"broadcast[ing] a message to a dispatcher or controller at a remote site who is responsible for ensuring the safety of driver and vehicle" in certain conditions. *Id.* at Col. 31:55-59.

254.   As discussed above, *supra* at Section III.C(3), one of ordinary skill in the art at the time would have been motivated to combine Bouchard and Pettersen, which together disclose each element of claim 7. The following claim chart demonstrates, in further detail, how each element is disclosed by this combination.

Claim Element	Bouchard in View of Pettersen
7. The method according to claim 6, further including the steps of:	**As discussed in the claim chart above, the combination of Bouchard and Pettersen discloses the method according to claim 6.**
determining if the one or more data elements indicate one or more predetermined triggering events,	**Bouchard discloses preset threshold values that indicate trigger events at 27:39-52:** "[R]ecording to a page other than the current page may be triggered by an unusual event, such as a vehicle operational or performance value exceeding *a preset threshold value*, or an accident. For instance, it may be desirable to record drive train sensor values only if one or more values, such as engine temperature, exceed a threshold value. As another example, such recording may be *triggered by an unusual condition that may indicate an accident, such as a sudden acceleration or deceleration, sudden application of the brakes, activation of an air bag, etc.* Recording can also be triggered manually. Recording such information on a separate page in memory, and only upon being triggered by a particular event, permits capturing data for later analysis of vehicle and/or driver performance." **Bouchard discloses deciding whether to emit a warning based on determining whether data elements indicate a trigger event at 24:17-21:** "*If a danger is present, the microcontroller 510 activates an appropriate visual and/or audio warning*. The level of the danger is preferably determined based upon brake lag, brake rate, vehicle speed, closing rate, target distance, and the reaction time of the operator."
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;	**Bouchard discloses correlating the data elements to hazard levels at 24:33-37:** "[T]he color of the lights change from green to yellow to red, respectively, as the level of the danger increases. The audio warning unit 606 includes a sound generator that emits an audible beep or warble if the *hazard level* exceeds a threshold level." *One of ordinary skill would have understood Bouchard's disclosure to teach that the preset threshold values representing such different types (levels) of trigger events are stored in a third memory or region of memory separate from*

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Claim Element	Bouchard in View of Pettersen
	group data values stored in the first memory or region of memory and the normal driving standards stored in the second memory or region of memory so that they can be compared with each other.
and, storing and transmitting a signal corresponding to the determined triggering event to a receiving system.	**Bouchard discloses storing information based upon specific triggers at 27:44-52:** "As another example, *such recording may be triggered* by an unusual condition that may indicate an accident, such as a sudden acceleration or deceleration, sudden application of the brakes, activation of an air bag, etc. Recording can also be triggered manually. Recording such information on a separate page in memory, and only upon being triggered by a particular event, permits capturing data for later analysis of vehicle and/or driver performance." **Bouchard discloses alerting a dispatcher or recording the event at 31:41-46:** "In the step **1806**, as previously noted, the data from the steps **1803, 1804,** and **1805** is compared to the recent driver history using statistical criteria. *The possible consequences, as determined in the step 1808 include alerting the driver, a dispatcher,* shutting down or limiting the operation of the vehicle, *and event recording.*" **Bouchard discloses broadcasting a message to a dispatcher about the triggered event at 31:41-46:** "In the illustrated embodiment of the present invention, if the driver is not performing at the required level at the end of the predetermined period, the microcontroller broadcasts a message to a dispatcher or controller at a remote site who is responsible for ensuring the safety of the driver and vehicle."

(h)   Dependent Claim 8

255.   An overview of the reasons for rejection of claim 8 in light of Bouchard in view of Pettersen is set forth below. A more detailed explanation is provided in the claim chart included at the end of this section.

256.   Claim 8 is reproduced below, with labels added in brackets for the purpose of referencing the claim elements in the following analysis. For the sake of comparison, dependent claim 7 is also provided below. It is readily seen that various elements are essentially identical to corresponding elements in method claim 7.

	Claim 7		Claim 8

[7.1]	The method according to claim 6, further including the steps of: determining if the one or more data elements indicate one or more predetermined triggering events, 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; and,	[8.1]	The method according to claim 6, further including the steps of: determining if the one or more data elements indicate one or more predetermined triggering events, 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; and,
[7.2]	storing **and** transmitting a signal corresponding to the determined triggering event to a receiving system.	[8.2]	storing **or** transmitting a signal corresponding to the determined triggering event to a receiving system.

257. Accordingly, the analysis for elements [8.1] and [8.2] is essentially the same as that provided above for elements [7.1] and [7.2], respectively. Element [8.2] recites "storing or transmitting" information while element [7.2] recites "storing and transmitting." Accordingly, the analysis for narrower element [7.2] is the same for element [8.2].

258. As discussed above, *supra* at Section III.C(3), one of ordinary skill in the art at the time would have been motivated to combine Bouchard and Pettersen, which together disclose each element of claim 8. The following claim chart demonstrates, in further detail, how each element is disclosed by this combination.

Claim Element	Bouchard in View of Pettersen
8. The method according to claim 6, further including the steps of:	**As discussed in the claim chart above, the combination of Bouchard and Pettersen discloses the method according to claim 6.**
determining if the one or more data elements indicate one or more predetermined triggering events,	**Bouchard discloses preset threshold values that indicate trigger events at 27:39-52:** "[R]ecording to a page other than the current page may be triggered by an unusual event, such as a vehicle operational or performance value exceeding *a preset threshold value*, or an accident. For instance, it may be desirable to record drive train sensor values only if one or more values, such as engine temperature, exceed a threshold value. As another example, such recording may be *triggered by an unusual condition that may indicate an accident, such as a sudden acceleration or deceleration, sudden application of the brakes, activation of an air bag, etc.* Recording can also be triggered manually. Recording such information on a separate page in memory, and only upon being triggered by a particular event, permits capturing data for later analysis of vehicle and/or driver performance."

Claim Element	Bouchard in View of Pettersen
	Bouchard discloses deciding whether to emit a warning based on determining whether data elements indicate a trigger event at 24:17-21: "*If a danger is present, the microcontroller 510 activates an appropriate visual and/or audio warning*. The level of the danger is preferably determined based upon brake lag, brake rate, vehicle speed, closing rate, target distance, and the reaction time of the operator."
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;	**Bouchard discloses correlating the data elements to hazard levels at 24:33-37:** "[T]he color of the lights change from green to yellow to red, respectively, as the level of the danger increases. The audio warning unit 606 includes a sound generator that emits an audible beep or warble if the *hazard level* exceeds a threshold level." *One of ordinary skill would have understood Bouchard's disclosure to teach that the preset threshold values representing such different types (levels) of trigger events are implemented in a distinct third memory or region of memory to remain separate from group data values in a first memory or region of memory and the normal driving standards implemented in 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.	**Bouchard discloses storing information based upon specific triggers at 27:44-52:** "As another example, *such recording may be triggered* by an unusual condition that may indicate an accident, such as a sudden acceleration or deceleration, sudden application of the brakes, activation of an air bag, etc. Recording can also be triggered manually. Recording such information on a separate page in memory, and only upon being triggered by a particular event, permits capturing data for later analysis of vehicle and/or driver performance." **Bouchard discloses alerting a dispatcher or recording the event at 31:41-46:** "In the step **1806,** as previously noted, the data from the steps **1803, 1804,** and **1805** is compared to the recent driver history using statistical criteria. *The possible consequences, as determined in the step 1808 include alerting the driver, a dispatcher*, shutting down or limiting the operation of the vehicle, *and event recording.*" **Bouchard discloses broadcasting a message to a dispatcher about the triggered event at 31:41-46:** "In the illustrated embodiment of the present invention, if the driver is not performing at the required level at the end of the predetermined period, the microcontroller broadcasts a message to a dispatcher or controller at a remote site who is responsible for ensuring the safety of the driver and vehicle."

(i) Dependent Claim 10

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

260. 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.C(3), one of ordinary skill in the art at the time would have been motivated to combine Bouchard and Pettersen, which together disclose the method according to claim 6.

261. Bouchard teaches that unusual conditions that could affect the driver's safety. Ex. G at Col. 27:44-52. Bouchard gives the example of an accident condition, triggered by "a sudden application of the brakes [or] activation of an air bag." *Id.* Bouchard also discloses safety standards such as "normal driving standards" and "the driver's past performance." *Id.* at Col. 5:20-25. Finally, Bouchard discloses preset hazard levels that trigger alerts for the drivers. *Id.* at Col. 24:33-37. Data elements can trigger increasing hazard levels depending on the level of danger as calculated by the Bouchard system. *Id.* Pettersen teaches that insurance companies could give "careful" drivers, based on monitored behavior, bonuses against their insurance costs for the monitored period. Ex. H at 1. Pettersen therefore would have motivated someone of skill in the art to use Bouchard's preset safety values and measured values in outputting an insurance cost based on a standard (pre-bonus) insurance charge and any applicable bonuses.

262. As discussed above, *supra* at Section III.C(3), one of ordinary skill in the art at the time would have been motivated to combine Bouchard and Pettersen, which together disclose each element of claim 10. The following claim chart demonstrates, in further detail, how each element is disclosed by this combination.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

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Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

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API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

fastcase
Smarter legal research.