Claim 29

Patent Owner on pages 62-63 of the 4-6-11 response argues "[t]he proposed combination does not teach or suggest determining speed data associated with a location of the vehicle, extracting speed limit data associated with the location of the vehicle from a database, comparing the speed data to the speed limit data to determine whether the speed data indicates an occurrence of an excessive speed event above the speed limit data, and recording the speed data in the first memory in response to determining that the speed data indicates an occurrence of an excessive speed event above the speed limit data." Specifically, Patent Owner first argues "[b]ecause the Office Action does not specify which portions of the cited references allegedly correspond to the specific features of claim 29, the Office Action has not established a *prima facie* case of obviousness against claim 29." Examiner does not agree. See pages 179-180 of the non-final Office Action.

On pages 63-64 of the 4-6-11 response, Patent Owner further argues:

> Claim 29 compares speed data associated with a location of the vehicle with a speed limit associated with that location. As one example, the method of claim 29 may determine that the vehicle was traveling at 68 mph at specific location coordinates, and that a 55 mph speed limit is associated with the road that corresponds to the specific location coordinates. As another example, the method of claim 27 may determine that the vehicle was traveling at 68 mph in the state of Illinois, and that a 55 mph speed limit is associated with the state of Illinois. The method will then determine whether the speed data indicates an occurrence of an excessive speed event by knowing the speed, the location of the vehicle when the speed event occurred, and a speed limit associated with that location. Neither the Office Action nor the references themselves teach or suggest this claimed feature.
>
> Bouchard discloses tracking the speed of a vehicle, but does not determine the location of a speed event, does not identify a speed limit associated with the location corresponding to the speed event, and does not compare the speed data to the speed limit associated with the location corresponding to the speed event. The Office Action cites to the speed ranges at column 30, lines 7-1 8 of Bouchard for this claim. However, Bouchard's speed ranges and associated driving environment

> guess do not indicate any location-based speed limits. As discussed above in connection with claim 17, Bouchard's algorithm tells the system nothing about the **actual** location of the vehicle. The driving environment guess could not even tell the system what city, state, or country the vehicle was located in when specific driving events occurred. Bouchard's system would treat 68 mph on a rural Texas highway the same as 68 mph in the heart of New York City. However, the "speed limit" associated with a rural Texas highway is likely different than a busy street in the heart of New York City. Bouchard's system would not determine this location-based difference. Therefore, Applicants respectfully request the withdrawal of this rejection. (Emphasis added.)

Note the Patent Owner's similar arguments with regard to claims 1, 17-18 and 27 discussed supra.

Similarly, the Examiner does not agree. See discussion of MPEP 2258, I., G, and claim construction set forth supra in the discussion of claim 4 again.

First, Patent Owner's remarks are narrower than the language or words of the claim which do not require monitoring and recording the location in any specific manner with any specific accuracy/preciseness, e.g., does not require monitoring and recording the actual or determined location and/or with a particular sensor and/or with a certain specificity, i.e. coordinates, the city, state or country, or the speed limit be a legally imposed speed limit. However, attention is invited to '079 at, e.g., col. 6, lines 1-3, col. 8, lines 7-10, col. 9, lines 27-28 and 47, col. 10, lines 22-23, col. 11, lines 1-2 and 19-22, col. 26, line 49-col. 27, line 7, col. 27, lines 38-42 and 63-64, col. 28, line 49, col. 29, line 23, and **cols. 30-32**, Figures 18-19, esp. col. 30, lines 1-18 and 29-35, esp. 17-18, col. 31, lines 5-8 and 24-45, and claim 2. Second, '079 does teach or suggest grouping in memory a selected data element in combination with a location associated with the selected data element as claimed, see the portions of '079 cited supra and the portions cited in the rejection of this claim infra, i.e. teaches determining speed data associated with a location of the vehicle, see, e.g., col. 9, lines 27-28 and 47, col. 10, lines 22-23, col. 11,

lines 1-2 and 19-22, col. 31, lines 5-8, extracting speed limit data associated with the location of the vehicle from a database, col. 29, line 66- col. 30, line 18 and col. 31, lines 5-8, e.g., more than 45 mph, and comparing the speed data to the speed limit data to determine whether the speed data indicates an occurrence of an excessive speed event above the speed limit data, col. 31, lines 5-8, and recording the speed data in the first memory in response to determining that the speed data indicates an occurrence of an excessive speed event above the speed limit data, see col. 31 line 5-8 and 24-38 and Table in Figure 19.

Claim 34

Patent Owner argues on page 64 of the 4-6-11 response "[t]he proposed combination does not teach or suggest monitoring driving route data associated with a location of the vehicle, determining that the driving route data indicates an occurrence of a high risk driving location event, and computing the insurance rating for the vehicle based on the occurrence of the high risk driving location event. Specifically, Patent Owner first argues "[b]ecause the Office Action does not specify which portions of the cited references allegedly correspond to the specific features of claim 34, the Office Action has not established a *prima facie* case of obviousness against claim 34." Examiner does not agree. See page 183 of the non-final Office Action.

On pages 65-66 of the 4-6-11 response, Patent Owner further argues:

> Claim 34 determines whether monitored driving route data indicates an occurrence of a high risk driving location event. As one example, the method of claim 34 may determine (by tracking vehicle driving route data) that the vehicle often drives along a road or through a busy intersection known for a relative high accident rate. The method uses this information to determine the occurrence a high risk driving location event, which may be used to compute the insurance rating. Neither the Office Action nor the references teach or suggest this claimed feature.

> Bouchard discloses a classification of the current driving environment by determining whether the vehicle is either (1) stopped, (2) in an urban environment, (3) in a suburban environment, or (4) on an open highway. This classification is not based on a determined location of the vehicle, but rather is a mere guess made by looking at the speed of the vehicle. Specifically, if the speed is 0 mph, then the system assumes the vehicle is stopped. If the speed is within the range of 0-35 mph, then the system assumes the vehicle is in an urban environment. If the vehicle speed is in the range of 35-45 mph, then the system assumes the vehicle is in a suburban environment. If the speed exceeds 45 mph, then the system assumes the vehicle is in a highway environment.
>
> Bouchard's algorithm for the driving environment guess tells the system nothing about the **actual** location of the vehicle or the driving route of the vehicle. The driving environment guess could not even tell the system what city, state, or country the vehicle was located in when specific driving events occurred, let alone what driving **route** the vehicle **traveled**. Bouchard's system would treat 68 mph on a rural Texas highway the same as 68 mph in the heart of New York City. Bouchard's system would not know whether the vehicle was in Texas or New York City when the 68 mph speed event occurred. Therefore, Bouchard's driving environment guess does not provide the location or driving route of the vehicle. However, the amount of risk (e.g., high/low accident areas) associated with a traveling down a rural Texas highway is likely different than the amount of risk associated with traveling down a busy street in the heart of New York City. Bouchard's system would not determine this route-based difference. Therefore, Applicants respectfully request the withdrawal of this rejection. (Emphasis added.)

Note the Patent Owner's similar arguments with regard to claims 1, 17-18, 27 and 29 discussed supra.

Similarly, the Examiner does not agree. See discussion of MPEP 2258, I., G, and claim construction set forth supra in the discussion of claim 4 again.

First, Patent Owner's remarks are narrower than the language or words of the claim which do not require monitoring and recording the location nor driving route traveled in any specific manner with any specific accuracy/preciseness, e.g., does not require monitoring and recording the actual or determined location or route traveled (note the claim requires "driving

route data" (emphasis added) and/or with a particular sensor and/or with a certain specificity, i.e. coordinates, the city, state or country, specific road. However, attention is invited to '079 at, e.g., col. 6, lines 1-3, col. 8, lines 7-10, col. 9, lines 21-26 and 34-39 and 46-48, col. 10, lines 18-20 and 44-47 54-59, 65-67, col. 11, lines 1-2 and 19-22, col. 27, lines 63-64, col. 29, lines 65-67 and **cols. 30-32**, Figures 18-19, esp. col. 30, lines 7-61, esp. 44-46, col. 31, lines 5-8 and 24-45, and claim 2. Second, '079 does teach or suggest monitoring driving route data associated with a location of the vehicle, determining that the driving route data indicates an occurrence of a high risk driving location event, and computing the insurance rating for the vehicle based on the occurrence of the high risk driving location event as claimed, see the portions of '079 cited supra and the portions cited in the rejection of this claim infra, i.e. monitoring driving **route data** associated with a location of the vehicle, see, e.g., col. 30, lines 44-46, determining that the driving route data indicates an occurrence of a high risk driving location event, see, e.g., col. 30, lines 7-29 and 59-61 and col. 31, lines 24-45 and claims 1-2, and computing the insurance rating for the vehicle based on the occurrence of the high risk driving location event, see again, e.g., col. 30, lines 7-29 and 59-61 and col. 31, lines 24-45 and claims 1-2, and the discussion of claim 6 infra.

Claim 41

Patent Owner on pages 66-67 of the 4-6-11 response, relying on RJM, see, e.g., paragraphs 32-35 thereof, and BV, see, e.g., paragraphs 33-39 thereof, first argues that:

> The proposed combination does not teach or suggest using one or more of the data elements to determine an insurance actuarial class associated with the vehicle, and using one or more of the data elements to determine a surcharge or discount to be applied to a base cost of insurance associated with the vehicle. **Claim 41 uses the**

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