of insurance" with regard to claim 4 supra and the lack of modifying language with regard to the terminology) **nor** such step of prospectively setting in addition to steps of a method as claimed in claim 6. Therefore, and in light of MPEP 2258, this step of this claim is unclear (e.g. Does the claim language at its broadest reasonable interpretation require the step of the instant claim to comprise a step in addition to the steps of claim 6 or not? What does the claim language "an insurance cost or an insurance premium…based on the insurance rating" at its broadest reasonable interpretation require? Are they the same? See the discussion supra again, i.e. "First….?" Are none, one or both the same as, e.g., "insurance rating"? "Base cost"? "Final cost"? "Total cost"? A pure premium? A gross premium? See the discussion of claim 4 supra again. Note also the discussion of claims 38-39 supra and claims 61-64 and 70 infra.). Accordingly, for purposes of examination, this step of this claim will be considered either in addition to the steps of claim 6 or the steps of claim 6 will be considered to comprise the prospective setting step of this claim wherein at a minimum the insurance "rating" computed is associated with a "cost" or a "premium" which is prospectively set by a processor.

Claim 41

This claim also requires **in addition** to the method of claim 6, (i.e. "extracting one or more data elements from at least one sensor wherein the one or more elements are of at least one operating state of the vehicle and the at least one human's actions during a data collection period; analyzing, grouping, and storing the one or more **data elements** as group data values in a first memory related to a predetermined group of elements; and, correlating **the group data values** to preset values in a second memory and generating an output data value based on the correlation

wherein the output data value is used to compute **an insurance rating** for the vehicle FOR [sic] the data collection period" (emphasis added)), **the step** of using one or more of the one or more **data elements** to determine an insurance **actuarial class** associated with the vehicle; and using one or more of the one or more **data elements** to determine a **surcharge or discount to be applied to a base cost of insurance** associated with the vehicle. Note also the data elements selected do not have to be different data elements, note the portions cited for support infra. Second Patent Owner continues to rely upon, e.g., title, the abstract, col. 5, lines 7-12 of the '970 Patent for support, see page 111 of the 4-6-11 amendment. Note again 37 CFR 530(e). Such portions of the '970 Patent do describe use of gathered and analyzed data to determine actuarial classes and surcharges or discounts **but** do not describe such using in addition to the steps of the method as claimed in claim 6, e.g. the analyzing step, grouping and storing step. Therefore, and in light of MPEP 2258, these using steps of this claim are unclear (e.g. Does the claim language at its broadest reasonable interpretation require the steps of the instant claim in addition to the steps of claim 6 or not?). Accordingly, for purposes of examination, this claim will be interpreted to require the using steps of this claim either in addition to the steps of claim 6 or at least one of the one or more data elements of the analyzing, grouping and storing step according to claim 6 being determinative of an "insurance actuarial class" and or at least one of the one or more data elements of the analyzing, grouping and storing step according to claim 6 being determinative of a surcharge or discount to be applied to a base cost of insurance.

Claim 42

This claim also requires the step of analyzing, grouping and storing <u>according to claim 6,</u>
(i.e. "analyzing, **grouping**, and **storing** <u>the</u> one or more <u>data elements</u> **as group data values** in a
<u>first memory</u> **related to a predetermined group of elements**" (emphasis added) (Note also the
discussion of the interpretation of such claim language with regard to claim 6 supra), <u>to comprise</u>
<u>grouping</u> *speed* data of the vehicle **in combination** with <u>a location associated with the speed data</u>
in a log of vehicle *speed* for the <u>location.</u> First, the claim is unclear, i.e. is the one of the one or
more data elements recorded/stored in the first memory as group values related to a
predetermined group of elements as claimed in claim 6 **and** speed data <u>additionally</u> stored in a
log in combination with a location of the vehicle for the speed data <u>or</u> is speed and/or location
and log as claimed in this claim data values of a group and a first memory related to the
predetermined group of elements as claimed in claim 6 (i.e. are the speed data and location and
log of this claim and the data elements, group data values and first memory one and the same?)
Second, Patent Owner continues to rely upon, e.g., col. 8, lines 44-51 and col. 11, lines 42-61 of
the '970 Patent for support, see pages 111-112 of the 4-6-11 amendment. Note again 37 CFR
1.530(e). <u>Such</u> portions of the '970 Patent <u>do</u> describe recording into a data base a selected data
element of the one or more data elements, e.g. vehicle speed, in combination with the time <u>and</u>
date <u>as well as</u> a corresponding location of the vehicle at the occurrence of recording of the data
element(s) **but** <u>do not</u> describe such recording as part of a step of analyzing, grouping and
storing of a method as claimed in claim 6. Note also with regard to the clarity discussion supra
that such portions also <u>do not</u> describe recording the selected one of the one of the data elements
in the first memory in combination with a location of the vehicle associated with the selected

data element <u>and</u> recording the one or more data elements in the first memory as well. Therefore, and in light of MPEP 2258, the step of this claim is unclear (e.g. Does the claim language at its broadest reasonable interpretation require the steps of the instant claim to comprise the step of analyzing, grouping and storing according to claim 6 or not?) Accordingly, for purposes of examination, this claim will be interpreted to require the step of this claim in addition to the steps of claim 6 or the analyzing, grouping and storing step according to claim 6 to include at least two data elements, i.e. speed and location as data values of a group, i.e. the log stored in the first memory.

<u>Claim 43</u>

This claim also requires **in addition** to the method of claim 6, (i.e. "<u>extracting</u> one or more data elements from at least one sensor wherein the one or more elements are of at least one operating state of the vehicle and the at least one human's actions during a data collection period; <u>analyzing</u>, grouping, and storing the one or more data elements as group data values in a first memory related to a predetermined group of elements; and, correlating the group data values to preset values in a second memory and generating an output data value based on the correlation wherein the output data value is used to compute an insurance rating for the vehicle FOR [sic] the data collection period" (emphasis added)), **the step** of <u>communicating</u> information <u>representative of a trigger event</u> associated with <u>the one or more data elements</u> to a central control station remote from the vehicle via a communications uplink. Patent Owner continues to rely upon, e.g., col. 4, lines 16-20, col. 6, lines 63-65, col. 7, lines 18-20, col. 8, line 61 to col. 9, line 8 and Figure 4 of the '970 Patent for support, see page 112 of the 4-6-11 amendment. Note

again 37 CFR 530(e). <u>Such</u> portions of the '970 Patent describe certain of the recorded sensor

information may be determined to be a "trigger event" defined as a <u>combination of a sensor data</u>

requiring additional action including immediate upload to a central control or possibly resulting

in a surcharge or discount during the insurance billing process and <u>the former of which</u> may be a

trigger event of rapid deceleration in combination with airbag deployment indicating a collision

or a trigger of an emergency light in which case central control is notified of the vehicle location

but <u>do not</u> describe <u>communicating</u> information <u>representative of a trigger event</u> i.e. includes the

indication of a trigger event which would result in a surcharge or discount during an insurance

billing process, associated with <u>the **one** or more data elements</u> **to a central control station**

remote from the vehicle via a communications uplink. Therefore, and in light of MPEP 2258,

the step of this claim is unclear (e.g. Does the claim language at its broadest reasonable

interpretation require the claimed communication of information of a "trigger event", i.e. which

would result in a surcharge or discount during an insurance billing process, associated with <u>a</u>

data element or not?) Accordingly, for purposes of examination, the step of claim 6 will be

considered to further comprise communicating information representative of a trigger event, i.e.

not precluding the indication of a trigger event which would result in a surcharge or discount

during an insurance billing process, associated with the one or more data elements to a central

control station remote from the vehicle via a communications uplink.

<u>Claim 44</u>

This claim also requires **in addition** to the method of claim 6, (i.e. "<u>extracting</u> one or

more data elements from at least one sensor wherein the one or more elements are of at least one

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