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Claim 39:

This claim also requires **in addition to the method of claim 6**, (i.e. “extracting one or more data elements from at least one sensor wherein the one or more elements are of at least one operating state of the vehicle and the at least one human's actions during a data collection period; analyzing, grouping, and storing the one or more data elements as group data values in a first memory related to a predetermined group of elements; and, correlating the group data values to preset values in a second memory and generating an output data value based on the correlation wherein the output data value is used to compute an insurance rating for the vehicle FOR [sic] the data collection period” (emphasis added)), **the step of prospectively setting an insurance cost or an insurance premium** associated with the vehicle by a processor *based on the one or more data elements*. First, see the discussion of “a cost of insurance” with regard to claim 4 supra. Therefore it is unclear whether the terminology “setting an insurance cost” and “setting...an insurance premium” are one and the same? Patent Owner relies upon, e.g., the abstract and col. 5, lines 34-43 of the ‘970 Patent for support, see pages 18-24 of the 1-26-11 amendment. Note again 37 CFR 530(e). Such portions **do** describe prospectively setting “a cost of automobile insurance” based on monitoring and recording of raw data elements, abstract, **but do not** describe **the step of prospectively setting “an insurance premium”** associated with the vehicle by a processor based on the one or more data elements extracted from the at least one sensor (Note again the discussion of “a cost of insurance” with regard to claim 4 supra) **nor** such step of prospectively setting in addition to steps of a method as claimed in claim 6 **nor** use of “a processor” to compute the cost or premium. Therefore, and in light of MPEP 2258, the step of this claim is unclear (e.g. Does the claim language at its broadest reasonable interpretation

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require the step of the instant claim to comprise a step in addition to the steps of claim 6 or not?

What does the claim language “an insurance cost or an insurance premium” at its broadest reasonable interpretation require? Are they the same? See the discussion supra again, i.e.

“First....” Are one or both the same as, e.g., “insurance rating”? “Base cost”? “Final cost”?

“Total cost”? A pure premium? A gross premium? See the discussion of claim 4 supra again.

Note also the discussion of claim 38 supra and claims 40, 61-64 and 70 infra. See also

discussion of the clarity of the terminology “a processor” supra again.). Accordingly, for

purposes of examination, the step of this claim will be considered either in addition to the steps

of claim 6 or the steps of claim 6 will be considered to comprise the prospective setting step of

this claim wherein at a minimum the insurance “rating” computed is associated a “cost” or a

“premium” prospectively set by a processor. See also discussion of clarity of the terminology “a processor” supra again.

Claim 40:

This claim also requires **in addition to the method of claim 6**, (i.e. “extracting one or more data elements from at least one sensor wherein the one or more elements are of at least one operating state of the vehicle and the at least one human's actions during a data collection period; analyzing, grouping, and storing the one or more data elements as group data values in a first memory related to a predetermined group of elements; and, correlating the group data values to preset values in a second memory and generating an output data value based on the correlation wherein the output data value is used to compute an insurance rating for the vehicle FOR [sic] the data collection period” (emphasis added)), **the step of prospectively setting an insurance**

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cost or an insurance premium associated with the vehicle **by a processor based on the insurance rating**. First, see the discussion of “a cost of insurance” with regard to claim 4 supra. Therefore it is unclear whether the terminology “setting an insurance cost” and “setting...an insurance premium” and “the insurance rating” are one and the same? Patent Owner relies upon, e.g., title, the abstract, col. 5, lines 12-22, col. 5, lines 27-46, col. 3, lines 40-58 and col. 6, lines 46-49 of the ‘970 Patent for support, see pages 18-24 of the 1-26-11 amendment. Note again 37 CFR 530(e). Such portions do describe prospectively setting of “a cost of automobile insurance”, applying for “insurance rating purposes”, providing “enhanced rating precision” or determining “a fair cost of insurance” based on monitored and recorded of data elements, e.g., raw data elements, or basing “insurance charges with regard to current material data representative of actual driving characteristics to provide a classification rating”, but do not describe the step of prospectively setting an insurance cost or an insurance premium associated with the vehicle by a processor based on the insurance rating. (Note again the discussion of “a cost of insurance” with regard to claim 4 supra and the lack of modifying language with regard to the terminology) **nor** such step of prospectively setting in addition to steps of a method as claimed in claim 6, **nor** use of “a processor” to set the cost or premium. Therefore, and in light of MPEP, the step of this claim is unclear (e.g. Does the claim language at its broadest reasonable interpretation require the step of the instant claim to comprise a step in addition to the steps of claim 6 or not? What does the claim language “an insurance cost or an insurance premium...based on the insurance rating” at its broadest reasonable interpretation require? Are they the same? See the discussion supra again, i.e. “First....” Are none, one or both the same as, e.g., “insurance rating”? “Base cost”? “Final cost”? “Total cost”? A pure

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premium? A gross premium? See the discussion of claim 4 supra again. Note also the discussion of claims 38-39 supra and claims 61-64 and 70 infra. See also discussion of the clarity of the terminology “a processor” supra again.). Accordingly, for purposes of examination, the step of this claim will be considered either in addition to the steps of claim 6 or the steps of claim 6 will be considered to comprise the prospective setting step of this claim wherein at a minimum the insurance “rating” computed is associated with a “cost” or a “premium” which is prospectively set by a processor. See also discussion of clarity of the terminology “a processor” supra again.

Claim 41:

This claim also requires **in addition to the method of claim 6**, (i.e. “extracting one or more data elements from at least one sensor wherein the one or more elements are of at least one operating state of the vehicle and the at least one human's actions during a data collection period; analyzing, grouping, and storing the one or more data elements as group data values in a first memory related to a predetermined group of elements; and, correlating the group data values to preset values in a second memory and generating an output data value based on the correlation wherein the output data value is used to compute an insurance rating for the vehicle FOR [sic] the data collection period” (emphasis added)), **the step of selecting one or more of the one or more data elements by a processor for use to determine an **actuarial class** associated with the vehicle; and selecting one or more of the one or more data elements by the processor for use to determine a **surcharge or discount to be applied to a base cost of insurance** associated with the vehicle. First, the terminology “selecting...for use to determine” is unclear, i.e. what is being**

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done with the data elements (Note also the discussion of the interpretation of “analyzing, **grouping, and storing the one or more data elements as group data values in a first memory related to a predetermined group of elements” (emphasis added) with regard to claim 6 supra. Note also the data elements selected do not have to be different data elements, note the portions cited for support infra.) Second Patent Owner relies upon, e.g., title, the abstract, col. 5, lines 7-12 of the ‘970 Patent for support, see pages 18-24 of the 1-26-11 amendment. Note again 37 CFR 530(e). Such portions of the ‘970 Patent do describe use of gathered and analyzed data to determine actuarial classes and surcharges or discounts **but do not** describe such selecting in addition to the steps of the method as claimed in claim 6, e.g. the analyzing step, grouping and storing step **nor** such selecting by “a processor”. Therefore, and in light of MPEP 2258, the steps of this claim are additionally unclear (e.g. Does the claim language at its broadest reasonable interpretation require the steps of the instant claim in addition to the steps of claim 6 or not? See also discussion of clarity of the terminology “a processor” supra again. See also the discussion of clarity supra, i.e. “First....”). Accordingly, for purposes of examination, this claim will be interpreted to require the steps of this claim either in addition to the steps of claim 6 or at least one of the one or more data elements of the analyzing, grouping and storing step according to claim 6 being determinative of an “actuarial class” and or at least one of the one or more data elements of the analyzing, grouping and storing step according to claim 6 being determinative of a surcharge or discount to be applied to a base cost of insurance. Note again the discussion of the interpretation of the terminology “a processor” supra.**

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