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period” is considered to refer to “operator and vehicle driving characteristics during said period” as set forth in the preamble.

See ‘868 at, e.g., page 4, col. 1, fifth full paragraph, i.e. “In Claims (14) and (15), **detection of a state that contributes to insurance customer risk and evaluation of risk are carried out in real time and a determination of the change in insurance premium is also carried out in real time**”, page 6, col. 1., last full paragraph, i.e. “**Detection of states contributing to risk** and calculation of risk evaluation values by fuzzy logic were **carried out in real time using an external sensor and internal sensor**, but the risk evaluation values also may be determined subsequently, or the change in insurance premium may be calculated subsequently from the determined risk evaluation values”, page 4, col. 2, second full paragraph and Figure 1, i.e. “The means for **detecting a state of the insurance customer** or subject of risk evaluation that contributes to risk is an **external sensor 1 and an internal sensor 2.**”, page 6, col. 2, second full paragraph, i.e. “Fig. 5 is a configuration diagram of a device that employs an **insurance premium determination system in a risk evaluation device installed in a vehicle (automobile).**”, page 7, col. 1, first full paragraph, i.e. “Moreover, in this example of embodiment, the detection data from the control operation detection part 44 is also used as a fuzzy input value. The **control operation detection part 44 detects clearly intentional operations**, for example, when there is a deviation in the rudder operation mechanism that is at or above a set value.”, page 7, the paragraph bridging cols. 1-2 and Figures 5 and 9, i.e. “In the above configuration, **states in the operator or moving body used as the subject of risk evaluation which contribute to risk** are respectively **detected by the doppler radar main unit 30, the speed detector 38, the main engine rotation rate detector 43, and the control operation**

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**detection part 44.” and “In addition, in this example of embodiment, an insurance premium determination system is used in addition to risk evaluation, which allows risk evaluations that change from hour to hour during travel to be reflected in the insurance premium.”, and page 8, col. 2-page 9, col. 1, i.e. “Moreover, because of combination with an insurance premium determination system, it is possible to make settlements by erasing the amount of the insurance premium change in accordance with risk that varies hourly. Consequently, a fairer insurance system can be constructed in contrast to conventional casualty insurance clerical work.” and “In the invention, by using a risk evaluation device that has a risk evaluation means that evaluates risk along with a means for determining changes in insurance premiums, insurance premiums can be determined in accordance with the degree of risk in subjects of risk evaluation which changes over time.” (Emphasis supra added.)**

Therefore, ‘868 teaches monitoring a plurality of data elements representative of an operating state of a vehicle or an action of the operator e.g. monitoring a state that contributes to risk or intentional operation of the customer/vehicle operator, during the selected period, i.e. real time, hourly, daily.

**recording selected ones of the plurality of data elements when said ones are determined to have a preselected relationship to the safety standards;**

Note the step does not require recording of the data elements only upon a determination or recording of only some of the plurality as contrasted to all the data elements. The language “preselected relationship” has not been specifically claimed, i.e. only require some relationship. The terminology “safety standards” are interpreted to refer to the “predetermined safety

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standards" claimed in the preamble. Therefore, see the discussion of the terminology "predetermined safety standards" supra.

See again '868 at, e.g., claim 5 and page 3, col. 1, fifth full paragraph from the bottom, e.g. "means for **generating a warning when the evaluated risk level is at or above a set [value]**", page 3, col. 2, last full paragraph, i.e. "...**a warning is sent when the risk level obtained in the manner described above is at or above a set level. The operator can be warned to pay attention to safe operation by this warning means**", page 7, col. 1, i.e. "**The output V0 of this speed detector 38 is conducted to the aforementioned signal preprocessing unit 37 and is also conducted to the system activation control part 39. This system activation control part keeps the system in an operating state when the "self" speed V0 exceeds a set value...The control operation detection part 44 detects clearly intentional operations, for example, when there is a deviation in the rudder operation mechanism that is at or above a set value.**" "The output of the risk evaluation unit 42 is output to the warning device 45 and monetary amount file part 46. The warning device 45 warns of the presence of risk using an alarm, voice, or vibration through operation of the risk evaluation unit 42. The monetary amount file part 46 has a memory that stores the prepayment balance. This monetary amount file part 46 erases, from the prepayment money balance, the insurance premium change corresponding to the risk evaluation value output from the risk evaluation unit 42.", page 7, the paragraph bridging cols. 1-2, Figures 5 and 9, i.e. "In the above configuration, states in the operator or moving body used as the subject of risk evaluation which contribute to risk are respectively detected by the doppler radar main unit 30, the speed detector 38, the main engine rotation rate detector 43, and the control operation detection part 44. The risk evaluation unit 42 continually

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**evaluates risk using fuzzy logic on fuzzy input values which are input as signals that express these risk contributing states. When the risk value exceeds a set value, a warning is sent by a warning device 45 to the operator. By using this type of configuration, it is possible to evaluate risk in accordance with empirical evaluation of individuals**", and page 9, col. 1, i.e. "Moreover, when the evaluated risk level is at or below a set value, no warning is provided". (Emphasis supra added.)

Therefore, '868 teaches recording (e.g. risk detection/recording (Note both memory element 46 and warning device 45 in Figure 5 receive the output signal from 42 ) or warns of presence of risk above a set value), selected ones of the plurality of data elements (e.g. the risk contributing states/data), when said ones are determined to have a preselected relationship to the "safety standards"(e.g. exceeds set values).

**consolidating said selected ones for identifying a surcharge or discount to be applied to the base cost, and,**

The language "said selected ones" is interpreted to referred to "selected ones of the plurality of data elements" in the previous step.

See '868 at, e.g., Figure 9, page 7, bridging cols. 1-2 with regard to Figure 9, i.e. "In the above configuration, **states in the operator or moving body used as the subject of risk evaluation which contribute to risk** are respectively detected by the doppler radar main unit 30, the speed detector 38, the main engine rotation rate detector 43, and the control operation detection part 44. **The risk evaluation unit 42 continually evaluates risk using fuzzy logic on fuzzy input values which are input as signals that express these risk contributing states.** When the risk value exceeds a set value, a warning is sent by a warning device 45 to the

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operator. By using this type of configuration, it is possible to **evaluate risk in accordance with empirical evaluation of individuals**” and **“The risk evaluation unit 42 then performs real-time evaluation of the degree of risk during operation from the state signals** of the automobile (boat) using a signal processing process including fuzzy logic. The state signal from the automobile (boat) includes the "self" ground angle [sic] as V0 from the aforementioned speed detector 38 along with the rotation rate detected by the main engine rotation rate detector 43. Moreover, in this example of embodiment, the detection data from the control operation detection part 44 is also used as a fuzzy input value. **The control operation detection part 44 detects clearly intentional operations, for example, when there is a deviation in the rudder operation mechanism that is at or above a set value.**” and **“The output of the risk evaluation unit 42 is output to the warning device 45 and monetary amount file part 46.** The warning device 45 warns of the presence of risk using an alarm, voice, or vibration through operation of the risk evaluation unit 42. The monetary amount file part 46 has a memory that stores the prepayment balance. This monetary amount file part 46 erases, from the prepayment money balance, the insurance premium change corresponding to the risk evaluation value output from the risk evaluation unit 42.” (Emphasis added supra).

Therefore, ‘868 teaches consolidating (e.g. combining, e.g. performing real-time evaluation of the degree of risk during operation from the state signals using a signal processing process), “said selected ones” (e.g. selected ones of the plurality of data elements, e.g. the risk contributing states/state signals), for identifying a surcharge or discount to be applied to the base cost (e.g. the insurance premium change corresponding to the risk evaluation value output from the risk evaluation unit 42).

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