

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Covered Business Method Review Petition of United States Patent No.: 6,064,970	§	Att’y Docket No.: LMIC-018-801
	§	
	§	Customer No. 28120
	§	
Patent Owner: Progressive Casualty Insurance Co.	§	Petitioner: Liberty Mutual
	§	Insurance Company
	§	
	§	

**DECLARATION OF MARY L. O’NEIL**

I, Mary L. O’Neil, hereby declare under penalty of perjury:

**I. Qualifications**

1. I am currently Principal of O’Neil Consulting Services, Inc. (OCS), an independent actuarial consulting practice, which I established in 1986. I have over 30 years experience as a property casualty actuary in the insurance industry. My CV is attached as Ex. 1010.
2. OCS provides actuarial consulting services to a variety of clients from both the regulatory and private sectors. For example, the regulatory agencies in which I have provided consulting services include the North Carolina Department of Insurance (for which I have completed Private Passenger Automobile rate analyses for more than twenty years), the New Jersey Department of Insurance, the New York Department of Insurance, the Ontario Automobile Insurance Board, the Texas Office of Public Insurance Counsel, the Georgia Department



of Insurance, the Pennsylvania Department of Insurance, and the Wyoming Department of Environmental Quality.

3. Individual insurers or insurance pools for which I have provided consulting services include Integrity Insurance Company in Liquidation (on behalf of liquidator), Home State Holdings, Inc. in Liquidation (on behalf of liquidator), Security Indemnity Insurance Company in Rehabilitation (on behalf of rehabilitator), Pennsylvania Millers Mutual Insurance Company, several small insurers, and several self-insurance pools.
4. The services I have performed on behalf of OCS include analysis of proposed rates by insurers, analysis of required insurer reserves in conjunction with regulatory examinations of insurance companies, evaluation of loss reserves for purposes of reinsurance commutation, preparation of required reserve opinions for individual insurers and pools, evaluation of legislation, and other special projects.
5. Rate analyses have included private passenger automobile, homeowners', dwelling fire, title, and workers' compensation. These projects have been completed for individual rate filings or full industry rate filings in selected states. I have also estimated the required loss and loss adjustment expense reserves for a multibillion dollar multi-line insurer group, a number of insurers

in conjunction with financial examinations, for purposes of commutations, several small insurers, and self-insurance pools. These analyses have sometimes addressed the issues of mass torts or catastrophes.

6. My previous work experience includes insurance actuary positions at the New Department of Insurance (“NJDOI”), Prudential Property and Casualty Insurance Company, and General Reinsurance Corporation.
7. During my nearly two years at NJDOI, I served as the Department’s Chief Actuary. My responsibilities included supervision of the actuarial aspects of regulation for all lines of insurance: personal lines and commercial lines rates and forms, life contracts and health rates. In addition, I supervised the life valuations and supplied assistance to the Examinations Division in valuing property/casualty insurer reserves. I also served as an advisor to the commissioner and other department staff on all issues before the department.
8. For the eleven years I worked at Prudential, I had a variety of responsibilities, which included insurance pricing, marketing, reserving, financial analysis, and various special projects. I started as an actuarial student and rose to the level of Vice President and Assistant Actuary. Finally, at General Reinsurance Corporation, I spent one year doing mostly statistical insurance work.

9. I have also worked with several law firms in a consulting and/or expert capacity. My attached CV lists all the matters in which I was involved, including my testimonial experience. *See* Ex. 1010.
10. I have the professional designations of Fellow of the Casualty Actuarial Society (FCAS), Member of the American Academy of Actuaries (MAAA), Chartered Life Underwriter (CLU), and Chartered Financial Consultant (ChFC). I am also a member of the Casualty Actuarial Society (CAS), American Academy of Actuaries (AAA), and the International Association of Insurance Receivers (IAIR).
11. My education includes a B.S. in Mathematics from Pennsylvania State University, and an M.A. in Statistics, also from Pennsylvania State University.
12. I have been retained on behalf of Petitioner and real party in interest, Liberty Mutual Insurance Company (“Petitioner” or “Liberty Mutual”), to offer statements and opinions generally regarding the understanding of a “person of ordinary skill in the art” in the insurance industry as it relates to Progressive Casualty Insurance Company’s (“Progressive”) ‘970 Patent.
13. I am being compensated at a rate of \$500 per hour for my services, after expert service fees. My compensation does not depend on the outcome of this

Business Method Review Petition or the pending litigation between Petitioner and Progressive in the U.S. District Court for the Northern District of Ohio

## **II. Materials Considered**

14. In developing my opinions below relating to Progressive's '970 Patent, I have considered the following materials:

- Progressive's U.S. Patent No. 6,064,970 with Reexamination Certificate ("the '970 Patent") (Ex. 1001);
- A certified English translation of Japanese Patent Publ'n H4-182868 ("Kosaka") (Ex. 1004);
- The 1995 Consumers Guide on Automobile Insurance (Downstate), published in 1988 ("New York Guide") (Ex. 1006); and
- "Disparate Impact and Unfairly Discriminatory Insurance Rates", Michael J. Miller, Casualty Actuarial Society E-Forum, Winter 2009 (Ex. 1011).

## **III. The '970 Patent**

### **A. Level of Ordinary Skill for the '970 Patent**

15. I have read Progressive's '970 Patent, which I understand was filed on August 17, 1998 and issued on May 16, 2000. I also have been informed that the '970 Patent claims a priority date to a related patent of January 29, 1996. Generally, the patent relates to determining a cost of insurance based on monitored vehicle telematics data.

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