

EXHIBIT 2006

CBM-2012-00003

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

1 trial. *See* 37 C.F.R. §§ 42.208(b) and 300(a). In any response to be filed by the
2 Patent Owner, the denied grounds need not be addressed.

3 There are two types of grounds being denied.

4 The first type includes those grounds which rely on the disclosure in Kosaka
5 (Japanese Published Application H4-182868, Published June 30, 1992, Ex. 1003)
6 of a wireless transmitter on the gear of a diver, which transmits an emergency
7 signal to an aid boat or buoy when evaluation in real-time of the diving data
8 indicates an extremely high risk situation, to meet the claim limitation of “a
9 wireless transmitter configured to transfer the selected vehicle data retained within
10 the memory to a distributed network and a server” without any reference’s
11 disclosing wireless transmission of selected vehicle data for subsequent evaluation.

12 For the first type, the grounds of obviousness are, for independent claim 1:
13 over Kosaka,
14 over Kosaka and Bouchard
15

16 The grounds are, for dependent claims 2-20, over Kosaka and over Kosaka and
17 Bouchard, plus at least one more reference relied on by the Petitioner to meet the
18 additional features recited in dependent claims 2-20.

19 The second type includes those same grounds as in the first type, but
20 modified to substitute the wireless transmitter of Kosaka with a more sophisticated
21 wireless transmission system disclosed in another reference to provide or convey
22 “different types of data more efficiently to better determine driver performance.”
23 (Pet. 38:5-9; 40:4-8; 42:16 to 43:5).

24

1 For the second type, the grounds of obviousness are, for claim 1:

- 2 over Kosaka and Scapinakis
- 3 over Kosaka,, Bouchard, and Scapinakis
- 4 over Kosaka and Eisenmann
- 5 over Kosaka, Bouchard, and Eisenmann
- 6 over Kosaka and Stanifer
- 7 over Kosaka,, Bouchard, and Stanifer

8
9 The grounds of obviousness for claims 2-20 are the same as those listed above for
10 claim 1, but with the addition of at least one more reference relied on by the
11 Petitioner to account for the additional features recited in dependent claims 2-20.

12 Using the system of designating asserted grounds of unpatentability as
13 revealed in the chart on pages 17-22 of the petition, we identify the denied grounds
14 for instituting trial as follows:

15	1:2	2:2	3:2	4:2	5:2	6:2
16	1:4	2:4	3:4	4:4	5:4	6:4
17	1:6	2:6	3:6	4:6	5:6	6:6
18	1:7	2:7	3:7	4:7	5:7	6:7
19	1:10	2:10	3:10	4:10	5:10	6:10
20	1:11	2:11	3:11	4:11	5:11	6:11
21	1:14	2:14	3:14	4:14	5:14	6:14
22	1:15	2:15	3:15	4:15	5:15	6:15
23	7:2	8:2	9:2	10:2	11:2	12:2
24	7:4	8:4	9:4	10:4	11:4	12:4
25	7:6	8:6	9:6	10:6	11:6	12:6
26	7:7	8:7	9:7	10:7	11:7	12:7

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1	7:10	8:10	9:10	10:10	11:10	12:10
2	7:11	8:11	9:11	10:11	11:11	12:11
3	7:14	8:14	9:14	10:14	11:14	12:14
4	7:15	8:15	9:15	10:15	11:15	12:15
5	13:2	14:2	15:2			
6	13:4	14:4	15:4			
7	13:6	14:6	15:6			
8	13:7	14:7	15:7			
9	13:10	14:10	15:10			
10	13:11	14:11	15:11			
11	13:14	14:14	15:14			
12	13:15	14:15	15:15			
13	16:2	17:2	18:2			
14	16:4	17:4	18:4			
15	16:6	17:6	18:6			
16	16:8	17:8	18:8			
17	17:11	18:11	17:20	18:20		
18	17:13	18:13	17:22	18:22		
19	17:15	18:15	17:24	18:24		
20	17:17	18:17	17:26	18:26		
21	19:2	20:2	19:19	20:19	19:36	20:36
22	19:4	20:4	19:21	20:21	19:38	20:38
23	19:6	20:6	19:23	20:23	19:40	20:40
24	19:7	20:7	19:24	20:24	19:41	20:41

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