

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**LIBERTY MUTUAL INSURANCE COMPANY**  
Petitioner,

v.

**PROGRESSIVE CASUAL INSURANCE COMPANY**  
Patent Owner,

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Case CBM2012-00003 (JL)  
Patent 8,140,358

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

LEE, *Administrative Patent Judge.*

**ORDER**  
**(SUMMARY OF GROUNDS REMAINING)**

1  
2  
3  
4 On October 25, 2012, we denied a plurality of the grounds asserted by  
5 Petitioner and also required Petitioner to select from among what we regarded as  
6 redundant grounds. Petitioner made the required selection but requested rehearing  
7 of our order requiring selection. That rehearing request has been denied.

8 Some of the non-selected grounds were already denied on the merits on  
9 October 25, 2012. It is

10

CBM-2012-00003

Liberty Mutual Ins. Co. v. Progressive Casualty Ins. Co.

1           **ORDERED** that the remainder of the non-selected grounds are herein  
2 *denied* and they are identified below, using the designation according to the chart  
3 appearing on pages 17-22 of the petition:

4	1:5	2:5	3:5	4:5	5:5	6:5	7:5	8:5	9:5	10:5	11:5	12:5	
5	1:8	2:8	3:8	4:8	5:8	6:8	7:8	8:8	9:8	10:8	11:8	12:8	
6	1:9	2:9	3:9	4:9	5:9	6:9	7:9	8:9	9:9	10:9	11:9	12:9	
7	1:12	2:12	3:12	4:12	5:12	6:12	7:12	8:12	9:12	10:12	11:12	12:12	
8	1:13	2:13	3:13	4:13	5:13	6:13	7:13	8:13	9:13	10:13	11:13	12:13	
9	1:16	2:16	3:16	4:16	5:16	6:16	7:16	8:16	9:16	10:16	11:16	12:16	
10	1:17	2:17	3:17	4:17	5:17	6:17	7:17	8:17	9:17	10:17	11:17	12:17	
11	13:5	14:5	15:5										
12	13:8	14:8	15:8										
13	13:9	14:9	15:9										
14	13:12	14:12	15:12										
15	13:13	14:13	15:13										
16	13:16	14:16	15:16										
17	13:17	14:17	15:17										
18	16:5	16:7	16:9										
19	17:5	17:7	17:9	17:10	17:12	17:14	17:16	17:18	17:19	17:21	17:23	17:25	17:27
20	18:5	18:7	18:9	18:10	18:12	18:14	18:16	18:18	18:19	18:21	18:23	18:25	18:27
21	19:5	19:8	19:9	19:12	19:13	19:16	19:17	19:18	19:20	19:22	19:25	19:26	19:29
22	19:30	19:33	19:34	19:35	19:37	19:39	19:42	19:43	19:46	19:47	19:50	19:51	
23	20:5	20:8	20:9	20:12	20:13	20:16	20:17	20:18	20:20	20:22	20:25	20:26	20:29
24	20:30	20:33	20:34	20:35	20:37	20:39	20:42	20:43	20:46	20:47	20:50	20:51;	

1           **FURTHER ORDERED** that identified below are all of Petitioner's asserted  
2 grounds which have not thus far been denied:

3   1:1   2:1   3:1   4:1   5:1   6:1   7:1   8:1   9:1   10:1   11:1   12:1

4   1:3   2:3   3:3   4:3   5:3   6:3   7:3   8:3   9:3   10:3   11:3   12:3

5   13:1   14:1   15:1   16:1   17:1   18:1   19:1   20:1

6   13:3   14:3   15:3   16:3   17:3   18:3   19:3   20:3;

7 and that claim 19 is allegedly anticipated by Nakagawa;

8 and that claim 20 is allegedly anticipated by Nakagawa;

9           **FURTHER ORDERED** that the Patent Owner shall not, in any response,  
10 address the merits of any of the asserted grounds which have already been denied;  
11 and

12           **FURTHER ORDERED** that if Petitioner disagrees with the above  
13 identification of thus far non-denied grounds, a joint telephone conference call  
14 shall be made to the patent judge to which this proceeding is assigned within five  
15 (5) days of the date of this communication.

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CBM-2012-00003

Liberty Mutual Ins. Co. v. Progressive Casualty Ins. Co.

1 By Electronic Transmission

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