

13/18

View / Trip Log / Trip 6 / Table

	Elapsed Time	Speed MPH	Engine Speed RPM	Coolant Temperature °F	Engine Load %	Battery Voltage V
1	0:00:00	0	1,427	109.4	35.69	14.095
2	0:00:09	0	1,108	107.6	41.18	14.140
3	0:00:19	0	1,075	107.6	42.75	14.117
4	0:00:29	0	1,082	107.6	41.96	14.140
5	0:00:38	0	1,092	107.6	41.57	14.117
6	0:00:48	0	1,104	109.4	40.78	14.140
7	0:00:58	0	943	111.2	44.71	14.140
8	0:01:07	1	997	111.2	41.57	14.140
9	0:01:17	3	1,012	113.0	42.75	14.117
10	0:01:27	8	1,129	114.8	55.69	14.185
11	0:01:36	13	1,565	116.6	38.04	14.185
12	0:01:46	15	1,617	118.4	31.76	14.208
13	0:01:56	14	1,381	120.2	33.33	14.095
14	0:02:05	6	775	122.0	74.12	14.095
15	0:02:15	9	2,293	123.8	22.35	14.163
16	0:02:25	17	2,250	125.6	48.24	14.185
17	0:02:34	22	1,455	127.4	34.12	14.208
18	0:02:44	23	1,641	129.4	29.02	14.163
19	0:02:54	21	1,325	131.0	33.73	14.095
20	0:03:03	16	1,278	131.0	37.65	14.185
21	0:03:13	14	1,260	134.6	34.12	14.140
22	0:03:23	9	952	134.6	38.82	14.095
23	0:03:32	1	911	136.4	38.04	14.027
24	0:03:42	0	869	136.4	38.82	14.095
25	0:03:52	0	870	136.4	38.43	14.095
26	0:04:01	0	845	138.2	38.43	14.185
27	0:04:11	0	861	138.2	38.82	14.185
28	0:04:21	0	863	140.0	39.22	14.163
29	0:04:30	1	900	140.0	46.27	14.185
30	0:04:40	9	1,429	143.6	74.51	14.095
31	0:04:50	19	1,641	143.6	53.33	14.163

FIG. 8C

14/18

View / Trip Log / Trip 13 / Table

	Elapsed Time	Speed MPH
1	0:00:00	0
2	0:00:06	0
3	0:00:12	0
4	0:00:18	0
5	0:00:24	0
6	0:00:30	0
7	0:00:36	0
8	0:00:42	1
9	0:00:48	0
10	0:00:54	2
11	0:01:00	1
12	0:01:06	10
13	0:01:12	14
14	0:01:18	7
15	0:01:24	21
16	0:01:30	30
17	0:01:36	33
18	0:01:42	32
19	0:01:48	29
20	0:01:55	29
21	0:02:01	29
22	0:02:07	29
23	0:02:13	31
24	0:02:19	30
25	0:02:25	31
26	0:02:31	31
27	0:02:37	31
28	0:02:43	28
29	0:02:49	12
30	0:02:55	1
31	0:03:01	0

FIG. 8D

15/18

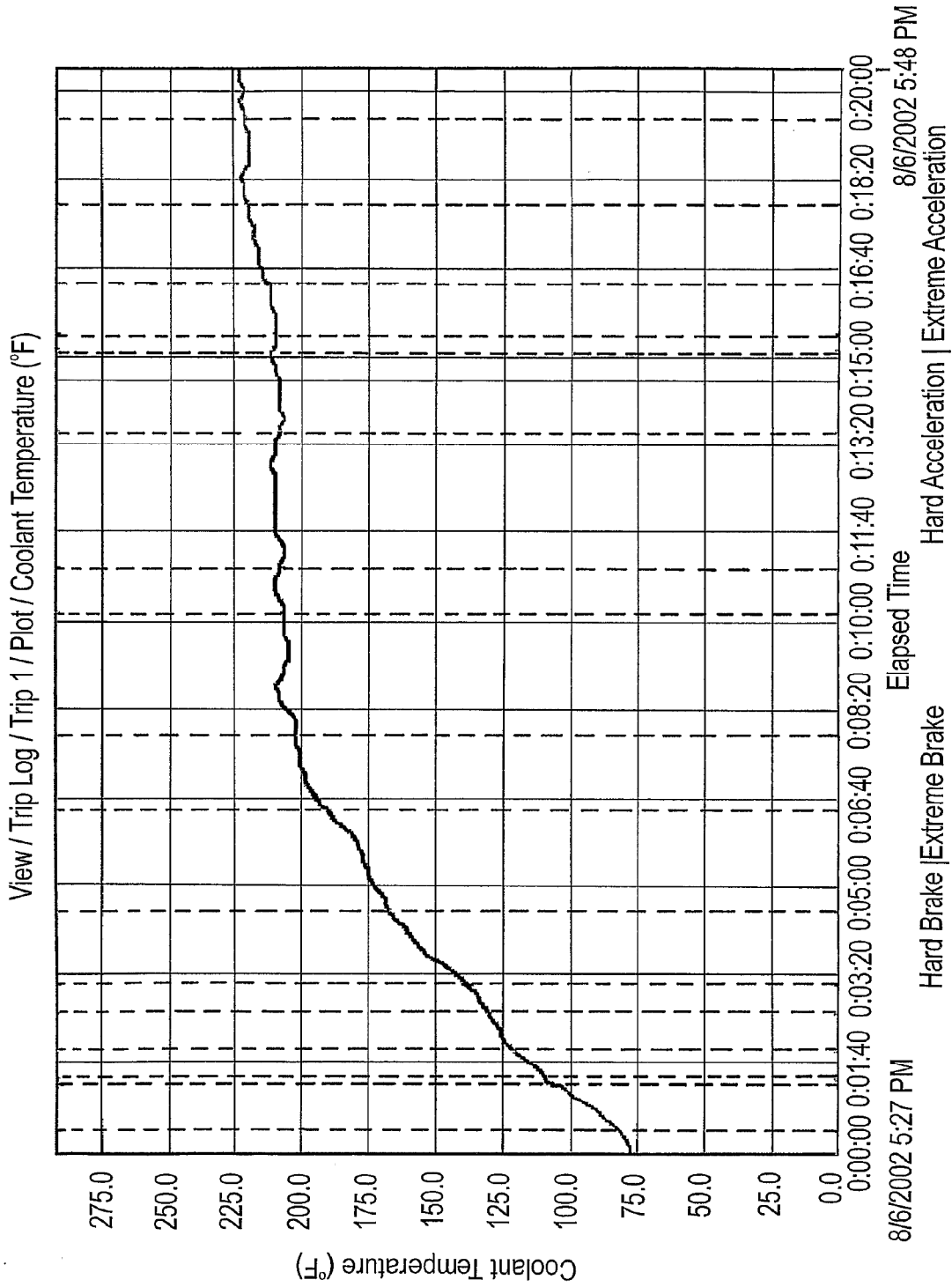


FIG. 8E

16/18

		View / Trip Log / Trip 1 / Table			
	Elapsed Time	Speed MPH	Engine Speed RPM	Engine Load %	Coolant Temperature °F
1	0:00:00	0	821	6.67	77.0
2	0:00:08	0	821	6.67	77.0
3	0:00:16	0	801	6.27	78.8
4	0:00:24	2	792	6.27	80.6
5	0:00:32	9	1,118	10.59	84.2
6	0:00:41	17	1,691	16.47	86.0
7	0:00:49	31	2,013	27.06	89.6
8	0:00:57	37	2,003	24.71	93.2
9	0:01:05	39	1,812	21.18	98.6
10	0:01:13	37	1,525	13.73	102.2
11	0:01:22	1	1,269	7.06	107.6
12	0:01:30	12	780	6.27	109.4
13	0:01:38	33	2,180	30.98	113.0
14	0:01:46	26	1,893	16.08	116.6
15	0:01:54	14	1,218	12.16	120.2
16	0:02:03	0	802	6.27	123.8
17	0:02:11	0	741	5.88	125.6
18	0:02:19	0	730	5.49	125.6
19	0:02:27	0	719	5.49	127.4
20	0:02:36	0	708	5.49	129.2
21	0:02:44	19	727	5.49	131.0
22	0:02:52	34	2,934	39.22	132.8
23	0:03:00	24	1,854	14.90	134.6
24	0:03:08	14	873	5.88	138.2
25	0:03:17	36	2,140	34.51	140.0
26	0:03:25	41	2,267	34.51	143.6
27	0:03:33	40	1,644	16.47	147.2
28	0:03:41	39	1,529	8.24	152.6
29	0:03:49	36	1,238	6.67	154.4
30	0:03:58	35	1,349	13.73	158.0
31	0:04:06	37	1,404	14.90	159.8

FIG. 8F

17/18

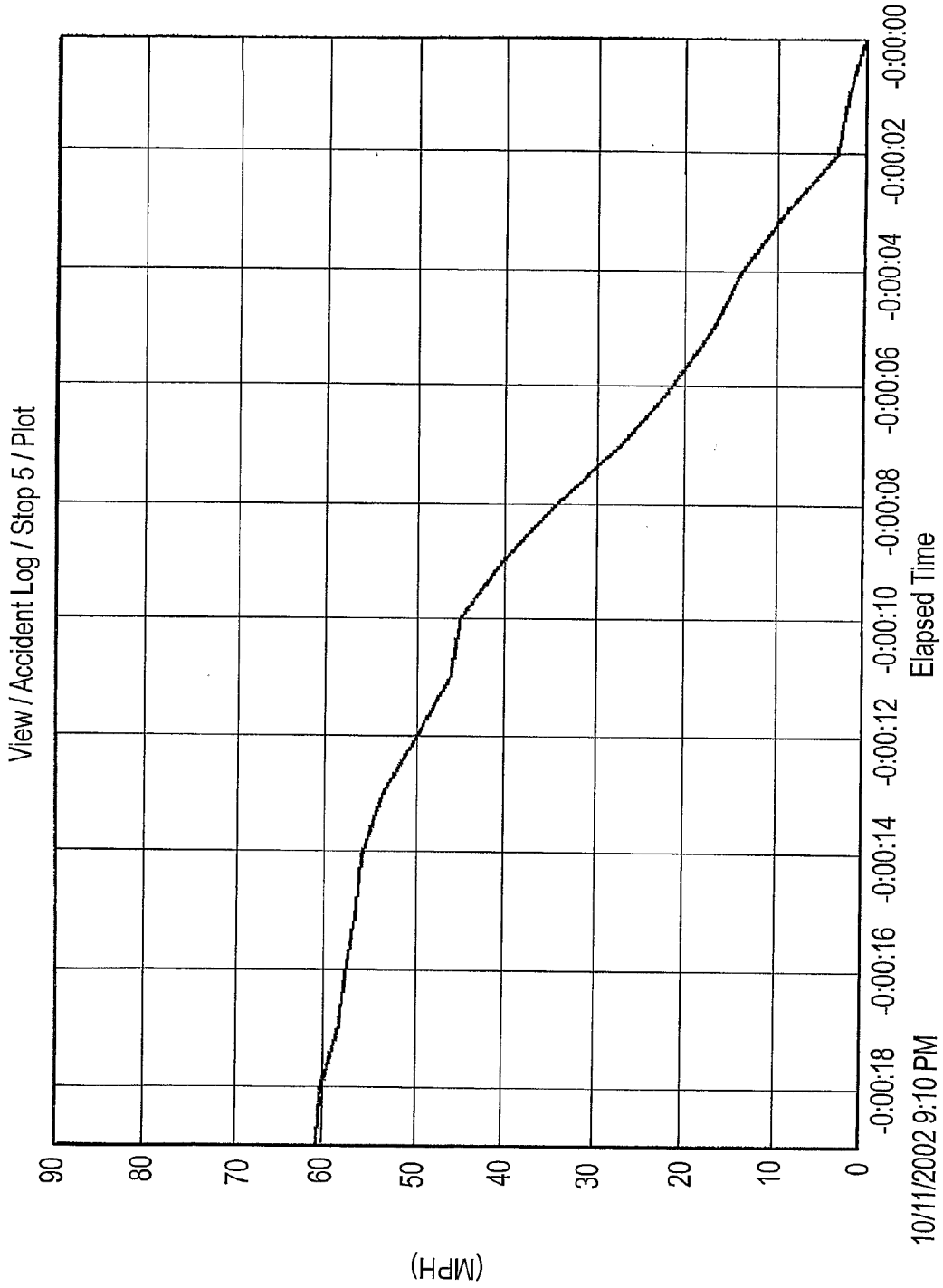


FIG. 8G

18/18

View / Accident Log / Stop 5 / Table

	Elapsed Time	MPH
1	-0:00:19	61
2	-0:00:18	60
3	-0:00:17	58
4	-0:00:16	58
5	-0:00:15	57
6	-0:00:14	56
7	-0:00:13	53
8	-0:00:12	50
9	-0:00:11	46
10	-0:00:10	45
11	-0:00:09	40
12	-0:00:08	34
13	-0:00:07	27
14	-0:00:06	22
15	-0:00:05	17
16	-0:00:04	14
17	-0:00:03	9
18	-0:00:02	3
19	-0:00:01	2
20	0:00:00	0

FIG. 8H

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G06F 7/00

Lange Ranch Parkway, Thousand Oaks, CA 91362 (US).
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(74) Agents: **HYNES, William, M.** et al.; Townsend and
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KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK,
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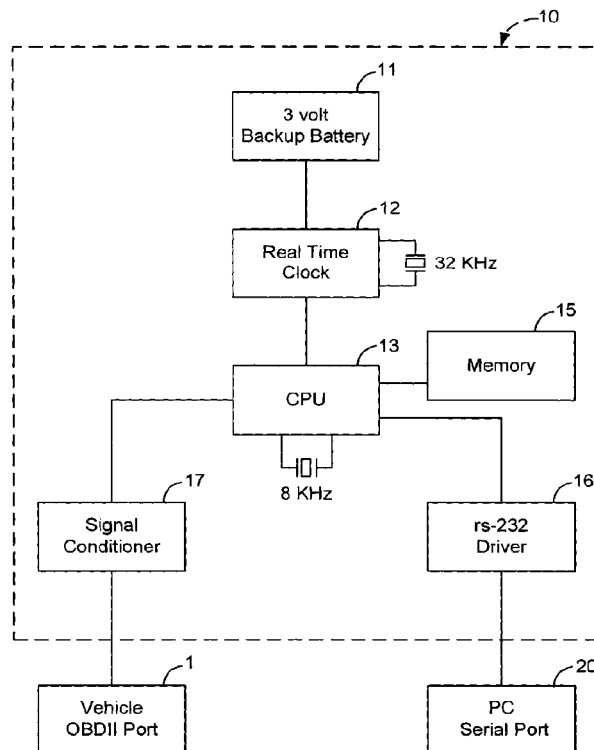
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European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,

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[Continued on next page]

(54) Title: MONITORING VEHICLE OPERATION THROUGH ONBOARD DIAGNOSTIC PORT



(57) Abstract: An onboard diagnostic memory module (10) is configured to plug into the OBD II port (1) and has a real-time clock (12) and power supply (11), a microprocessor (13) powered from a standard OBD II (1), microprocessor operating firmware, and an attached memory (7 MB) (15). In operation, the onboard diagnostic memory module (10) is preprogrammed with data collection parameters through microprocessor firmware by connection (20) to a computer, such as a PC, having programming software for the module firmware. Thereafter, the onboard diagnostic memory module (10) is moved into pin connection with the OBD II port (1) of a vehicle. Data is recorded on a "trip" basis, preferably using starting of the engine to define the beginning of the trip and stopping of the engine to define the end of the trip. Intelligent interrogation occurs by interpretive software from an interrogating computer to retrieve a trip-based and organized data set.

WO 2004/040405 A3



ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)

— as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for all designations

Declarations under Rule 4.17:

— as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) for the following designations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LI, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW, ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE,

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International application No.

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A. CLASSIFICATION OF SUBJECT MATTER
 IPC(7) : G01M 17/00; G06F 7/00
 US CL : 701/33, 35
 According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
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Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y,P	US 6,611,740 B2 (LOWERY et al.) 26 August 2003 (26.08.2003), column 2, lines 2-10; column 3, lines 1-5, 8-31; column 4, lines 59-62; column 6, lines 8-14, 14-21; column 6, line 54 to column 7, line 13	1-3,7,8
Y	US 6,263,268 B1 (NATHANSON) 17 July 2001 (17.07.2001), column 2, lines 31-64	1-3,7,8
A	US 6,226,577 B1 (YEO) 01 May 2001 (01.05.2001), see entire document	1-10
A	US 5,936,315 A (LAIS) 10 August 1999 (10.08.1999), see entire document	1-10
A	US 5,862,500 A (GOODWIN) 19 January 1999 (19.01.1999), see entire document	1-10

Further documents are listed in the continuation of Box C. See patent family annex.

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Authorized officer:
 for Michael J. Zanelli *[Signature]*
 Telephone No. (703) 308-1113

Electronic Patent Application Fee Transmittal

Application Number:	12132487			
Filing Date:	03-Jun-2008			
Title of Invention:	VEHICLE MONITORING SYSTEM			
First Named Inventor/Applicant Name:	Raymond Scott Ling			
Filer:	Joseph S. Hanasz/Lisa Hedl			
Attorney Docket Number:	12654/42			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
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Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	560	560

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				740

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First Named Inventor/Applicant Name:	Raymond Scott Ling
Customer Number:	10999
Filer:	Joseph S. Hanasz/Maggie Pieczonka
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		42Papers.pdf	194619 dec30e16077e613e8f732ee70b3f06073602236	yes	46
Multipart Description/PDF files in .zip description					
	Document Description	Start	End		
	Transmittal Letter	1	1		
	Amendment/Req. Reconsideration-After Non-Final Reject	2	2		
	Claims	3	28		
	Applicant Arguments/Remarks Made in an Amendment	29	38		
	Miscellaneous Incoming Letter	39	42		
	Information Disclosure Statement (IDS) Form (SB08)	43	44		
	Extension of Time	45	46		
Warnings:					
Information:					
2	Foreign Reference	WO 2004-040405 A2.pdf	1610870 87f7b818ef5b006164752a1672190174e792b529	no	40
Warnings:					
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3	Foreign Reference	WO_2004-040405_A3.pdf	148642 f57ebae379f1df2df061a03001abf151383c621	no	3
Warnings:					
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4	Non Patent Literature	F25-- AutoWatch_Its_There_When_You_Are_Not-- Are_You_a_business_or_fleet_owner_etc.PDF	54840 25157ab0a073837f490ea4408ab036f79255d40e	no	2
Warnings:					
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5	Non Patent Literature	F26-- AutoWatch_Its_There_When_Y oure_Not--Features.PDF	56233 0df4fe9f3b457063c9c95a600ad5a5bb38d 1&J9	no	2
Warnings:					
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6	Non Patent Literature	F30--Hayes--- Insurers_Tech_Firm_Team_to_ Track_Teen_Drivers.PDF	67132 6ab7928218abeb2254f6711eefdc2cf595f 0915	no	1
Warnings:					
Information:					
7	Non Patent Literature	F31--Roberts--- Drive_Less_During_Rush_Hour _Get_A_Lower_Insurance_Rate .PDF	64691 8c9496008cd979901a04e272f536c11578 2c6d	no	1
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8	Non Patent Literature	F32--SERF-- System_for_Electronic_Rate_a nd_Form_Filing_1.PDF	140100 2bd97044240329d6e0c313d10da0dbecce ee5ab5	no	4
Warnings:					
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10	Non Patent Literature	F27.pdf	5253943 24b1b94f46ea82f296733a55827355db1c8 74813	no	132
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12	Non Patent Literature	F33.pdf	2215192 761c1f3a36cf0b08f6c22d0774df6c22c4adb 367	no	28
Warnings:					
Information:					
13	Non Patent Literature	F34.pdf	1236985 e296e24a126234be3057add6b4b76cf992b 856cc	no	18
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Information:					

14	Non Patent Literature	F36.pdf	3614305 8089dc5c0bc82167fc06f394a7f3573403d9a08	no	42
Warnings:					
Information:					
15	Non Patent Literature	F29--DiGenova-- Incorporation_Transponders_e tc-Feb-1996_efs.pdf	25600623 8993b47f6a21e89ba3051483222bb0615b27d8b	no	215
Warnings:					
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16	Fee Worksheet (SB06)	fee-info.pdf	32107 851dad1d12c992c3611b6a9ea15566cfd9b6f48b	no	2
Warnings:					
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Total Files Size (in bytes):				56512541	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: <u>Ling, et al.</u>	Examiner: <u>Robert R. Niquette</u>
Appln. No.: <u>12/132,487</u>	Art Unit: <u>3695</u>
Filed: <u>June 3, 2008</u>	Conf. No.: <u>7812</u>
For: <u>VEHICLE MONITORING SYSTEM</u>	
Attorney Docket No.: <u>12654-42</u>	

TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is/are:

- Response to Office Action; Fifth Supplemental Information Disclosure Statement; Form PTO-1449; copies of references F23-F36; Petition and Fee for Extension of Time (37 CFR § 1.136(a))

Fee calculation:

- No additional fee is required.
- Small Entity.
- An extension fee in an amount of \$560.00 for a two-month extension of time under 37 CFR § 1.136(a).
- A fee in an amount of \$180.00 for the Information Disclosure Statement.
- An additional filing fee has been calculated as shown below:

					Small Entity		Not a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee
Total	134	Minus	134	0	x \$30=			x \$60=	
Indep.	13	Minus	13	0	x 125=			x \$250=	
First Presentation of Multiple Dep. Claim					+\$225=			+\$450=	
					Total	\$		Total	\$0

Fee payment:

- Please charge Deposit Account No. 23-1925 in the amounts of \$560.00 for the two-month extension of time fee and \$180.00 for the Information Disclosure Statement fee.
- Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
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Respectfully submitted,

November 29, 2011
Date

/Joseph S. Hanasz/
Joseph S. Hanasz (Reg. No. 54,720)

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/132,487		Filing Date 06/03/2008		<input type="checkbox"/> To be Mailed		
APPLICATION AS FILED – PART I					SMALL ENTITY <input type="checkbox"/> OR OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)			(Column 3)		(Column 4)			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		OR	N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		OR	N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		OR	N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =		OR	X \$ =				
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II					SMALL ENTITY OR OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)			(Column 3)		(Column 4)			
AMENDMENT	11/29/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 134	Minus ** 134	= 0	X \$ =		OR	X \$60=	0	
	Independent (37 CFR 1.16(h))	* 13	Minus *** 13	= 0	X \$ =		OR	X \$250=	0	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE	0
(Column 1)		(Column 2)			(Column 3)		(Column 4)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus **	=	X \$ =		OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus ***	=	X \$ =		OR	X \$ =		
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.										
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".										
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/ERIC DANTZLER/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/132,487	06/03/2008	Raymond Scott Ling	12654/42	7812
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10999 7590 06/29/2011
Progressive Casualty/BHGL
P.O. Box 10395
Chicago, IL 60610

EXAMINER

NIQUETTE, ROBERT R

ART UNIT	PAPER NUMBER
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3695

MAIL DATE	DELIVERY MODE
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06/29/2011 PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	12/132,487	LING ET AL.	
	Examiner	Art Unit	
	ROBERT NIQUETTE	3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 May 2011.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-134 is/are pending in the application.
 - 4a) Of the above claim(s) 1-39,58-130,133 and 134 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 40-57, 131 and 132 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2008 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Status of Claims

This action is in reply to the application filed on 5-3-2008. Claims 1-134 are currently pending and have been examined. Applicant elected claims 40-57 on 5-5-2011 after a restriction requirement. Furthermore, applicant added claims 131 and 132 and amended claims 40 and 41. These modifications are entered via this Office Action. Claims 1-39, 58-130, 133 and 134 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention, there being no allowable generic or linking claim. Applicant is herein being requested to cancel the withdrawn claims in a future correspondence.

Election/Restrictions

Applicant's election with traverse of Group III, Claims 4-057 in the reply filed on 5-5-2011 is acknowledged. The traversal is on the ground(s) that the restriction is not proper. This is not found persuasive because although all claims are directed to the same class and subclass, the different groups of claims would require a different field of search that would present a serious burden to the Examiner as set out in MPEP 808.02. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40-57, 131 and 132 are rejected under U.S.C. Title 35, §102(b) as being anticipated by US5835008, *Colemere*.

As to claim(s) 40, *Colemere* teaches:

a processor that collects vehicle data from a vehicle bus that represents aspects of operating the vehicle (At least column(s) 15, lines 1-30, column 17, and abstract);

a memory that stores selected vehicle data related to a level of safety or an insurable risk in operating a vehicle (At least column(s) 15, lines 18-21 and claim 16);

a wireless transmitter configured to transfer the selected vehicle data retained within the memory to a distributed network and a server (At least column(s) 6, line 64-66 and column 7, line 51 to 54);

a database operatively linked to the server to store the selected vehicle data transmitted by the wireless transmitter, the database comprising a storage system remote from the wireless transmitter and the memory comprising records with operations for searching the records and other functions (At least column(s) 15, lines 18-21 and claim 16); (column(s) 6, line 64 and column 7, line 51 to column 8, line 14);

where the server is configured to process the selected vehicle data that represents one or more aspects of operating the vehicle with data that reflects how the selected vehicle data affects a premium of an insurance policy, safety or level of risk (At least column(s) 2, lines 22-41 and column 12, lines 19-23);

and where the server is further configured to generate a rating factor based on the selected vehicle data stored in the database (At least column(s) 12, lines 19-23).

As per claim(s) 41, *Colemere* recites:

where the wireless transmitter is configured to transfer the selected vehicle data retained within the memory through a pulse position protocol without varying the power level or phase of a transmitting signal (At least column(s) 4, lines 25-42, column 6, line 67 to column 7, line 6, and column 7, line 51 to column 8, line 14).

In reference to claim(s) 42, *Colemere* discusses:

where the wireless transmitter is compliant with a wireless transaction facilitator that throttles the transmission rates across the wireless network based on an available bandwidth of the wireless network (At least column(s) 6, line 62 to column 7, line 6 and column 7, line 51 to column 8, line 14).

Regarding claim(s) 43, *Colemere* discloses:

a dynamic memory allocation processor that allocates a portion of the memory to retain a copy of a legacy version of firmware that comprises input/output instructions when an updated firmware is transferred to the memory through the wireless network, the dynamic memory allocation processor de-allocates the portion of the memory when an error-free version of the updated firmware is stored or installed in the system or when a copy of the legacy version of the software is restored to control the processor of the system (At least column(s) 15, lines 1-30 and column 17, lines 43-55).

With respect to claim(s) 44, *Colemere* describes:

where the wireless network comprises a mobile broadband communication network that provides full data exchange mobility up to vehicle speeds of about 100 miles per hour (At least column(s) 3, lines 23-38, column 4, lines 26-42 and column 11, lines 13-32).

Concerning claim(s) 45, *Colemere* addresses:

where the wireless transmitter is compliant with two or more multiple packet architectures that are automatically detected and one or more multiple packet architectures that

Art Unit: 3695

are automatically selected when a series of signals acknowledge that a communication or transfer of information or data may occur (At least column(s) 6, line 62 - column 7, line 6, and column 7, line 51 to column 8, line 14).

As per claim(s) 46, *Colemere* teaches:

where the wireless transmitter is responsive to an in-vehicle event-driven request to transfer the selected vehicle data retained in the memory to a remote server when the wireless network indicates an available channel capacity to transfer the selected vehicle data across the wireless network (At least column(s) 6, line 62 - column 7, line 6, and column 7, line 51 to column 8, line 14).

As to claim(s) 47, *Colemere* recites:

receiver tuned to receive continuously transmitted trilateral encoded signals through a bandwidth that is separate from the wireless network (At least column(s) 4, lines 25-42, column 6, line 62 to column 7 line 6 and column 7, line 51 to column 8, line 14).

In reference to claim(s) 48, *Colemere* discusses:

where the processor, the memory, and the wireless transmitter are in communication within a portable device (At least figure 4A).

Regarding claim(s) 49, *Colemere* discloses:

where the wireless transmitter comprises a single-chip cellular baseband processor (At least column(s) 15, lines 1-30 and column 17, lines 43-45).

In reference to claim(s) 50, *Colemere* describes:

where the single-chip cellular baseband processor is Global System for Mobile Communication compliant, Code Division Multiple Access compliant, or General Packet Radio Service compliant is a matter of design choice. The instant invention can function regardless of what standard of compliance is employed.

Concerning claim(s) 51, *Colemere* addresses:

where the single-chip cellular baseband processor is Global System for Mobile Communication compliant and General Packet Radio Service compliant. See the discussion of claim 50 above.

As per claim(s) 52, *Colemere* teaches:

where the single-chip cellular baseband processor comprises integrated interface drivers that enable auxiliary components comprising loudspeakers, display, and memory modules to connect directly to the single-chip (At least figure 2).

As to claim(s) 53, *Colemere* addresses:

where the wireless transmitter comprises an embedded antenna element adjacent to the processor and the memory (At least column(s) 15, line 48 to column 16, line 23).

In reference to claim(s) 54, *Colemere* addresses:

where the embedded antenna element comprises a circuit board element (At least column(s) 15, line 48 to column 16, line 23).

Regarding claim(s) 55, *Colemere* discloses:

where the wireless transmitter is further configured to respond to a trigger event by transmitting an alert to a third party when a driving incident occurs (At least column(s) 2, lines 12-14, column 4, lines 26-42 and column 8 lines 31-49).

With respect to claim(s) 56, *Colemere* addresses:

where the driving incident comprises exceeding a speed threshold, traveling outside of a designation, or a lock out condition (At least column(s) 2, lines 53-65).

As per claim(s) 57, *Colemere* teaches:

where the wireless transmitter comprises a transceiver configured to receive a communication from a third party and the alert comprises a text or an aural message (At least column(s) 8, lines 16-31 and column 9, lines 6-35).

As to claim(s) 131, *Colemere* recites:

where the server is further configured to calculate an insured's premium under the insured's insurance policy based on the rating factor, or a surcharge of a discount to the insured's premium, based on the rating factor (At least column(s) 12, lines 19-23).

In reference to claim(s) 132, *Colemere* discusses:

Where the server is further configured to process selected vehicle data that represents one or more aspects of operating the vehicle with data that reflects how the selected vehicle data affects an insured's premium under an insured's insurance policy (At least column(s) 12, lines 19-23).

Conclusion

Additional prior art made of record and not relied upon that is considered pertinent to patentee's disclosure can be found on the attached PTO-872.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Niquette whose telephone number is 571-270-3613. The examiner can normally be reached on Monday through Thursday, 5:30 AM to 4:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle, can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert R. Niquette/
Examiner, AU 3695
5-17-2011

/OJO O OYEBISI/

Primary Examiner, Art Unit 3695

Notice of References Cited	Application/Control No. 12/132,487	Applicant(s)/Patent Under Reexamination LING ET AL.	
	Examiner ROBERT NIQUETTE	Art Unit 3695	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-5,835,008 A	11-1998	Colemere, Jr., Dale M.	340/439
	B US-			
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U
	V
	W
	X

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.


Search Notes 	Application/Control No. 12132487	Applicant(s)/Patent Under Reexamination LING ET AL.
	Examiner ROBERT NIQUETTE	Art Unit 3695

SEARCHED			
Class	Subclass	Date	Examiner
705		5-16-2011	RRN

SEARCH NOTES		
Search Notes	Date	Examiner
See attached EAST search	5-16-2011	RRN
See attached PLUS search	5-16-2011	RRN
Consultation with examiner Theresa Woods	6-16-2011	RRN

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

/ROBERT NIQUETTE/ Acting Examiner.Art Unit 3695	
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<i>Index of Claims</i> 	Application/Control No. 12132487	Applicant(s)/Patent Under Reexamination LING ET AL.
	Examiner ROBERT NIQUETTE	Art Unit 3695

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE									
Final	Original	05/17/2011									
	1	N									
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	4	N									
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	35	N									
	36	N									

<i>Index of Claims</i> 	Application/Control No. 12132487	Applicant(s)/Patent Under Reexamination LING ET AL.
	Examiner ROBERT NIQUETTE	Art Unit 3695

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
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	72	N									

<i>Index of Claims</i> 	Application/Control No. 12132487	Applicant(s)/Patent Under Reexamination LING ET AL.
	Examiner ROBERT NIQUETTE	Art Unit 3695

✓	Rejected
=	Allowed


-	Cancelled
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Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
Final	Original	05/17/2011									
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Index of Claims 	Application/Control No. 12132487	Applicant(s)/Patent Under Reexamination LING ET AL.
	Examiner ROBERT NIQUETTE	Art Unit 3695

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
Final	Original	05/17/2011									
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	130	N									
	131	✓									
	132	✓									
	133	N									
	134	N									



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BIB DATA SHEET

CONFIRMATION NO. 7812

SERIAL NUMBER 12/132,487	FILING or 371(c) DATE 06/03/2008 RULE	CLASS 705	GROUP ART UNIT 3695	ATTORNEY DOCKET NO. 12654/42	
APPLICANTS Raymond Scott Ling, Westlake, OH; Richard Ashton Hutchinson, Chagrin Falls, OH; Wilbert John Steigerwald III, Kirtland, OH; William Andrew Say, Macedonia, OH; Patrick Lawrence O'Malley, Kirtland, OH; Dane Allen Shralow, Solon, OH; William Curtis Everett, Hudson, OH;					
** CONTINUING DATA ***** This application is a CIP of 10/764,076 01/23/2004 which is a CIP of 09/571,650 05/15/2000 PAT 6,868,386 which is a CIP of 09/135,034 08/17/1998 PAT 6,064,970 which is a CON of 08/592,958 01/29/1996 PAT 5,797,134					
** FOREIGN APPLICATIONS *****					
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 06/13/2008					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /ROBERT R NIQUETTE/ Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY OH	SHEETS DRAWINGS 35	TOTAL CLAIMS 130	INDEPENDENT CLAIMS 13
ADDRESS Progressive Casualty/BHGL P.O. Box 10395 Chicago, IL 60610 UNITED STATES					
TITLE VEHICLE MONITORING SYSTEM					
FILING FEE RECEIVED 8968	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	5127834	(@rlad @ad<"19960129")	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/17 06:10
L3	0	"5835008PN." and L2	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/17 06:10
S6	3	((RAYMOND) near2 (LING)). INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:06
S7	60	((RICHARD) near2 (HUTCHINSON)).INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:06
S8	0	((WILBERT) near2 (STEIGERWALD)).INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:07
S9	15	((WILLIAM) near2 (SAY)). INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:09
S10	7	((PATRICK) near2 (O'MALLEY)).INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:09
S11	0	((DANE) near2 (SHRALLOW)).INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:10
S12	113	((WILLIAM) near2 (EVERETT)).INV.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/14 09:10
S13	2	(6714894 20020111725). pn.	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/14 09:30
S14	8	("20010039002" "5835008" "6064970" "6253129").PN. OR ("6714894").URPN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2011/05/15 06:32

S15	21	(US-1265442-\$.DID. OR US- 3781824-\$.DID. OR US- 3870894-\$.DID. OR US- 4212195-\$.DID. OR US- 4387587-\$.DID. OR US- 4581708-\$.DID. OR US- 4593357-\$.DID. OR US- 4638289-\$.DID. OR US- 4706083-\$.DID. OR US- 4836024-\$.DID. OR US- 4845630-\$.DID. OR US- 4944401-\$.DID. OR US- 4945759-\$.DID. OR US- 5017916-\$.DID. OR US- 5074144-\$.DID. OR US- 5355855-\$.DID. OR US- 5394136-\$.DID. OR US- 5400018-\$.DID. OR US- 5412570-\$.DID. OR US- 5445347-\$.DID. OR US- 5446659-\$.DID. OR US- 5459660-\$.DID. OR US- 5465079-\$.DID. OR US- 5471193-\$.DID. OR US- 5485161-\$.DID. OR US- 5497329-\$.DID. OR US- 5581464-\$.DID. OR US- 5608629-\$.DID. OR US- 5654501-\$.DID. OR US- 5680140-\$.DID. OR US- 5693876-\$.DID. OR US- 5726893-\$.DID. OR US- 5790427-\$.DID. OR US- 5799249-\$.DID. OR US- 5811884-\$.DID. OR US- 5815093-\$.DID. OR US- 5832394-\$.DID. OR US- 5844473-\$.DID. OR US- 5862500-\$.DID. OR US- 5877707-\$.DID. OR US- 5928291-\$.DID. OR US- 5974356-\$.DID. OR US- 6009363-\$.DID. OR US- 6076026-\$.DID. OR US- 6185490-\$.DID. OR US- 6246933-\$.DID. OR US- 6608554-\$.DID. OR US- 6744352-\$.DID. OR US- 20040139034-\$.DID. OR US-7015800-\$.DID. OR US- 7449993-\$.DID. OR US- 2151458-\$.DID. OR US- 2164608-\$.DID. OR US- 2229238-\$.DID. OR EP- 0383593-\$.DID. OR EP- 0444738-\$.DID. OR EP-	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/15 06:39
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S18	40	(US-1265442-\$.DID. OR US- 7191058-\$.DID. OR US- 7030781-\$.DID. OR US- 6952645-\$.DID. OR US- 6904359-\$.DID. OR US- 6823258-\$.DID. OR US- 6807469-\$.DID. OR US- 6804606-\$.DID. OR US- 6741927-\$.DID. OR US- 6714859-\$.DID. OR US- 6788207-\$.DID. OR US- 6771176-\$.DID. OR US- 6745151-\$.DID. OR US- 6701234-\$.DID. OR US- 6622070-\$.DID. OR US- 6618668-\$.DID. OR US- 6556905-\$.DID. OR US- 6556899-\$.DID. OR US- 6499114-\$.DID. OR US- 6459969-\$.DID. OR US- 6421791-\$.DID. OR US- 6393346-\$.DID. OR US-	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/15 06:41

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S21	1650	black box and (airplane or aircraft)	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 08:53

S22	5126059	(@rlad @ad<"19960129")	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 08:54
S23	962	black box and (airplane or aircraft) and S22	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 08:54
S24	208	(black box same (airplane or aircraft)).detc. and S22	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 08:54
S25	189	(black box same (airplane or aircraft)).bsum. and S22	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 08:54
S26	19	(black box same (airplane or aircraft)).ab. and S22	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 08:54
S27	1	("5835008").pn. and collect \$3 near2 data	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 09:01
S28	1	("5835008").pn. and (wireless same transmit\$3)	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 09:18
S29	0	("5835008").pn. and search \$3	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 09:21
S30	5126059	(@rlad @ad<"19960129")	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 10:40
S31	0	("4821557" "6533321" "20020014767" "20020019877" "20060009906" "20080301049" "3566803" "3599810" "3603022" "3641489" "3649782" "3673969" "3680914" "3729059" "3781497" "3807790" "3817554" "3829131" "3840085" "3853199" "3863952" "3874703" "3984121" "4042259" "4073536").pn. and S30	US-PGPUB; USPAT; USOCR; EPO	ADJ	ON	2011/05/16 10:40

S32	23	("4821557" "6533321" "20020014767" "20020019877" "20060009906" "20080301049" "3566803" "3599810" "3603022" "3641489" "3649782" "3673969" "3680914" "3729059" "3781497" "3807790" "3817554" "3829131" "3840085" "3853199" "3863952" "3874703" "3984121" "4042259" "4073536").pn. and S30	US-PGPUB; USPAT; USOCR; EPO	OR	ON	2011/05/16 10:40
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EAST Search History (Interference)

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FORM PTO-1449	SERIAL NO. 12/132,487	CASE NO. 12654-42
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 3, 2008	GROUP ART UNIT 3695
(use several sheets if necessary)	APPLICANT(S): Raymond Scott Ling et al.	CONFIRMATION NO. 7812

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/R.N./	E1	US 3,781,824	12/25/1973	Caiati et al.		
/R.N./	E2	US 3,870,894	03/11/1975	Brede et al.		
/R.N./	E3	US 4,212,195	07/15/1980	Young		
/R.N./	E4	US 4,387,587	06/14/1983	Faulconer		
/R.N./	E5	US 4,581,708	04/08/1986	Van Ostrand et al.		
/R.N./	E6	US 4,593,357	06/03/1986	Van Ostrand et al.		
/R.N./	E7	US 4,638,289	01/20/1987	Zottnik		
/R.N./	E8	US 4,706,083	11/10/1987	Baatz et al.		
/R.N./	E9	US 4,836,024	06/06/1989	Woehrl et al.		
/R.N./	E10	US 4,845,630	07/04/1989	Stephens		
/R.N./	E11	US 4,944,401	07/31/1990	Groenewegen		
/R.N./	E12	US 4,945,759	08/07/1990	Krofchalk et al.		
/R.N./	E13	US 5,017,916	05/21/1991	Londt et al.		
/R.N./	E14	US 5,074,144	12/24/1991	Krofchalk et al.		
/R.N./	E15	US 5,355,855	10/18/1994	Saikalis		
/R.N./	E16	US 5,394,136	02/28/1995	Lammers		
/R.N./	E17	US 5,400,018	03/21/1995	Scholl et al.		
/R.N./	E18	US 5,412,570	05/02/1995	Gruher et al.		
/R.N./	E19	US 5,445,347	08/29/1995	Ng		
/R.N./	E20	US 5,446,659	08/29/1995	Yamawaki		
/R.N./	E21	US 5,459,660	10/17/1995	Berra		
/R.N./	E22	US 5,465,079	11/07/1995	Bouchard et al.		
/R.N./	E23	US 5,471,193	11/28/1995	Peterson et al.		
/R.N./	E24	US 5,485,161	01/16/1996	Vaughn		
/R.N./	E25	US 5,497,329	03/05/1996	Tang		
/R.N./	E26	US 5,581,464	12/03/1996	Woll et al.		
/R.N./	E27	US 5,608,629	03/04/1997	Cuddihy et al.		
/R.N./	E28	US 5,654,501	08/05/1997	Grizzle et al.		
/R.N./	E29	US 5,680,140	10/21/1997	Loomis		
/R.N./	E30	US 5,693,876	12/02/1997	Ghitea, Jr. et al.		
/R.N./	E31	US 5,726,893	03/10/1998	Schuchman et al.		
/R.N./	E32	US 5,790,427	08/04/1998	Greer et al.		
/R.N./	E33	US 5,799,249	08/25/1998	Kennedy, III et al.		
/R.N./	E34	US 5,811,884	09/22/1998	Matuoka et al.		
/R.N./	E35	US 5,815,093	09/29/1998	Kikinis		
/R.N./	E36	US 5,832,394	11/03/1998	Wortham		
/R.N./	E37	US 5,844,473	12/01/1998	Kaman		
/R.N./	E38	US 5,862,500	01/19/1999	Goodwin		
/R.N./	E39	US 5,877,707	03/02/1999	Kowalick		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 12/132,487	CASE NO. 12654-42
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 3, 2008	GROUP ART UNIT 3695
(use several sheets if necessary)		APPLICANT(S): Raymond Scott Ling et al.

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/R.N./	E40	US 5,928,291	07/27/1999	Jenkins et al.		
/R.N./	E41	US 5,974,356	10/26/1999	Doyle et al.		
/R.N./	E42	US 6,009,363	12/28/1999	Beckert et al.		
/R.N./	E43	US 6,076,026	06/13/2000	Jambhekar et al.		
/R.N./	E44	US 6,185,490 B1	02/06/2001	Ferguson		
/R.N./	E45	US 6,246,933 B1	06/12/2001	Bague		
/R.N./	E46	US 6,608,554 B2	08/19/2003	Lesesky et al.		
/R.N./	E47	US 6,744,352 B2	06/01/2004	Lesesky et al.		
/R.N./	E48	US 2004/0139034 A1	07/15/2004	Farmer		
/R.N./	E49	US 7,015,800 B2	03/21/2006	Lesesky et al.		
/R.N./	E50	US 7,449,993 B2	11/11/2008	Lesesky et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
/R.N./	E51	CA 2,151,458	06/23/1994	Canada		
/R.N./	E52	CA 2,164,608	12/22/1994	Canada		
/R.N./	E53	CA 2,229,238	08/11/1999	Canada		
/R.N./	E54	EP 0 383 593 A2	08/22/1990	Europe		
/R.N./	E55	EP 0 444 738 A2	09/04/1991	Europe		
/R.N./	E56	EP 0 700 009 A3	03/06/1996	Europe		ABSTRACT
/R.N./	E57	EP 0 895 173 A3	02/03/1999	Europe		
/R.N./	E58	EP 1 128 265 A1	08/29/2001	Europe		ABSTRACT
/R.N./	E59	EP 1 160 707 A1	12/05/2001	Europe		
/R.N./	E60	EP 1 241 599 A1	09/18/2002	Europe		
/R.N./	E61	EP 1 746 537 A3	01/24/2007	Europe		
/R.N./	E62	DE 195 22 940 A1	01/02/1997	Germany		ABSTRACT
/R.N./	E63	DE 197 28 872 A	01/14/1999	Germany		ABSTRACT
/R.N./	E64	JP 3-4660 A	01/10/1991	Japan		ABSTRACT
/R.N./	E65	WO 84/03359 A1	08/30/1984	WIPO		ABSTRACT
/R.N./	E66	WO 88/09023 A1	11/17/1988	WIPO		ABSTRACT
/R.N./	E67	WO 93/10510 A1	05/27/1993	WIPO		ABSTRACT
/R.N./	E68	WO 94/04975 A1	03/03/1994	WIPO		
/R.N./	E69	WO 94/18645 A1	08/18/1994	WIPO		ABSTRACT
/R.N./	E70	WO 94/28434 A1	12/08/1994	WIPO		
/R.N./	E71	WO 96/15636 A1	05/23/1996	WIPO		
/R.N./	E72	WO 97/33382 A1	09/12/1997	WIPO		
/R.N./	E73	WO 98/47109 A1	10/22/1998	WIPO		
/R.N./	E74	WO 00/17721 A2	03/30/2000	WIPO		
/R.N./	E75	WO 00/17800 A1	03/30/2000	WIPO		
/R.N./	E76	WO 01/18491 A1	03/15/2001	WIPO		
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 12/132,487	CASE NO. 12654-42
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 3, 2008	GROUP ART UNIT 3695
(use several sheets if necessary)		APPLICANT(S): Raymond Scott Ling et al.

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/SUBCLASS	TRANSLATION YES OR NO
/R.N./	E77	WO 01/73693 A2	10/04/2001	WIPO		
/R.N./	E78	WO 02/41119 A2	05/23/2002	WIPO		
/R.N./	E79	WO 03/073339 A1	09/04/2003	WIPO		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
/R.N./	E80	"Automatic Vehicle Location for Public Safety Dispatch," Trimble brochure, 1993, 8 pages.
/R.N./	E81	Brown, Robert L., "Recent Canadian Human Rights Decisions Having an Impact on Gender-Based Risk Classification Systems," Journal of Actuarial Practice, Vol. 3, No. 1, 1995, pp. 171-192.
/R.N./	E82	Butler, P. et al., "Driver Record: a Political Red Herring That Reveals the Basic Flaw in Automobile Insurance Pricing," Journal of Insurance Regulation, Vol. 8, No. 2, 1989, pp. 200-234.
/R.N./	E83	Butler, P., "Cost-Based Pricing of Individual Automobile Risk Transfer: Car-Mile Exposure Unit Analysis," Journal of Actuarial Practice, Vol. 1, No. 1, 1993, pp. 51-84.
/R.N./	E84	Butler, P., "Gas-Tax and Time-Period Insurance Methods Equally Flawed," National Underwriter, June 15, 1998, p. 594.
/R.N./	E85	Butler, T., "Insurance by the Mile," Letter to the Editor, The Washington Post, January 17, 1991, 2 pages.
/R.N./	E86	Capon, R., "Insure by the Mile," Letter to the Editor, The Washington Post, December 27, 1990, 2 pages.
/R.N./	E87	Civil Docket for Case No. 1:10-cv-01370-PAG, Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois et al., U.S. District Court, Northern District of Ohio (Cleveland) printed from the internet at < http://ecf.ohnd.uscourts.gov/cgi-bin/DktRpt.pl?324688388186026-L_1_0-1 > on December 22, 2010, 12 pages.
/R.N./	E88	Complaint, filed June 18, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 201 pages.
/R.N./	E89	Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted, filed September 8, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 99 pages.
/R.N./	E90	Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO filed October 14, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 339 pages.

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FORM PTO-1449	SERIAL NO. 12/132,487	CASE NO. 12654-42
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 3, 2008	GROUP ART UNIT 3695
(use several sheets if necessary)		APPLICANT(S): Raymond Scott Ling et al.

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	
/R.N./	E91	Defendants' Reply Memorandum In Support of Their Motion to Dismiss for Failure to State a Claim Upon which Relief may be Granted filed October 26, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 13 pages.
/R.N./	E92	Defendants' Reply Memorandum In Support of Their Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO filed November 4, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus SafeCo Insurance Company of Illinois, SafeCo Insurance Company of America, SafeCo Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 12 pages.
/R.N./	E93	Dorweiler, P., "Notes on Exposure and Premium Bases," Proceedings of the Casualty Actuarial Society, Vol. 16, Nos. 33 & 34, 1929-1930, pp. 319-343.
/R.N./	E94	Hanneghan et al., "The World-Wide Web As A Platform for Supporting Interactive Concurrent Engineering," Proceedings of Advanced Information Systems Engineering - 8th International Conference, CAISE'96, Heraklion, Crete, Greece, May 20-24, 1996, 17 pages. (available from the internet at URL: http://www.cms.livjm.ac.uk/cmsmhann/publications/papers/CAISE96.pdf)
/R.N./	E95	Klein, J. S. et al., "A Black Box Tells Just the Facts," The Los Angeles Times, Section: View, June 13, 1991, pp. E-8. (2 pages)
/R.N./	E96	Memorandum of Opinion and Order (regarding Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted) dated November 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Co. versus Safeco Insurance Co., et al., 10 pages.
/R.N./	E97	Memorandum of Opinion and Order (regarding Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO) dated November 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Co. versus Safeco Insurance Co., et al., 9 pages.
/R.N./	E98	Narten, T., "File Server," Encyclopedia of Computer Science, Ed. Anthony Ralston and Edwin D. Reilly, 3rd. Ed., New York: Van Nostrand Reinhold, copyright 1993, pp.554-555.
/R.N./	E99	"Operation of an Audited-Mile/Year Automobile Insurance System-Under Pennsylvania Law," A Study Prepared for Sponsors of Pennsylvania Senate Bill SB 775 and Pennsylvania House Bill 1881 and other Interested Members of the Pennsylvania General Assembly, NOW Insurance Project for National Organization for Women, June 1992, 18 pages.
/R.N./	E100	Progressive's Memorandum in Opposition to Defendants' Motion to Dismiss for Failure to State a Claim Upon which Relief may be Granted filed October 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 59 pages.

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/R.N./	E101	Progressive's Memorandum in Opposition to Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the USPTO filed October 28, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 80 pages.
/R.N./	E102	PSC-200™ Intelligent Data Controller, product description, Trimble, 1994, 2 pages.
/R.N./	E103	Request for Ex Parte Reexamination of U.S. Patent. No. 6,064,970 Pursuant to 35 U.S.C. § 302, 37 C.F.R. § 1.510, filed September 22, 2010, 178 pages.
/R.N./	E104	"Vehicle Alert and Notification System," IBM Technical Disclosure Bulletin, Vol. 38, No. 8, August 1995, pp. 209-211.

EXAMINER /Robert Niquette/	DATE CONSIDERED 06/02/2011
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(use several sheets if necessary)	APPLICANT(S): Raymond Scott Ling et al.		CONFIRMATION NO. 7812

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/R.N./	A1	US 3,504,337	03/31/1970	Ekman		
/R.N./	A2	US 4,067,061	01/03/1978	Juhasz		
/R.N./	A3	US 4,234,926	11/18/1980	Wallace et al.		
/R.N./	A4	US 4,258,421	03/24/1981	Juhasz et al.		
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/R.N./	A7	US 4,638,295	01/20/1987	Middlebrook et al.		
/R.N./	A8	US 4,667,336	05/19/1987	Best		
/R.N./	A9	US 4,745,564	05/17/1988	Tennes et al.		
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/R.N./	A32	US 5,430,432	07/04/1995	Camhi et al.		
/R.N./	A33	US 5,463,567	10/31/1995	Boen et al.		
/R.N./	A34	US 5,499,182	03/12/1996	Ousborne		
/R.N./	A35	US 5,500,806	03/19/1996	Bellin et al.		
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EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/SUBCLASS	FILING DATE
/R.N./	A40 US 5,694,322	12/02/1997	Westerlage et al.		
/R.N./	A41 US 5,758,299	05/26/1998	Sandborg et al.		
/R.N./	A42 US 5,797,134	08/18/1998	McMillan et al.		
/R.N./	A43 US 5,805,079	09/08/1998	Lemelson		
/R.N./	A44 US 5,819,198	10/06/1998	Peretz		
/R.N./	A45 US 5,845,256	12/01/1998	Pescitelli et al.		
/R.N./	A46 US 5,916,287	06/29/1999	Arjomand et al.		
/R.N./	A47 US 5,956,691	09/21/1999	Powers		
/R.N./	A48 US 6,067,488	05/23/2000	Tano		
/R.N./	A49 US 6,073,063	06/06/2000	Leong Ong et al.		
/R.N./	A50 US 6,240,773 B1	06/05/2001	Rita et al.		
/R.N./	A51 US 6,253,129 B1	06/26/2001	Jenkins et al.		
/R.N./	A52 US 6,263,268 B1	07/17/2001	Nathanson		
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/R.N./	A54 US 6,366,207 B1	04/02/2002	Murphy		
/R.N./	A55 US 6,366,848 B1	04/02/2002	Gustavsson		
/R.N./	A56 US 6,392,564 B1	05/21/2002	Mackey et al.		
/R.N./	A57 US 6,405,112 B1	06/11/2002	Rayner		
/R.N./	A58 US 6,430,488 B1	08/06/2002	Goldman et al.		
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/R.N./	A60 US 6,438,472 B2	08/20/2002	Tano et al.		
/R.N./	A61 US 2002/0133275 A1	09/19/2002	Thibault		
/R.N./	A62 US 6,470,240 B1	10/22/2002	Haynes et al.		
/R.N./	A63 US 6,502,020 B2	12/31/2002	Lang		
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/R.N./	A65 US 6,505,106 B1	01/07/2003	Lawrence et al.		
/R.N./	A66 US 2003/0023568 A1	01/30/2003	Perotti et al.		
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/R.N./	A68 US 6,604,033 B1	08/05/2003	Banet et al.		
/R.N./	A69 US 6,611,740 B2	08/26/2003	Lowrey et al.		
/R.N./	A70 US 2003/0167345 A1	09/04/2003	Knight et al.		
/R.N./	A71 US 6,622,083 B1	09/16/2003	Knockeart et al.		
/R.N./	A72 US 2003/0182033 A1	09/25/2003	Underdahl et al.		
/R.N./	A73 US 6,629,029 B1	09/30/2003	Giles		
/R.N./	A74 US 6,636,149 B2	10/21/2003	Moon		
/R.N./	A75 US 6,636,790 B1	10/21/2003	Lightner et al.		
/R.N./	A76 US 6,640,188 B2	10/28/2003	Hashida		
/R.N./	A77 US 2003/0204290 A1	10/30/2003	Sadler et al.		
/R.N./	A78 US 6,663,191 B2	12/16/2003	Sakata et al.		
/R.N./	A79 US 6,694,245 B2	02/17/2004	Minami et al.		
/R.N./	A80 US 6,714,894	03/30/2004	Tobey et al.		

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/R.N./	A81 US 6,732,031 B1	05/04/2004	Lightner et al.		
/R.N./	A82 US 6,832,141	12/14/2004	Skeen et al.		
/R.N./	A83 US 6,356,823 B1	03/12/2005	Iannotti et al.		
/R.N./	A84 US 2005/0096809	05/05/2005	Skeen et al.		
/R.N./	A85 US 2005/0131597	06/16/2005	Raz et al.		
/R.N./	A86 US 2005/0137757	06/23/2005	Phelan et al.		
/R.N./	A87 US 6,931,309	08/16/2005	Phelan et al.		
/R.N./	A88 US 6,957,133 B1	10/18/2005	Hunt et al.		
/R.N./	A89 US 2006/0053038	03/09/2006	Warren et al.		
/R.N./	A90 US 2006/0253307	11/09/2006	Warren et al.		
/R.N./	A91 US 2007/0027726	02/01/2007	Warren et al.		
/R.N./	A92 US 7,228,211 B1	06/05/2007	Lowrey et al.		
/R.N./	A93 US 7,536,457 B2	05/19/2009	Miller		

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EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/SUBCLASS	TRANSLATION YES OR NO
/R.N./	A94 EP 0 700 009 A2	03/06/1996	Europe		ABSTRACT
/R.N./	A95 EP 0 935 208 A2	11/08/1999	Europe		
/R.N./	A96 FR 2 533 049 A1	03/16/1984	France		ABSTRACT
/R.N./	A97 GB 2 143 978 A	02/20/1985	Great Britain		
/R.N./	A98 GB 2 225 461 A	05/30/1990	Great Britain		
/R.N./	A99 JP 4-182868	06/30/1992	Japan		ABSTRACT
/R.N./	A100 JP 6-4733	01/14/1994	Japan		ABSTRACT
/R.N./	A101 JP 6-259632	09/16/1994	Japan		ABSTRACT
/R.N./	A102 JP 7-159192	06/23/1995	Japan		ABSTRACT
/R.N./	A103 WO 90/02388 A1	03/08/1990	WIPO		
/R.N./	A104 WO 97/27561 A1	07/31/1997	WIPO		
/R.N./	A105 WO 00/52616 A2	09/08/2000	WIPO		
/R.N./	A106 WO 2006/028484 A1	03/16/2006	WIPO		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
/R.N./	A107	Auto Watch product description, EASE Diagnostics, copyright 1998, 2 pages.
/R.N./	A108	AutoWatch™ product description, EASE Diagnostics, copyright 2000-03, 2 pages.
/R.N./	A109	AutoWatch - It's There When You're Not: Requirements, EASE Simulation, Inc., copyright 1997-2003, Revised March 3, 2003, printed from the internet at < http://www.obd2.com/autowatch/obd2/autowatch_requirements.htm > on September 9, 2004, 2 pages.

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/R.N./	A110	Baig, E. C., "The Safest Cars of 91," U.S. News & World Report, Vol. 109, No. 22, December 3, 1990, pp. 71 (6).
/R.N./	A111	Chidester, A. et al., "Recording Automotive Crash Event Data," International Symposium on Transportation Recorders, May 1999, Arlington, Virginia, printed from the internet at < http://64.233.179.104/search?q=cache:5Nz6R6g5eMsJ:www.nhtsa.dot.gov/cars/problems/st... > on September 8, 2004, 14 pages.
/R.N./	A112	Deierlein, R., "Vendor's Spice Up Services," Beverage World, Vol. 109, No. 1467, June 1990, pp. 82 (1).
/R.N./	A113	DriveRight® Spec Sheet, CarChip & CarChipE/X, OBDII-Based Vehicle Data Logger and Software 8210 and 8220, DS8210 Rev B, November 5, 2003, 12 pages.
/R.N./	A114	EASE DIAGNOSTICS Catalog, Catalog 2000-B, Copyright 1999-2000 Ease Simulation Inc., 16 pages.
/R.N./	A115	EASE DIAGNOSTICS E-mail from Stephen Golenski regarding Auto Watch Fleet photo, April 12, 2006, 1 page.
/R.N./	A116	EASE DIAGNOSTICS E-mail regarding Auto Watch photo, April 12, 2006, 2 pages.
/R.N./	A117	EASE Diagnostics News Release titled "EASE Diagnostics New Product Announcement: EASE OBD I/OBD II Data Logger, June 22, 1999, 2 pages.
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/R.N./	A119	EASE Diagnostics: , EASE Diagnostics, copyright 1999-2003, 37 pages.
/R.N./	A120	Ease Simulation, Inc., Invoice # 9813, October 2, 1998, 1 page.
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/R.N./	A122	Ease Simulation, Inc., website printed from the internet at < http://web.archive.org/web/19981205184219/http://www.easesim.com > on April 7, 2006, 19 pages.
/R.N./	A123	Eldridge, E., "If your teen puts pedal to the metal, new gadget will tattle," USA Today, Section B, August 24, 1998, 2 pages.
/R.N./	A124	"Electric Insurance Joins Intuit's Quicken InsureMarket Offering Online Auto Policies in 6 States," Business Wire, December 28, 1998, 2 pages.
/R.N./	A125	Festa, L., "For Insurance Sales, Turn to the 'Web,'" The Insurance Regulator, Vol. 5, No. 31, August 7, 1995, pp. 1.
/R.N./	A126	Garfinkel, S., "The Road Watches You," The New York Times, Section A, Column 1, May 3, 1995, pp. 23.
/R.N./	A127	Gilman, D., "Re: DERM - Automotive Black Boxes -," The Traffic Accident Reconstruction Origin ARnews, June 8, 1999, printed from the internet at < http://www.tarorigin/ARnews9-98/0612.html > on September 8, 2004, 2 pages.
/R.N./	A128	"January 1, 1994 UK: An Interest in Black Magic--Motor Technology," Insurance Age, pp. 25.
/R.N./	A129	Kaneko, T. et al., "Multiday driving patterns and motor carrier accident risk. A disaggregate analysis," Accident Analysis and Prevention, Vol. 24, No. 5, January 1, 1992, pp. 437-456.
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/R.N./	A132	Mitcham, A., "On-Board Diagnostic Hand-Held Scan Tool Technology: Adherence to the Society of Automotive Engineers Requirements for Scan Tools and an Evaluation of Overall Scan Tool Capability," U.S. Environmental Protection Agency, October 2000, 27 pages.
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/R.N./	A134	National General Assurance Company Maryland Rules Manual: Private Passenger Auto, New Business Effective 06/16/2006 Renewals Effective 09/29/2006, 1 page.
/B.N./	A135	NEWS RELEASE, Auto Watch™ (New Product Announcement), June 16, 1998, 3 pages.
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/R.N./	A138	Pathfinder 2001 Mega Release!, [298-1 (01-75)], SPX Service Solutions, 6 pages.
/R.N./	A139	Road Safety "Safe Driving Starts with a Well Trained Driver," Road Safety International, Inc., 1999-2003, printed from the internet at < http://www.roadsafety.com/shop/ > on January 20, 2004, 2 pages.
/R.N./	A140	Rosenberg, M. et al., "Rate Classification Reform in New Jersey," Best's Review (Prop/Casualty), Vol. 92, No. 12, April 1992, pp. 30-32.
/R.N./	A141	San Jose International Auto Show Advertisement, San Jose Convention Center, January 6-10, 1999, 2 pages.
/R.N./	A142	Smart-Driver: What is SmartDriver?, printed from the internet at < http://www.smart-driver.com/index.html > on January 20, 2004, 1 page.
/R.N./	A143	Society for Automotive Engineers Report titled "Surface Vehicle Recommended Practice: OBD II Scan Tool - Equivalent to ISO/DIS 15031-4: December 14, 2001," SAE J1978, Issued March 1992, Revised April 2002, Society of Automotive Engineers, Inc., copyright 2002, pp. 1-16.
/R.N./	A144	Society for Automotive Engineers Report titled "Surface Vehicle Recommended Practice: Universal Interface for OBD II Scan," SAE J2201, Issued June 1993, Society of Automotive Engineers, Inc., copyright 1993, pp. 1-45.
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/R.N./	A147	U.S. Air Force MEEP Project Final Report - Vehicle Data Collection, July 2000, 1 page.
/R.N./	A148	Users Manual for the AutoWatch™ / AutoWatch™ Fleet OBD II Version, Rev 050902, EASE Simulation, Inc., copyright 1998-2002, pp. 1-71.

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FORM PTO-1449	SERIAL NO. 12/132,487	CASE NO. 12654-42
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 3, 2008	GROUP ART UNIT 3693
(use several sheets if necessary)	APPLICANT(S): Raymond Scott Ling et al.	

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
/R.N./	A149	Vetronix Corporation - Crash Data Retrieval System Frequently Asked Questions, Vetronix Corporation, copyright 2004, printed from the internet at < http://www.vetronix.com/diagnostics/cdr/faqs.html > on September 8, 2004, 5 pages.
/R.N./	A150	Vetronix Corporation Presentation "Advances in Scan Tool Technology," from OBD 2K On-Board Diagnostics Conference 2000, Ogden, UT, May 19, 2000, 13 pages.
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EXAMINER /Robert Niquette/	DATE CONSIDERED 05/14/2011
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(use several sheets if necessary)	APPLICANTS: Ling et al.	CONFIRMATION NO.: 7812

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/R.N./	B1	7,191,058 B2	03/13/2007	Laird et al.		
/R.N./	B2	7,030,781 B2	04/18/2006	Jones		
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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: June 3, 2008	GROUP ART UNIT: 3693
(use several sheets if necessary) APPLICANTS: Ling et al.	CONFIRMATION NO.: 7812	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/R.N./	B40 5,737,711	04/07/1998	Abe		
/R.N./	B41 5,732,074	03/24/1998	Spaur et al.		
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EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
/R.N./	B75 EP 1 207 499 A1	05/22/2002	EP		Yes
/R.N./	B76 EP 1 164 551 A2	12/19/2001	EP		Yes

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	APPLICANTS: Ling et al.	CONFIRMATION NO.: 7812

FOREIGN PATENT DOCUMENTS

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/R.N./	B77	WO 01/86576 A1	11/15/2001	PCT		Yes
/R.N./	B78	WO 01/26338 A2	04/12/2001	PCT		Yes
/R.N./	B79	WO 01/55690 A1	08/02/2001	PCT		Yes
/R.N./	B80	WO 00/79727 A2	12/28/2000	PCT		Yes
/R.N./	B81	JP 2000 335450 A	12/05/2000	JP		Yes
/R.N./	B82	NL C 1016618	11/16/2000	NL		Abstract
/R.N./	B83	WO 97/13208	04/10/1997	PCT		Yes
/R.N./	B84	EP 0 629 978 A1	12/21/1994	EP		Yes
/R.N./	B85	WO 93/21583	10/28/1993	PCT		Yes
/R.N./	B86	JP 05104985 A	04/27/1993	JP		Yes

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
/R.N./	B87	Gordon, Jacques. " – this Year and Beyond: OBD III is Just Speculation, but OBD II Keeps Evolving in Response to Real-World Experience." <u>Aftermarket Business</u> v112, n3, p52. March 2002: ISSN: ISSN: 0892-1121, pp. 5.
/R.N./	B88	"Sensors". <u>Automotive Engineering International</u> v107, n9, p37. Sept. 1999, pp. 14.
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/R.N./	B90	Davis DriveRight. "Solutions for Vehicle Safety and Management 2005." <www.driveright.cc>; pp.16
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/R.N./	B92	Davis DriveRight Need Help Choosing" <u>Davisnet.com</u> . <http://web.archive.org/web/20010603073125/www.davisnet.com/drive/help_choosing.asp>; last visited on 4 Nov. 2004, p. 1.
/R.N./	B93	Davis DriveRight Overview <u>Davisnet.com</u> . <http://web.archive.org/web/20010518135302/http://www.davisnet.com/drive/>; last visited on 4 Nov. 2004, p. 1.
/R.N./	B94	Evangelista, Benny. "Car-crash recorders / 'Black boxes' are moving from airliners to autos" <u>San Francisco Chronicle</u> . 2 Sept. 2002. Sfgate.com<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2002/09/02/BU167062.DTL>; last visited on 25 Oct. 2004, pp. 6.
/R.N./	B95	"Road Safety Teen Drivers Frequently Asked Questions" <u>Roadsafety.com</u> <http://64.233.167.104/search?q=cache:bwGvLSZMlr0J:www.roadsafety.com/faqs_teen.php+drivers+teen+...>; last visited on 25 Oct. 2004, pp. 7.
/R.N./	B96	"Road Safety Press Releases" <u>Roadsafety.com</u> <http://www.roadsafety.com/pressreleases.php?view=16&id=18>; last visited on 25 Oct. 2004, p. 1.
/R.N./	B97	"Road Safety Press Releases" <u>Roadsafety.com</u> <http://www.roadsafety.com/pressreleases.php?view=16&id=19>; last visited on 25 Oct. 2004, p. 1.
/R.N./	B98	"Newsmine.org – black box in car reports you.txt" <u>Newmine.org</u> . <http://newsmine.org/archive/security/bigbrother/black-box-in-car-reports-you.txt>; last visited on 25 Oct. 2004, p. 4.

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(use several sheets if necessary)	APPLICANTS: Ling et al.	CONFIRMATION NO.: 7812

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
/R.N./	B99	"NHTSAR Research and Development, NRD-01. "EDR- NHTSA Event Data Recorder Program". <u>NHTSA Event Data Recorder Program</u> < http://www-nrd.nhtsa.dot.gov/departments/nrd-01/summaries/EDR.html >; last visited on 25 Oct. 2004, pp. 2.
/R.N./	B100	"Vetronix ETAS Group." Vetronix Corporation – Crash Data Retrieval System Frequently Asked Questions. <u>Crash Data Retrieval System Frequently Asked Questions</u> . < http://www.vetronix.com/diagnostics/cdr/faqs.html >; last visited on 25 Oct. 2004, pp. 5.
/R.N./	B101	"Mechanical Forensics Engineering Services, LLC (MFES). Mechanical Forensics: Vetronix CDR system" – <u>Vetronix Crash Data Retrieval System</u> < http://mfes.com/cdr.html >; last visited on 25 Oct. 2004, pp. 8.
/R.N./	B102	"AutoTap OBDII Diagnostic Scanner – <u>AutoTap Product Information</u> ; < http://www.autotap.com/products.html >; last visited on 25 Oct. 2004, pp. 2.
/R.N./	B103	Carley, Larry. "Understanding OBDII: Past, Present & Future"© 2001; < http://hostingprod.com/@aa_1car.com/library/us7960bd.htm >; last visited on 25 Oct. 2004, pp. 6.
/R.N./	B104	Barkai, Joseph. "Vehicle Diagnostics – Are you Ready for the Challenge?" Society of Automotive Engineers, Inc. © 2001; pp. 5.
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/R.N./	B106	Event Data Recorder Applications for Highway and Traffic Safety: <u>Patents</u> < http://www-nrd.nhtsa.dot.gov/edr-site/patents.html > last visited on 12 Nov. 2004, pp. 11.
/R.N./	B107	Richgels, Jeff. "Free Car Insurance; State Is Test For New Volkswagen Incentive". <u>The Capital Times (Madison, Wisconsin)</u> . < http://www6.lexisnexis.com/publisher/EndUser?Action=UserDisplayFullDocument&orgId... >; last visited on 6 Jan. 2005, pp. 3.
/R.N./	B108	Creative Innovators Associates, LLC. "Creative Innovators Associates". <u>CIA Intellectual Property Portfolio</u> . < http://www.cia123.com/cia_portfolio.htm >; last visited on 7 Feb. 2005, pp. 3.

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	(use several sheets if necessary)	APPLICANT(S): Raymond S. Ling et al.
		CONFIRMATION NO. 7812

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
/R.N./	D1	US 6,064,299	05/16/2000	Lesesky et al.		
/R.N./	D2	US 6,411,203 B1	06/25/2002	Lesesky et al.		
/R.N./	D3	US 6,505,106 B1	01/07/2003	Lawrence et al.		
/R.N./	D4	US 6,529,723 B1	03/04/2003	Bentley		
/R.N./	D5	US 6,879,962 B1	04/12/2005	Smith et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

OTHER ART – NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL	(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	

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REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

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/R.N./	C1	6,225,898 B1	05/01/2001	Kamiya et al.		

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PLUS Search Results for S/N 12132487, Searched Mon May 16 09:17:27 EDT 2011
The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

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PLUS Search Results for S/N 12132487, Searched Mon May 16 09:17:29 EDT 2011
The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

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The listing of claims replaces all prior versions and listings of claims in this application.

Listing of Claims:

1. (Withdrawn, Amended) A risk management device comprising:

5 an automotive device that provides an interface that filters data that is sent and received across an in-vehicle bus by selectively acquiring vehicle data related to a level of insurable risk or safety of operation, the interface acquires the selected vehicle data from one or more in-vehicle sensors;

10 a memory that stores the selected vehicle data with relationship data within the vehicle that establishes a connection between the selected vehicle data and one or more risk factors, safety standards, or operating characteristics, together with a unique identifier and a user account; and

15 a wireless service provider interface that provides access to the selected vehicle data and relationship data retained in the memory, where the wireless service provider interface is responsive to a wireless request from a remote user to transfer the selected vehicle data and selected relationship data retained in the memory to a remote server when a wireless service provider indicates a capacity to transfer the vehicle data and relationship data across a wireless network.

20 2. (Withdrawn) The risk management device of claim 1 where the wireless service provider interface is compliant with a wireless transaction facilitator that throttles the transmission rates across the wireless network based on an available bandwidth of the wireless network.

25 3. (Withdrawn) The risk management device of claim 1 further comprising a dynamic memory allocation processor that allocates a portion of the memory to retain a copy of a legacy version of firmware that comprises input/output instructions when an updated firmware is received through the wireless network and written to the memory, the dynamic memory allocation processor de-allocates the portion of the memory when an error-free version of the updated firmware is stored or installed in the risk management
30 device.

4. (Withdrawn) The risk management device of claim 1 where the wireless network comprises a mobile broadband wireless network that provides full data exchange mobility to two or more vehicles.
5. (Withdrawn) The risk management device of claim 1 where the interface, the memory, and the wireless service provider interface are linked within a portable device.
6. (Withdrawn) The risk management device of claim 1 where the wireless service provider interface comprises a single-chip cellular baseband processor.
7. (Withdrawn) The risk management device of claim 6 where the single-chip cellular baseband processor is Global System for Mobile Communication compliant, Code Division Multiple Access compliant, or General Packet Radio Service compliant.
8. (Withdrawn) The risk management device of claim 6 where the single-chip cellular baseband processor is Global System for Mobile Communication compliant and General Packet Radio Service compliant.
9. (Withdrawn) The risk management device of claim 6 where the single-chip cellular baseband processor comprises integrated interface drivers that enable auxiliary components comprising loudspeakers, display, and memory modules to connect directly to the single-chip.
10. (Withdrawn) The risk management device of claim 1 where the wireless service provider interface comprises an embedded antenna element positioned adjacent to the interface and the memory.
11. (Withdrawn) The risk management device of claim 10 where the embedded antenna element comprises a circuit board element.
12. (Withdrawn) The risk management device of claim 1 where the wireless service provider interface is further responsive to a trigger event by transmitting an alert to a third

party when a driving incident occurs.

5 13. (Withdrawn) The risk management device of claim 12 where the driving incident comprises exceeding a speed threshold, traveling outside of a designated area, or a lock out condition.

10 14. (Withdrawn) The risk management device of claim 13 where the wireless service provider interface is further responsive to receive a communication from a third party and the alert comprises a text or an aural message.

15 15. (Withdrawn) The risk management device of claim 3 where the wireless service provider interface is compliant with two or more multiple packet architectures that are automatically detected and one or more multiple packet architectures that are automatically selected through two or more handshakes.

20 16. (Withdrawn) The risk management device of claim 15 where the automatic detection and automatic selection includes Internet Protocol roaming that maintains connectivity as the vehicle moves from a first coverage area of a selected network to a second coverage area of a second selected network.

25 17. (Withdrawn) The risk management device of claim 15 where the wireless service provider interface is responsive to a monitored event-driven request to transfer the selected vehicle data and selected relationship data retained in the memory to a remote server when the wireless service provider indicates the capacity to transfer data across the wireless network.

30 18. (Withdrawn) The risk management device of claim 15 where a unique identifier comprises a unique identifier to the risk management device.

19. (Withdrawn) The risk management device of claim 15 where a unique identifier comprises a unique vehicle identifier.

20. (Withdrawn) The risk management device of claim 15 further comprising a transceiver tuned to receive continuously transmitted trilateral encoded signals through a bandwidth that is separate from the wireless network.
- 5 21. (Withdrawn) A system that monitors data transferred among components within a vehicle that is used to determine one or more levels of risk or is used to determine a cost of insurance comprising:
- a vehicle bus that sends and receives data between two or more in-vehicle controllers;
 - an in-vehicle monitor that filters the data that is sent and received across the vehicle
10 bus by selectively polling one or more of the in-vehicle controllers to transmit vehicle data related to a level of risk in operating the vehicle, the selected vehicle data is acquired at a predetermined interval or upon an event;
 - a processor programmed to store the selected vehicle data in an in-vehicle memory inaccessible to the two or more in-vehicle controllers, the memory retains relationship
15 data that links the selected vehicle data to a vehicle identifier and a wireless network;
 - a wireless transceiver configured to encrypt and encode the relationship data and the selectively acquired vehicle data and transmit the encoded data through a mobile communication network that provides access to a distributed network.
- 20 22. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 where the wireless transceiver is configured to transmit the encoded data through a pulse position protocol without varying the power level or phase of a transmitting signal.
- 25 23. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 where the wireless transceiver is compliant with a wireless transaction facilitator that throttles the transmission rates across the mobile communication network based on an available bandwidth of the mobile communication network.
- 30 24. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 further comprising a dynamic memory allocation processor that allocates a portion of the memory to retain a copy of a legacy version of firmware that

comprises input/output instructions when an updated firmware is transferred to the in-vehicle memory through the mobile communication network, the dynamic memory allocation processor de-allocates the portion of the in-vehicle memory when an error-free version of the updated firmware is stored or installed in the risk management system or
5 when a copy of the legacy version of the software is restored.

25. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 where the mobile communication network comprises a mobile broadband communication network that provides full data exchange mobility to one, two
10 or more vehicles in motion.

26. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 where the wireless service provider interface is compliant with two or more multiple packet architectures that are automatically detected and one or more
15 multiple packet architectures that are automatically selected when a series of signals acknowledge that a communication or transfer of information may occur are received by the wireless transceiver.

27. (Withdrawn) The system that monitors data transferred among components within a
20 vehicle of claim 21 where the wireless transceiver is responsive to an internal event-driven request to transfer the selected vehicle data and the selected relationship data retained in the in-vehicle memory to a remote server when the wireless service provider indicates an available channel capacity to transfer the selected vehicle data and the selected relationship data across the mobile communication network within a
25 predetermined time period.

28. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 further comprising a location processor that processes external navigation signals that are stored in the in-vehicle memory and are transmitted through
30 the mobile communication network.

29. (Withdrawn) The system that monitors data transferred among components within a vehicle of claim 21 further comprising a receiver tuned to receive continuously transmitted trilateral encoded signals through a bandwidth that is separate from the mobile communication network.
- 5
30. (Withdrawn) The risk management system of claim 21 where the in-vehicle monitor, the processor, and the wireless transceiver are linked within a portable device.
31. (Withdrawn) The risk management system of claim 21 where the wireless transceiver
10 comprises a single-chip cellular baseband processor.
32. (Withdrawn) The risk management system of claim 31 where the single-chip cellular baseband processor is Global System for Mobile Communication compliant, Code Division Multiple Access compliant, or General Packet Radio Service compliant.
- 15
33. (Withdrawn) The risk management system of claim 31 where the single-chip cellular baseband processor is Global System for Mobile Communication compliant and General Packet Radio Service compliant.
- 20
34. (Withdrawn) The risk management system of claim 31 where the single-chip cellular baseband processor comprises integrated interface drivers that enable auxiliary components comprising loudspeakers, display, and memory modules to connect directly to the single-chip.
- 25
35. (Withdrawn) The risk management system of claim 21 where the wireless transceiver comprises an embedded antenna element positioned adjacent to the in-vehicle monitor, the processor, and the memory.
36. (Withdrawn) The risk management system of claim 35 where the embedded antenna
30 element comprises a circuit board element.
37. (Withdrawn) The risk management system of claim 21 where the wireless transceiver

is further configured to respond to a trigger event by transmitting an alert to a third party when a driving incident occurs.

5 38. (Withdrawn) The risk management system of claim 37 where the driving incident comprises exceeding a speed threshold, traveling outside of a designated area, or a lock out condition.

10 39. (Withdrawn) The risk management system of claim 38 where the wireless transceiver is further configured to receive a communication from a third party and the alert comprises a text or an aural message.

40. (Amended) A system that monitors and facilitates a review of data collected from a vehicle that is used to determine a level of safety or cost of insurance comprising:

15 a processor that collects vehicle data from a vehicle bus that represents aspects of operating the vehicle;

a memory that stores selected vehicle data related to a level of safety or an insurable risk in operating a vehicle;

20 a wireless transmitter configured to transfer the selected vehicle data retained within the memory to a distributed network ~~when a wireless network indicates a capacity to receive the selected vehicle data~~ and a server; and

a database operatively linked to the server to store the selected vehicle data transmitted by the wireless transmitter, the database comprising a storage system remote from the wireless transmitter and the memory comprising records with operations for searching the records and other functions;

25 ~~monitor to display where the server is configured to process selected vehicle data that represents one or more aspects of operating the vehicle with data that reflects how the~~

~~selected vehicle data affects a premium of an insurance policy, safety or level of risk; and~~

where the server is further configured to generate a rating factor based on the selected vehicle data stored in the database.

30

41. (Amended) ~~A~~ The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the wireless transmitter is configured to transfer the

selected vehicle data retained within the memory through a pulse position protocol without varying the power level or phase of a transmitting signal.

5 42. (Original) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the wireless transmitter is compliant with a wireless transaction facilitator that throttles the transmission rates across the wireless network based on an available bandwidth of the wireless network.

10 43. (Original) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 further comprising a dynamic memory allocation processor that allocates a portion of the memory to retain a copy of a legacy version of firmware that comprises input/output instructions when an updated firmware is transferred to the memory through the wireless network, the dynamic memory allocation processor de-allocates the portion of the memory when an error-free version of the updated firmware is
15 stored or installed in the system or when a copy of the legacy version of the software is restored to control the processor of the system.

20 44. (Original) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the wireless network comprises a mobile broadband communication network that provides full data exchange mobility up to vehicle speeds of about 100 miles per hour.

25 45. (Original) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the wireless transmitter is compliant with two or more multiple packet architectures that are automatically detected and one or more multiple packet architectures that are automatically selected when a series of signals acknowledge that a communication or transfer of information or data may occur.

30 46. (Original) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the wireless transmitter is responsive to an in-vehicle event-driven request to transfer the selected vehicle data retained in the memory to a remote server when the wireless network indicates an available channel capacity to transfer the

selected vehicle data across the wireless network.

47. (Original) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 further comprising a receiver tuned to receive continuously
5 transmitted trilateral encoded signals through a bandwidth that is separate from the wireless network.

48. (Original) The risk management system of claim 40 where the processor, the memory, and the wireless transmitter are in communication within a portable device.
10

49. (Original) The risk management system of claim 40 where the wireless transmitter comprises a single-chip cellular baseband processor.

50. (Original) The risk management system of claim 49 where the single-chip cellular baseband processor is Global System for Mobile Communication compliant, Code
15 Division Multiple Access compliant, or General Packet Radio Service compliant.

51. (Original) The risk management system of claim 49 where the single-chip cellular baseband processor is Global System for Mobile Communication compliant and General
20 Packet Radio Service compliant.

52. (Original) The risk management system of claim 49 where the single-chip cellular baseband processor comprises integrated interface drivers that enable auxiliary components comprising loudspeakers, display, and memory modules to connect directly
25 to the single-chip.

53. (Original) The risk management system of claim 40 where the wireless transmitter comprises an embedded antenna element adjacent to the processor and the memory.

54. (Original) The risk management system of claim 53 where the embedded antenna element comprises a circuit board element.
30

55. (Original) The risk management system of claim 40 where the wireless transmitter is further configured to respond to a trigger event by transmitting an alert to a third party when a driving incident occurs.

5 56. (Original) The risk management system of claim 55 where the driving incident comprises exceeding a speed threshold, traveling outside of a designation, or a lock out condition.

10 57. (Original) The risk management system of claim 56 where the wireless transmitter comprises a transceiver configured to receive a communication from a third party and the alert comprises a text or an aural message.

58. (Withdrawn, Amended) A system that monitors data collected from a vehicle bus that is used to determine a cost of insurance comprising:

15 a data monitor that monitors a vehicle bus that transfers data among electronic components within a vehicle;

a storage device that receives vehicle data from the vehicle bus to a first memory within the vehicle, the storage device retains content when not connected to an external power source;

20 a second memory within the storage device that receives metadata that is logically linked to the vehicle data written to the storage device within the vehicle each time the vehicle data is written to the storage device;

25 a first processor programmed to link in communication with the storage device through a network of computers associated with an identifying number on a publicly accessible distributed network and is accessible through software retained in a computer readable storage medium that allows a user to access insurance files related to an existing insurance policy or a renewal of an insurance policy and allows the user to access other software related to the insurance files;

30 a database operatively linked to the storage device to store the vehicle data and the metadata written to the storage device, the database comprising a storage system comprising records with operations for searching and other functions; and

where the vehicle data is accessible through software retained in a computer readable storage medium that allows a user to access insurance files related to an existing insurance policy or a renewal of an insurance policy;

5 where the a second processor is programmed to generate a rating factor based on the vehicle data and metadata written to the database where the second processor is programmed to calculate a premium of an insurance policy, or a surcharge or a discount on the premium of the insurance policy, based on the vehicle data and the metadata stored in the database.

10 59. (Withdrawn) The system of claim 58 where the second processor is further programmed to generate a display in which a vehicle operator may review the vehicle data stored in the database related to the operator's vehicle accelerations, decelerations, seat belt usage, vehicle speed, time of day, date, location, identity, vehicle identity, tire pressure, telephone usage, entertainment status, vehicle mileage, or turn signal usage.

15 60. (Withdrawn) The system of claim 58 where the second processor is further programmed to compare a category of the vehicle data to a similar category of data monitored in other vehicles.

20 61. (Withdrawn) The system of claim 58 where the second processor and the database reside at a Web site operatively linked to the first processor through the Internet, the Web site being programmed to deliver customized insurance data related to a usage based insurance and an operator of the vehicle.

25 62. (Withdrawn) The system of claim 58 where the second processor is programmed to determine a cost of renewing insurance based on the vehicle data and metadata written to the database.

30 63. (Withdrawn) The system of claim 58 where the second processor is programmed to determine a prospective cost of insurance based on receiving the vehicle data and meta data written to the storage device at a Web site.

64. (Withdrawn) The system of claim 58 further comprising a third processor in communication with the data monitor, the third processor integrated within an electronic management system within the vehicle.

5 65. (Withdrawn) The system of claim 58 where the data monitor is compliant with an OBD protocol or an SAE J-1962 protocol.

66. (Withdrawn) The system of claim 58 where the second processor is programmed to access the database of vehicle data and metadata and process at least a portion of the vehicle data to generate a cost of insurance.
10

67. (Withdrawn) The system of claim 58 where the second processor is programmed to access the database of vehicle data and metadata and process at least a portion of the vehicle data to generate a prospective cost of insurance.

15 68. (Withdrawn) The system of claim 67 where the cost of insurance comprises a cost of renewing an existing insurance policy.

69. (Withdrawn) The system of claim 67 where the vehicle data is generated by one or more devices that monitor, measure, and control the operation of the vehicle.
20

70. (Withdrawn) A data logging device that tracks the operation of a vehicle, comprising:
a storage device comprising a first memory portion that may be read from and is written to in a vehicle and a second memory portion that may be read from and is written to in the vehicle, the second memory portion retains attributes of datum or data logically associated with the data stored in the first memory portion;
25

a processor that reads data from an in-vehicle automotive bus that transfers data from vehicle sensors to other automotive components, the processor writes data that reflect a level of safety to the first memory portion and the second memory portion; and

30 a communication device that links the storage device to a network of computers associated with a publicly accessible distributed network, the communication device is accessible through software retained on a computer readable storage medium that allows

a user to access insurance files related to an insurance policy and allows the user to access other software related to the insurance files,

5 where the first memory portion and the second memory portion retain data when an external power source is not coupled to the first memory portion and the second memory portion, respectively, and are inaccessible to an in-vehicle OEM system or an automotive scan tool.

71. (Withdrawn) A data logging device that tracks the operation of a vehicle, comprising:
10 a first storage device comprising a first memory portion that may be read from and is written to in a vehicle;

a second storage device comprising a second memory portion that may be read from and is written to in the vehicle that retains attributes of data logically associated with one or more data elements stored in the first storage device;

15 a central processing unit that reads data from an automotive bus that transfers data from vehicle sensors to other automotive components and writes data to the first memory portion;

a circuit that generates a steady stream of pulses that synchronizes the transfer of data from the automotive bus to the first memory portion; and

20 a communication device that links the storage device to a network of computers associated with an identifying number on a publicly accessible distributed network and is accessible through software that allows a user to access insurance files related to an existing insurance policy or a renewal of an insurance policy and allows the user to access other software related to the insurance files,

25 where the first memory portion and the second memory portion retain data when an external power source is not coupled to the first memory portion and the second memory portion, respectively.

72. (Withdrawn) The data logging device of claim 71 where the circuit that generates the steady stream of pulses is remote from the vehicle.

30

73. (Withdrawn) The data logging device of claim 72 where the circuit that generates the steady stream of pulses generates the attributes of data associated with one or more data items stored in the first storage device.

- 5 74. (Withdrawn) A data logging device that tracks the operation of a vehicle, comprising:
a storage device comprising a first memory portion that is read from and is written to in a vehicle and a second memory portion that is read from and is written to in the vehicle that retains attributes of data logically associated with one or more data items stored in the first storage device;
- 10 a central processing unit that reads data from an automotive bus that transfers data from vehicle sensors to other automotive components and writes data to the first memory portion; and
- a wireless communication device that links the storage device to a network of computers associated with an identifying number on a publicly accessible distributed
15 network and is accessible through software retained on a computer readable storage medium that allows a user to access insurance files related to an existing insurance policy or a renewal of an insurance policy and allows the user to access other software related to the insurance files,
- where the first memory portion and the second memory portion retain data when an
20 external power source is not coupled to the first memory portion and the second memory portion, respectively; and
- where the software is configured to allow a party to change some or all of the data written to the storage device and where a second software retained on a computer readable storage medium remote from the vehicle is configured to allow the party to
25 transmit the unchanged data and transmit the changed data to a Web server at the party's discretion.

75. (Withdrawn) A device that monitors the operation of a vehicle, comprising:
a vehicle bus that transfers data from vehicle sensors within a vehicle;
- 30 a first processor in communication with the vehicle bus and operative to track one or more of vehicle speed data, position data, and aggressive driving behavior data from the vehicle bus;

a global positioning receiver in communication with the first processor that processes position data, time data, and velocity data;

an on board vehicle diagnostic connector interfaced to the vehicle bus and the first processor; and

5 a data logger interfaced to the on board diagnostic connector and operative to receive the one or more of vehicle speed data, position data, and aggressive driving behavior data in a memory in the data logger,

where the data logger is operative to upload the one or more of vehicle speed data, position data, and aggressive driving behavior data from the memory to a second processor remote from the first processor,

10 where the second processor is programmed to generate Internet documents based on the uploaded data and an assigned level of risk.

76. (Withdrawn) The device of claim 75 where the aggressive driving behavior data
15 comprises data that exceeds a first predetermined threshold or does not exceed a second predetermined threshold.

77. (Withdrawn) The device of claim 75 where the data logger comprises a machine
20 interface operative to communicate with the first processor and the second processor and a virtual interface operative to interface a computer.

78. (Withdrawn) The device of claim 75 where the data logger is operative to store
25 metadata in a second memory of the data logger each time any of the vehicle speed data, the position data, or aggressive driving behavior data is written to the memory.

79. (Withdrawn) The device of claim 75 where the data logger uploads vehicle speed
data or position data to an Internet site.

80. (Withdrawn) The device of claim 75 where the data logger uploads vehicle speed
30 data, aggressive driving behavior data, and/or position data to an Internet site.

81. (Withdrawn) The device of claim 75 where the data logger comprises a removable

storage device and a non-removable storage device.

82. (Withdrawn) A system that determines a cost of insurance comprising:

a device that writes and records one or more characteristics related to a level of risk of
5 operating a vehicle through an automotive communication link;

means for a party associated with the vehicle to review the recorded characteristics
and review how the recorded characteristics affect a vehicle safety, a level of risk, or a
cost of insurance;

10 means to enable the transmission of the recorded characteristics to an insurer through
a wireless network;

means to transmit the recorded characteristics to the insurer automatically through a
distributed network from the vehicle;

means for assigning a level of risk to the operation of the vehicle based on the
recorded characteristics; and

15 means for determining a cost of an insurance policy based on the assigned level of
risk.

83. (Withdrawn) The system of claim 82 where the means for assigning the level of risk
to the operation of the vehicle based on the recorded characteristics and the means for the
20 party associated with the vehicle to review the recorded characteristics and review how
the recorded characteristics affect a cost of insurance reside on a computer remote from
the publicly accessible distributed network and remote from a Web server.

84. (Withdrawn) The system of claim 82 further comprising software retained on a
25 computer readable storage medium that compares at least one of the recorded
characteristics to at least one characteristic of one or more parties.

85. (Withdrawn) The system of claim 82 further comprising software retained on a
computer readable storage medium that compares at least one of the recorded
30 characteristics to an averaged characteristic of a plurality of parties.

86. (Withdrawn) The system of claim 82 further comprising a wireless interface

configured to link the device that writes and records characteristics related to the level of risk of operating the vehicle to the means for the party associated with the vehicle to review the recorded characteristics and review how the recorded characteristics affect the cost of insurance.

5

87. (Withdrawn) The system of claim 82 further comprising a graphical user interface in communication with the means for the party associated with the vehicle to review the recorded characteristics and review how the recorded characteristics affect a cost of insurance.

10

88. (Withdrawn) The system of claim 82 where the device that writes and records characteristics related to the level of risk of operating the vehicle through the automotive communication link comprises a portable plug-in module that does not lose its content when the portable plug-in module is not connected to an external power source and the portable plug-in module comprises a storage medium that may only be erased in blocks.

15

89. (Withdrawn) The system of claim 82 further comprising an application that translates data received from the device that writes and records characteristics related to the level of risk of operating the vehicle from a first format to a second format and transmits the translated data to an insurer's Web site that is remote from the application by specifying a protocol to transmit the translated data and by identifying a server that serves the insurer's Web site.

20

90. (Withdrawn) The system of claim 89 where the application comprises software retained on a computer readable storage medium executed by a processor that generates user-centric screens that summarize a user's driving behavior by processing one or more types of coded data received through a second separate wireless communication link, where the software is configured to allow the party to change a portion of the data or change all of the data transmitted to the insurer's Web site.

25
30

91. (Withdrawn) The system of claim 82 where the means for determining the cost of the insurance policy based on the assigned level of risk comprises means for determining a

prospective cost adjustment for an existing insurance policy or a renewal of an insurance policy based on the assigned level of risk.

5 92. (Withdrawn) A method of monitoring, communicating, and reviewing data collected from a vehicle that is used to determine a cost of insurance comprising:

monitoring one or more devices that monitor, measure, or control the operation of the vehicle;

writing data from one or more selected devices within a vehicle to an in-vehicle storage device, the data being related to the level of risk of operating the vehicle;

10 transmitting a portion of the data written to the storage device through a wireless link to a server that is remote from the vehicle by specifying a communication protocol to transmit the portion of data and by identifying a destination; and

calculating a premium of an insurance policy based on the portion of data transmitted through the wireless link.

15

93. (Withdrawn) The method of claim 92 further comprising transmitting, to a party associated with the vehicle, data associated with a premium of the insurance policy, a surcharge to the premium of the insurance policy or a discount to the premium of the insurance policy.

20

94. (Withdrawn) The method of claim 93 further comprising developing an operational profile of an insured party that comprises comparing data about the insured party with data from one or more other vehicle operators based on a selected characteristic of some of the one or more other vehicle operators.

25

95. (Withdrawn) The method of claim 94 further comprising classifying groups of vehicle operators based on one or more characteristics of the operators.

30

96. (Withdrawn) The method of claim 95 where the premium for the insurance policy comprises a premium for renewing the insurance policy.

97. (Withdrawn) The method of claim 95 where the premium for the insurance policy

comprises a current or prospective premium for an existing insurance policy.

5 98. (Withdrawn) The method of claim 93 further comprising writing metadata about each of the data written to the storage device and transmitting the metadata written to the storage device through the publicly accessible distributed network to the server that is remote from the vehicle.

10 99. (Withdrawn) The method of claim 92 further comprising calculating a current or a prospective cost of insurance based on a portion of data written to the storage device.

100. (Withdrawn) The method of claim 92 further comprising transmitting a portion of the data written to the storage device to a publicly accessible distributed network through the wireless network that provides substantial mobility up to vehicle speeds of about 55 miles per hour.

15 101. (Withdrawn) The method of claim 92 further comprising developing an operational profile of an insured party comprising characteristics related to a level of risk of operating a vehicle.

20 102. (Withdrawn) The method of claim 101 where the operational profile further comprises characteristics associated with a driver of the vehicle.

25 103. (Withdrawn) The method of claim 92 where the storage device is operative to interface an on-board diagnostic port coupled to a vehicle bus that is coupled to a first processor local to the vehicle and is further operative to interface a second processor remote from the vehicle.

30 104. (Withdrawn) A method of monitoring and reviewing data collected from a vehicle bus that is used to determine a cost of insurance comprising:
monitoring a vehicle bus that transfers data among electronic components within a vehicle;

writing data received from the vehicle bus to a device that retains content when not connected to an external power source at a rate the data is received;

executing a first program that enables the wireless transmission of a portion of the data written to the device through a publicly accessible network to a server that is remote
5 from the vehicle by specifying a communication protocol to transmit the portion of data;

executing a second program that calculates a premium of an insurance policy based on the portion of data; and

executing a third program that generates a document summarizing the premium of the insurance policy;

10 where the first program, the second program, and the third program are stored on a distributed computer readable storage medium.

105. (Withdrawn) The method of claim 104 where writing data comprises logging data in a plug-in module configured to interface a processor coupled to an on board diagnostic
15 port in the vehicle, where the plug-in module is operative to store a number of miles traveled in a predetermined time period.

106. (Withdrawn) The method of claim 104 where writing data comprises writing vehicle speed data, vehicle acceleration data, vehicle deceleration data, turn signal usage data,
20 seat belt usage data, time of day data, date data, location data, operator identity data, vehicle identity data, tire pressure data, telephone usage data, entertainment status data, revolutions per minute data, trip start data, trip end data, relative speed data, or vehicle mileage data in the device.

25 107. (Withdrawn) The method of claim 106 where writing data further comprises writing data that indicates a level of willingness of a party to monitor an aspect of the vehicle operation.

108. (Withdrawn) The method of claim 106 where writing data further comprises writing
30 data that records a connection event of the device or a disconnection event of the device.

109. (Withdrawn) The method of claim 104 where the second program comprises

software that enables the user to observe a vehicle's position determined by processing two kinds of coded signals received from a source external to the vehicle.

5 110. (Withdrawn) The method of claim 104 where the calculation of the premium of the insurance policy, or a surcharge or a discount to the premium of the insurance policy, is determined only when requested by a party associated with the vehicle or a party associated with the insurance policy.

10 111. (Withdrawn) The method of claim 104 further comprising processing the data received from the vehicle bus and displaying a cost of insurance based on the data written to the device.

15 112. (Withdrawn) The method of claim 104 further comprising modifying the data received from the vehicle bus and processing the modified data to determine a cost of insurance based on the modified data when requested by a party associated with the vehicle or a party associated with the insurance policy, where the data comprises vehicle speed data, vehicle acceleration data, vehicle deceleration data, turn signal usage data, seat belt usage data, time of day data, date data, location data, operator identity data, vehicle identity data, tire pressure data, telephone usage data, entertainment status data, 20 revolutions per minute data, trip start data, trip end data, relative speed data, or vehicle mileage data.

25 113. (Withdrawn) The method of claim 104 further comprising receiving a continuously transmitted code from a communication link remote from the vehicle bus and remote from the publicly accessible network and writing a portion of the continuously transmitted code in the device.

30 114. (Withdrawn) The method of claim 113 further comprising receiving a portion of the data written to the device at an insurer's Web site, and transmitting second data based on the received data to a client application that generates a Web document that comprises variable content.

115. (Withdrawn) The method of claim 104 further comprising receiving software updates to the device through a Web site and the wireless network.

116. (Withdrawn) A method of monitoring and reviewing data collected from a vehicle that is used to determine a cost of insurance comprising:

collecting vehicle data from a vehicle bus that represents aspects of operating the vehicle;

writing the collected vehicle data to a storage device inaccessible to original equipment manufacturer's systems;

transferring the collected vehicle data written to the storage device to a processor that is remote from the vehicle; and

displaying the collected vehicle data that represents the aspect of operating the vehicle with data that reflects how the collected vehicle data affects a safety score, rating factor or a premium or an adjustment to a premium of an insurance policy.

117. (Withdrawn) The method of claim 116 further comprising entering additional vehicle data that reflects a different aspect of operating the vehicle and displaying how the additional vehicle data would affect the safety of operating a vehicle or the premium of the insurance policy.

118. (Withdrawn) The method of claim 116 where collecting vehicle data comprises reading powertrain sensor data from a vehicle bus that transfers data from electronic components of the vehicle.

119. (Withdrawn) The method of claim 116 where collecting data further comprises reading sensor data through an on board diagnostic connector of the vehicle.

120. (Withdrawn) The method of claim 116 further comprising determining a rating factor based on an analysis of the collected vehicle data.

121. (Withdrawn) The method of claim 116 further comprising analyzing the collected vehicle data and determining a safety score based on the analysis of the collected vehicle

data.

122. (Withdrawn) The method of claim 116 further comprising receiving the collected vehicle data, determining an insurance risk rating, and analyzing the collected vehicle data to determine the premium of the insurance policy or adjust the premium of the insurance policy, where the collected vehicle data comprises mileage data and the pricing is based, in whole or in part, on miles driven.

123. (Withdrawn) The method of claim 117 where entering additional vehicle data further comprises manually entering data or manually modifying data through a graphical user interface.

124. (Withdrawn) The method of claim 116 where the act of displaying the cost data comprises generating a document that summarizes the premium of the insurance policy or generating a document that summarizes a surcharge or discount to the premium of the insurance policy.

125. (Withdrawn) The method of claim 116 further comprising executing software that is operative to receive the collected vehicle data that represents aspects of operating the vehicle at a Web server; generating a Web page that comprises a risk rating and portions of the collected vehicle data at the Web server; and transmitting the Web page to a computer remote from the Web server and the vehicle by specifying a protocol to transmit the data and by identifying the computer.

126. (Withdrawn) The method of claim 125 further comprising executing software at the computer remote from the vehicle and the Web server that allows the operator to change data related to the operation of the vehicle; transmitting the changed data to the Web server by specifying a protocol to transmit the changed data and by identifying the Web server; generating a second Web page that comprises updated insurance cost data based on the changed data; and transmitting the second Web page to the computer remote from the Web server and the vehicle by specifying a protocol to transmit the updated insurance cost data and by specifying an address of the computer.

127. (Withdrawn) The method of claim 126 where the second Web page comprises a second risk rating.

- 5 128. (Withdrawn) A method of providing a cost, or an adjustment to the cost, of an insurance policy comprising:
- monitoring a vehicle bus that transfers data among electronic components within a vehicle;
 - 10 writing mileage data from the vehicle bus to a device that retains content when not connected to an external power source at a predetermined interval or at a same rate the mileage data is received;
 - executing a first program retained on a computer readable storage medium that enables a user to wirelessly transmit the mileage data written to the device from the vehicle through a publicly accessible network to a server that is remote from the vehicle and the device; and
 - 15 determining a cost of insurance based on the mileage data transmitted to a second program resident to the server.

20 129. (Withdrawn) The method of claim 128 where the cost of insurance is further based on one or more additional sets of data selected from the group consisting of: vehicle speed data, brake data, turn signal data, seat belt usage data, clock data, vehicle user data, and vehicle identification data.

25 130. (Withdrawn) The method of claim 129 where the cost of insurance is further based on any one or more of vehicle acceleration data, vehicle deceleration data, location data, environmental conditions data, relative speed data, or relative distance data.

30 131. (New) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the server is further configured to calculate an insured's premium under the insured's insurance policy based on the rating factor, or a surcharge or a discount to the insured's premium, based on the rating factor.

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132. (New) The system that monitors and facilitates a review of data collected from a vehicle of claim 40 where the server is further configured to process selected vehicle data that represents one or more aspects of operating the vehicle with data that reflects how the selected vehicle data affects an insured's premium under an insured's insurance policy.

10

133. (Withdrawn, New) The system of claim 58 where the processor is further programmed to calculate a premium of an insurance policy, or a surcharge or a discount to the premium of the insurance policy, based on the vehicle data and the metadata stored in the database.

134. (Withdrawn, New) The system of claim 58 where the processor comprises a plurality of processors.

REMARKS**Election/Restriction**

Applicants elect to prosecute claims 40 – 57 designated to class 3, any claims that
5 are generic and new claims 131 and 132 that are added to the application or may be added
to class 3. Claims 1-39 and 58-130, 133, and 134 are withdrawn. Applicants request
rejoinder of these claims upon withdrawal of the Restriction Requirement.

Applicants traverse the Restriction Requirement because it is improper. If the
continued examination of the claims does not create a “serious burden” on the Office,
10 then a Restriction Requirement against those claims is improper. M.P.E.P. § 803.
M.P.E.P. § 803 states that “[i]f the search and examination of *all the claims* in an
application can be made without serious burden, the examiner *must examine them* on the
merits, even though they include claims to independent or distinct inventions.”

To justify its “serious burden” contention, the Office Action focuses solely on two
15 classes of claims. It *ignores* seventy-five percent of the claims that it designates into
eleven other “classes.” Without support, the Restriction Requirement adopts a
presumption that assumes that the prior art search for class one will not be usable in class
two. But, in the very next sentence, the Office Action questions its own *presumption* by
concluding a search for class two is usable in class one. The Office Action does not
20 address the serious burden requirement that applies to all of the classes. A serious burden
must be shown for all of the classes the Office Action designates.

The similarities between the “classes” are also shown by Office Action’s
designation of all of the claims into one class (e.g., class 705), followed by its designation
of all of the claims into one subclass (subclass 4). Since the classifications are the same
25 and the field of search is the same, the Office Action cannot support a *presumption that*
assumes that there is a “*serious* burden” to examining the claims. Moreover, the Office
Action should not ignore the classes that it designated but were not shown to be a serious
burden. Accordingly, Applicants respectfully submit that the Election/Restriction
requirement set forth in the Office Action is improper and request that the
30 Election/Restriction requirement be withdrawn.

Conclusion

Applicants request a telephone conference if the Examiner believes a telephone conference would advance prosecution. Applicants' representative may be reached at 312.321.4200.

5

Respectfully submitted,

BRINKS HOFER GILSON & LIONE
Customer No. 00757
312-321-4200

/James A. Collins/
James A. Collins
Registration No. 43,557

Electronic Patent Application Fee Transmittal

Application Number:	12132487			
Filing Date:	03-Jun-2008			
Title of Invention:	VEHICLE MONITORING SYSTEM			
First Named Inventor/Applicant Name:	Raymond Scott Ling			
Filer:	James A. Collins			
Attorney Docket Number:	12654/42			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	1202	4	52	208
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				208

Electronic Acknowledgement Receipt

EFS ID:	10031692
Application Number:	12132487
International Application Number:	
Confirmation Number:	7812
Title of Invention:	VEHICLE MONITORING SYSTEM
First Named Inventor/Applicant Name:	Raymond Scott Ling
Customer Number:	10999
Filer:	James A. Collins/Maggie Pieczonka
Filer Authorized By:	James A. Collins
Attorney Docket Number:	12654/42
Receipt Date:	05-MAY-2011
Filing Date:	03-JUN-2008
Time Stamp:	17:28:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$208
RAM confirmation Number	3908
Deposit Account	231925
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	transforresponse.PDF	42665 1bc495596cde7d3d12904387706eb0b50 db93d2	no	1

Warnings:

Information:

2		response2.PDF	1241689 9be46f3a3b85a099e1835a4191d47006654 d8017	yes	28
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Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	26
Applicant Arguments/Remarks Made in an Amendment	27	28

Warnings:

Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	30046 105f0a12f314828b1adfaf546f3109eaa69d4 ecb	no	2
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Warnings:

Information:

Total Files Size (in bytes):			1314400		
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: May 5, 2011 Name: James A. Collins Signature: /James A. Collins/

**BRINKS
HOFER
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& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Raymond S. Ling et al.
 Appln. No.: 12/132,487
 Filed: June 3, 2008
 For: VEHICLE MONITORING SYSTEM
 Attorney Docket No.: 12654/42

Examiner: Robert R. Niquette
 Art Unit: 3695
 Conf. No.: 7812

TRANSMITTAL

Mail Stop Amendment
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Sir:

Attached is/are:

- Transmittal and Response and Request for Reconsideration.

Fee calculation:

- No additional fee is required.
- Small Entity.
- An extension fee in an amount of \$_____ for a ____- month extension of time under 37 CFR § 1.136(a).
- A petition or processing fee in an amount of \$_____ under 37 CFR § 1.17(____) .
- An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee	
Total	134	Minus	130	4	x \$26=			x \$52=	208	
Indep.		Minus			x 110=			x \$220=		
First Presentation of Multiple Dep. Claim								+ \$390=		
					Total	\$		Total	\$	

Fee payment:

- Please charge Deposit Account No. 23-1925 in the amount of \$208.00 for Claims.
- Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

May 5, 2011
 Date

/James A. Collins/
 James A. Collins (Reg. No. 43,557)

**BRINKS
HOFER
GILSON
& LIONE**

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 NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 12/132,487		Filing Date 06/03/2008		<input type="checkbox"/> To be Mailed			
APPLICATION AS FILED – PART I					SMALL ENTITY <input type="checkbox"/> OR OTHER THAN SMALL ENTITY						
(Column 1)		(Column 2)									
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)				
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A					
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A					
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =					
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL		TOTAL				
APPLICATION AS AMENDED – PART II					SMALL ENTITY OR OTHER THAN SMALL ENTITY						
(Column 1)		(Column 2)		(Column 3)							
AMENDMENT	05/05/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 134	Minus	** 130	= 4	X \$ =		OR	X \$2=	208	
	Independent (37 CFR 1.16(h))	* 13	Minus	***13	= 0	X \$ =		OR	X \$220=	0	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		208	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.					Legal Instrument Examiner: /STANLEY JORDAN/						
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/132,487	06/03/2008	Raymond Scott Ling	12654/42	7812
10999	7590	04/13/2011	EXAMINER	
Progressive Casualty/BHGL			NIQUETTE, ROBERT R	
P.O. Box 10395			ART UNIT	PAPER NUMBER
Chicago, IL 60610			3695	
			MAIL DATE	DELIVERY MODE
			04/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

