory or region of memory so that they can be compared with each other.*
and, storing or transmitting a signal corresponding to the determined triggering event to a receiving system.	**Lemelson discloses transmitting a signal corresponding to the determined triggering event to a receiving system at 3:51-57:** "The system may also be programmed to *transmit* an alert signal to a remote monitor station *when an evaluation code is computed which corresponds to erratic or hazardous driving*."

(i)   Dependent Claim 10

169.   An overview of the reasons for rejection of claim 10 in light of Lemelson in view of Dorweiler is set forth below. A more detailed explanation is provided in the claim chart included at the end of this section.

170.   Dependent claim 10 recites that "*The method according to claim 6, further comprising the steps of: using safety or other actuarial standard values as the preset values; and, generating an adjusted insurance cost as the output data value.*" As discussed above, *supra* at Section III.B(3), one of ordinary skill in the art at the time would have been motivated to combine Lemelson and Dorweiler, which together disclose the method according to claim 6.

171.   Lemelson teaches a system that is programmed to "compute an evaluation code corresponding to an assessment as to how the vehicle is being driven," and that the "evaluation codes may define a plurality of select driving patterns," including "erratic or otherwise hazardous driving," and "deviation from a planned course of travel." Ex. E at Col. 3:24-26; Col. 3:31-36. Dorweiler proposes that certain hazard information, including safety values monitored using "devices" like the system devices in Lemelson, would be useful for generating a cost of insurance for the vehicle. *See* Ex. F at 321. For example, Dorweiler discloses that, in the case of vehicle insurance, driver "habits" and "speed" may be useful for determining insurance rates. *Id.* at 337. Dorweiler further teaches that the insurance cost determined is for the selected time period monitored by disclosing that using certain hazard media in premium "rate making" requires making "a final adjustment which would be determined retrospectively." *Id.* at 339.

172.   As discussed above, *supra* at Section III.B(3), one of ordinary skill in the art at the time would have been motivated to combine Lemelson and Dorweiler, which together

disclose each element of claim 10. The following claim chart demonstrates, in further detail,

how each element is disclosed by this combination.

Claim Element	Lemelson in View of Dorweiler
10. The method according to claim 6, further comprising the steps of:	**As discussed in the claim chart above, the combination of Lemelson and Dorweiler discloses the method as defined in claim 6.**
using safety or other actuarial standard values as the preset values;	**Lemelson discloses using safety as the preset values at 3:24-26; 3:31-36:** "[T]he system is programmed to analyze the stored performance variables over a period of time and compute an evaluation code corresponding to an assessment as to how the vehicle is being driven. . . Evaluation codes may define a plurality of select driving patterns including, for example, *erratic or otherwise hazardous driving*. Other evaluation codes may correspond to other driving patterns such as *deviation from a planned course of travel*."
and, generating an adjusted insurance cost as the output data value.	**Dorweiler proposes that hazard information, including certain safety values monitored using devices like the devices in Lemelson (e.g., driver habits, speed), would be useful for generating an adjusted insurance cost at 337.** **Dorweiler discloses that hazard media may be useful for determining insurance premiums at 321:** "Obviously, the premiums collected are to be proportional to the hazard which is measured by the losses. The medium selected for measuring the exposure is the most important factor in making the premium collections in accordance with the probable loss incidence." **Dorweiler discloses that, in the case of vehicle insurance, a number of factors may be used as the hazard media (e.g., driver habits, speed) at 337:** "Some of the critical conditions that contribute to the hazard covered by Automobile Public Liability Insurance or that cause deviations in this hazard are: 1. The car—age, condition, etc.; 2. Highways—road beds, curves, visibility, etc.; 3. Traffic density; 4. Laws, regulations, and their enforcement; 5. Efficiency of driver—age, experience, *habits*, impairments, etc.; 6. Mileage; 7. *Speed*; 8. Weather conditions; 9. Seasonal use of car; and 10. Day and/or night use of car." **Dorweiler discloses that using certain hazard media requires making an adjustment to the insurance cost retrospectively at 339:** "The introduction of a mileage, car-hour, or fuel-consumption exposure into *rate making* would require the prior development of experience on these media. The car-year is the only one of the enumerated media which measures the exposure prospectively, the others require a *final adjustment which would be determined retrospectively*."

(j)   Dependent Claim 11

173.   An overview of the reasons for rejection of claim 11 in light of Lemelson in view of Dorweiler is set forth below. A more detailed explanation is provided in the claim chart included at the end of this section.

174.   Dependent claim 11 recites that "*The method according to claim 10, further comprising the steps of: using location and time as the one or more data elements which are compared to the safety or other actuarial standard values to generate the adjusted insurance cost.*" As discussed above, *supra* at Section III.B(3), one of ordinary skill in the art at the time would have been motivated to combine Lemelson and Dorweiler, which together disclose the method according to claim 10.

175.   Lemelson teaches "performance variables," which include the vehicle's "location," that are continually stored in memory "along with an associated time and date code." Ex. E at Col. 1:17-18; Col. 3:21. Lemelson further discloses that the system is programmed to "analyze the stored performance variables" and "compute an evaluation code corresponding to an assessment as to how the vehicle is being driven," and that the "evaluation codes may define a plurality of select driving patterns," including "erratic or otherwise hazardous driving," and "deviation from a planned course of travel." *Id.* at Col. 3:24-26; Col. 3:31-36.

176.   Dorweiler proposes that certain hazard information that can be monitored by devices, including data monitored by the system devices in Lemelson, would be useful for generating an adjusted insurance cost. *See* Ex. F at 321, 337. For example, Dorweiler discloses that, in the case of vehicle insurance, "day and/or night use of car" may be useful for determining insurance rates. *Id.* at 337. Dorweiler further teaches that the insurance cost determined is for the selected time period monitored by disclosing that using certain hazard media in premium "rate making" requires making "a final adjustment which would be determined retrospectively."

Id. at 339. Dorweiler and Lemelson's focus on similar data elements would have motivated someone of skill in the art to extend Lemelson's use of vehicle data to adjust insurance costs.

177. As discussed above, *supra* at Section III.B(3), one of ordinary skill in the art at the time would have been motivated to combine Lemelson and Dorweiler, which together disclose each element of claim 11. The following claim chart demonstrates, in further detail, how each element is disclosed by this combination.

Claim Element	Lemelson in View of Dorweiler
11. The method according to claim 10, further comprising the steps of:	**As discussed in the claim chart above, the combination of Lemelson and Dorweiler discloses the method as defined in claim 10.**
using location and time as the one or more data elements which are compared to the safety or other actuarial standard values to generate the adjusted insurance cost.	**Lemelson discloses using location as a data element at 1:17-18:** "Such performance variables include the vehicle's speed, direction, and *location*." **Lemelson discloses storing the location of vehicle along with corresponding time at 3:21:** "Performance variables are continually stored in memory as they are computed *along with an associated time* and date code." **Lemelson discloses comparing location (performance variables) and time to safety values at 3:24-26; 3:31-36:** "[T]he system is programmed to analyze the stored performance variables over a period of time and compute an evaluation code corresponding to an assessment as to how the vehicle is being driven. . . Evaluation codes may define a plurality of select driving patterns including, for example, *erratic or otherwise hazardous driving*. Other evaluation codes may *correspond* to other driving patterns such as *deviation from a planned course of travel*." **Dorweiler proposes that hazard information, including certain data parameters monitored by the system in Lemelson (e.g., day/night use of car) may be useful for generating an adjusted insurance cost at 337.** **Dorweiler discloses that hazard media may be useful for determining insurance premiums at 321:** "Obviously, the premiums collected are to be proportional to the hazard which is measured by the losses. The medium selected for measuring the exposure is the most important factor in making the premium collections in accordance with the probable loss incidence." **Dorweiler discloses that, in the case of vehicle insurance, a number of factors may be used as the hazard media (e.g., day/night use of car) at 337:** "Some of the critical conditions that contribute to the hazard

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