

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIBERTY MUTUAL INSURANCE CO.

Petitioner

v.

PROGRESSIVE CASUALTY INSURANCE CO.

Patent Owner

Case CBM2012-00003

Patent 8,140,358

Before the Honorable JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER, *Administrative Patent Judges*.

**PETITIONER LIBERTY MUTUAL INSURANCE CO.'S REPLY TO
PATENT OWNER PROGRESSIVE CASUALTY INSURANCE CO.'S
RESPONSE**

TABLE OF CONTENTS

I.	Relief Requested and Preliminary Statement.....	1
II.	Nakagawa Discloses Storing and Transmitting “Selected Vehicle Data,” Storing Vehicle Data in a “Database,” and Generating a “Rating Factor”	3
III.	The Board Correctly Concluded that the ‘358 Patent Claims Are Not Entitled to Priority from the ‘650 and ‘076 Applications.....	9
IV.	The Board’s Institution Decision was Correct and Should be Confirmed	15

EXHIBIT LIST

Exhibit 1001	United States Patent No. 8,140,358
Exhibit 1002	United States Patent No. 8,140,358 File History
Exhibit 1003	Japan Patent Application H4-182868, filed on November 19, 1990, and published on June 30, 1992 (“Kosaka”)
Exhibit 1004	UK Patent Application GB 2286369, filed on November 2, 1994, published on August 16, 1995 (“Herrod”)
Exhibit 1005	United States Patent Application Publication No. 2002/0128882, filed February 27, 2002, published on September 12, 2002 (“Nakagawa”)
Exhibit 1006	United States Patent No. 5,459,304, filed on September 13, 1994, and issued on October 17, 1995 (“Eisenmann”)
Exhibit 1007	United States Patent No. 5,243,530, filed on July 26, 1991, and issued on September 7, 1993 (“Stanifer”)
Exhibit 1008	United States Patent No. 5,446,757, filed on June 14, 1993, and issued on August 29, 1995 (“Chang”)
Exhibit 1009	United States Patent No. 5,210,854, filed on June 14, 1989, and issued on May 11, 1993 (“Beaverton”)
Exhibit 1010	United States Patent No. 6,957,133, filed on May 8, 2003, and issued on October 18, 2005 (“Hunt”)
Exhibit 1011	United States Patent No. 7,228,211, filed on March 26, 2004, and issued on June 5, 2007 (“Lowrey”)
Exhibit 1012	United States Patent No. 4,651,157, filed on May 7, 1985, and issued on March 17, 1987 (“Gray”)
Exhibit 1013	PCT Patent Pub. No. WO 90/02388, published on March 8, 1990 (“Pettersen”)

Exhibit 1014	United States Patent No. 5,465,079, filed on August 13, 1993, and issued on November 7, 1995 (“Bouchard”)
Exhibit 1015	“An Interest in Black Magic – Motor Technology,” Insurance Age, published on January 1, 1994 (“Black Magic”)
Exhibit 1016	“Communications And Positioning Systems In The Motor Carrier Industry” by Dimitris A. Scapinakis and William L. Garrison, published January 1, 1992 (“Scapinakis”)
Exhibit 1017	“Application of GSM in High Speed Trains: Measurements and Simulations” by Manfred Goller, published on May 16, 1995 (“Goller”)
Exhibit 1018	“AX.25 Amateur Packet-Radio Link-Layer Protocol, Version 2.0”, Terry L. Fox, published in October, 1984 (“AX.25 Specifications”)
Exhibit 1019	“QUALCOMM's MSM6500 Multimedia Single-Chip Solution Enables High-Performance Multimode Handsets Supporting CDMA2000 1X, 1xEV-DO and GSM/GPRS,” PR Newswire, published November 12, 2002 (“MSM6500 Press Release”)
Exhibit 1020	United States Patent No. 8,090,598
Exhibit 1021	United States Patent No. 6,064,970
Exhibit 1022	United States Patent No. 6,868,386
Exhibit 1023	United States Patent No. 5,797,134
Exhibit 1024	United States Patent No. 5,438,312, filed on April 19, 1994 and issued on August 1, 1995 (“Lewis”)
Exhibit 1025	Declaration of Scott Andrews, dated September 15, 2012
Exhibit 1026	Curriculum vitae of Scott Andrews and List of Matters

Exhibit 1027	OBD-II Background—Where'd It Come From?, http://www.OBDii.com/background.html (follow “Where'd it come from?” hyperlink)
Exhibit 1028	Excerpt from Shuji Mizutani, Car Electronics, page 250 (Nippondenso Co. Ltd. 1992)
Exhibit 1029	Excerpt from David S. Boehner, Automotive Microcontrollers, in Automotive Electronics Handbook, pages 11.24-11.29 (Ronald K. Jurgen ed., 1995)
Exhibit 1030	Declaration of Amanda F. Wiekler
Exhibit 1031	Declaration of Georjinne Blundell
Exhibit 1032	Rebuttal Declaration of Mary L. O’Neil, dated August 15, 2013 (“O’Neil Rebuttal Dec.”)
Exhibit 1033	Curriculum vitae of Mary L. O’Neil and List of Matters
Exhibit 1034	Rebuttal Declaration of Scott Andrews, dated August 15, 2013 (“Andrews Rebuttal Dec.”)
Exhibit 1035	ISO8790-1987 – “Information Processing Systems – Computer System Configuration Diagram Symbols and Conventions”
Exhibit 1036	Excerpt from Microsoft Press Computer Dictionary, Third Ed.
Exhibit 1037	The Apache Software Foundation History Project – Timeline, http://www.apache.org/history/timeline.html
Exhibit 1038	Declaration of Jordan M. Rossen

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.

Analytics At Your Fingertips



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

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

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.