IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Ling et al.	S
United States Patent No.: 8,140,358	Ŝ
Formerly Application No.: 12/132,487	S
Issue Date: March 20, 2012	S
Filing Date: June 3, 2008	Ŝ
Former Group Art Unit: 3695	Ŝ
Former Examiner: Robert R. Niquette	Ŝ

Attorney Docket No.: LMIC-021-801 Customer No. 28120

Petitioner: Liberty Mutual Insurance Company

For: Vehicle Monitoring System

MAIL STOP PATENT BOARD Patent Trial and AppealBoard United States Patent and Trademark Office Post Office Box 1450 Alexandria, Virginia 22313-1450

PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF UNITED STATES PATENT NO. 8,140,358 PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304

Pursuant to 35 U.S.C. § 321 and 37 C.F.R. § 42.304, the undersigned, on behalf of and acting in a representative capacity for petitioner, Liberty Mutual Insurance Company ("Petitioner" and real party in interest), hereby petitions for review under the transitional program for covered business method patents of claims 1-20 (all claims) of U.S. Patent No. 8,140,358 ("the '358 Patent"), issued to Progressive Casualty Insurance Company ("Progressive") on March 20, 2012, with Raymond Scott Ling, Richard Ashton Hutchinson, Wilbert John Steigerwald, III, William Andrew Say, Patrick Lawrence O'Malley, Dane Allen Shrallow, William Curtis Everett, and Robert John McMillan as the named inventors. Petitioner hereby asserts that it is more likely than not that at least one of the challenged claims is unpatentable and

ARM Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

respectfully requests institution of a covered business method review of the '358 Patent for judgment against Claims 1-20 (all claims) as unpatentable under §§ 102 and 103, with prior art rejections based on the references cited herein.

TABLE OF CONTENTS

DOCKET

I.	INTRODUCTION1			
II.	PETITIONER HAS STANDING			
	А.	The '	358 Pate	ent Is a Covered Business Method Patent5
	В.			a Real Party In Interest Sued for and Charged With
III.	LIKI	ERVIEW OF SPECIFIC GROUNDS FOR WHICH IT IS MORE ELY THAN NOT THAT THE CHALLENGED CLAIMS (1-20) OF E '358 PATENT ARE UNPATENTABLE		
IV.	Back	ground	l Inform	ation For the '358 Patent8
	А.	The '	358 Pate	nt8
	В.	The '	358 Pate	nt Prosecution History9
	C.	Pater	nt Is Janu	Possible Priority Date for Claims 1, 16-17, 19-20 of the '358 hary 23, 2004 and the Earliest Possible Priority Date for 18 of the '358 Patent is June 3, 200811
V.	DETAILED EXPLANATION OF REASONS FOR RELIEF REQUESTED, SHOWING IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE OF THE CHALLENGED CLAIMS IS UNPATENTABLE .14			
	А.	Clain	n Const <mark>r</mark>	uction14
	В.	The Challenged Claims Are Invalid Under §§ 102 and/or 103 1. Independent Claim 1		
			(a)	Claim 1 is Anticipated Under § 102 by Nakagawa22
			(b)	Claim 1 is Rendered Obvious Under § 103 by Kosaka
			(c)	Claim 1 is Rendered Obvious Under § 103 by Herrod
			(d)	Claim 1 is Rendered Obvious Under § 103 by Each of Combinations 1:(4)-1:(5)
			(e)	Claim 1 is Rendered Obvious Under § 103 by Each of Combinations 1:(6)-1:(9)37
			(f)	Claim 1 is Rendered Obvious Under § 103 by Each of Combinations 1:(10)-1:(13)
			(g)	Claim 1 is Rendered Obvious Under § 103 by Each of Combinations 1:(14)-1:(17)42

Covered Business Method Patent Review United States Patent No. 8,140,358

2.	<u> </u>	lent Claim 2 is Rendered Obvious Under § 103 by f Combinations 2:(1)-2:(17)	44
3.	-	lent Claim 3 is Rendered Obvious Under § 103 by f Combinations 3:(1)-3:(17)	46
4.	-	lent Claim 4 is Rendered Obvious Under § 103 by f Combinations 4:(1)-4:(17)	48
5.	-	lent Claim 5 is Rendered Obvious Under § 103 by f Combinations 5:(1)-5:(17)	51
6.	-	lent Claim 6 is Rendered Obvious Under § 103 by f Combinations 6:(1)-6:(17)	52
7.	-	lent Claim 7 is Rendered Obvious Under § 103 by f Combinations 7:(1)-7:(17)	54
8.	1	lent Claim 8 is Rendered Obvious Under § 103 by f Combinations 8:(1)-8:(17)	55
9.	-	dent Claim 9 is Rendered Obvious Under § 103 by f Combinations 9:(1)-9:(17)	57
10.	-	lent Claim 10 is Rendered Obvious Under § 103 by f Combinations 10:(1)-10:(17)	59
11.	-	lent Claim 11 is Rendered Obvious Under § 103 by f Combinations 11:(1)-11:(17)	60
12.	-	lent Claim 12 is Rendered Obvious Under § 103 by f Combinations 12:(1)-12:(17)	61
13.	-	lent Claim 13 is Rendered Obvious Under § 103 by f Combinations 13:(1)-13:(17)	62
14.		lent Claim 14 is Rendered Obvious Under § 103 by f Combinations 14:(1)-14:(17)	63
15.	-	lent Claim 15 is Rendered Obvious Under § 103 by f Combinations 15:(1)-15:(17)	64
16.	-	lent Claim 16 is Rendered Obvious Under § 103 by f Combinations 16:(1)-16:(9)	65
17.	Dependent Claim 17		66
	(a)	Dependent Claim 17 is Rendered Obvious Under § 103 by Each of Combinations 17:(1)-17:(9)	66
	(b)	Dependent Claim 17 is Rendered Obvious Under § 103 by Each of Combinations 17:(10)-17:(18)	67

Covered Business Method Patent Review United States Patent No. 8,140,358

	(c)	Dependent Claim 17 is Rendered Obvious Under § 103 by Each of Combinations 17:(19)-17:(27)	68
18.	-	ndent Claim 18 is Rendered Obvious Under § 103 by of Combinations 18:(1)-18:(27)	70
19.	Deper	ndent Claim 19	70
	(a)	Dependent Claim 19 is Anticipated Under § 102 by Nakagawa	70
	(b)	Dependent Claim 19 is Rendered Obvious Under § 103 by Each of Combinations 19:(1)-19:(17)	71
	(c)	Dependent Claim 19 is Rendered Obvious Under § 103 by Each of Combinations 19:(18)-19:(34)	73
	(d)	Dependent Claim 19 is Rendered Obvious Under § 103 by Each of Combinations 19:(35)-19:(51)	74
20.	Depen	ndent Claim 20	76
	(a)	Dependent Claim 20 is Anticipated Under § 102 by Nakagawa	76
	(b)	Dependent Claim 20 is Rendered Obvious Under § 103 by Each of Combinations 20:(1)-20:(17)	77
	(c)	Dependent Claim 20 is Rendered Obvious Under § 103 by Each of Combinations 20:(18)-20:(34)	77
	(d)	Dependent Claim 20 is Rendered Obvious Under § 103 by Each of Combinations 20:(35)-20:(51)	78
CONCLUS	SION		79

VI.

DOCKET A L A R M



Explore Litigation Insights

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

Real-Time Litigation Alerts



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

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

Advanced Docket Research



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

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

Analytics At Your Fingertips



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

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

API

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

LAW FIRMS

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

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

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.