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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/798.615	07/14/2015	Thomas Michael Potter	SF-32060/48797G-US	2595
164349	7590	05/05/2020	EXAMINER	
Faegre Drinker Biddle & Reath LLP - State Farm 300 N. Meridian Street Suite 2500 Indianapolis, IN 46204			KHATTAR, RAJESH	
			ART UNIT	PAPER NUMBER
			3693	
			NOTIFICATION DATE	DELIVERY MODE
			05/05/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inteas@faegredrinker.com

Office Action Summary**Application No.**

14/798,615

Applicant(s)

Potter et al.

Examiner

RAJESH KHATTAR

Art Unit

3693

AIA (FITF) Status

Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 3/9/2020.

A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) This action is **FINAL**.

2b) This action is non-final.

3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) Claim(s) 1-8,10-11 and 13-20 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) Claim(s) _____ is/are allowed.

7) Claim(s) 1-8,10-11 and 13-20 is/are rejected.

8) Claim(s) _____ is/are objected to.

9) Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) The specification is objected to by the Examiner.

11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) All b) Some** c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

3) Interview Summary (PTO-413)

Paper No(s)/Mail Date 3/4/2020.

2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) Other: _____.

Paper No(s)/Mail Date 4/29/2020.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Applicant filed a response dated 3/9/2020 in which claims 1, 15, 17-18, and 20 have been amended, claims 9 and 12 have been canceled. Thus, the claims 1-8, 10-11, and 13-20 are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 10-11, and 13-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea of adjustment to an insurance policy without significantly more.

Examiner has identified claim 1 as the claim that represents the claimed invention presented in independent claims 1, 15, and 18.

Claim 1 is directed to a process, which is one of the statutory categories of invention (*Step 1: YES*).

The claim 1 recites a series of steps, e.g., collecting, at one or more *processors*, telematics data associated with driving behavior of an insured driver and biometric data associated with the insured driver from one or more *sensors*; determining, by the one or more *processors*, one or more driving risk scores associated with the insured driver based upon the collected telematics data, wherein each driving risk score indicates a level of risk of a vehicle accident based upon driving behavior indicated by the collected telematics data; collecting, by the one or more *processors*, vehicle maintenance data associated with an insured vehicle associated with the insured driver from either or both of a *mobile*

device of the insured driver or an *on-board computer* of the insured *vehicle*; generating, by one or more *processors*, a risk aversion score associated with the insured driver based upon and biometric data associated with the insured driver risk aversion data associated with a plurality of types of behaviors of the insured driver, wherein the risk aversion data includes the one or more driving risk scores associated with a driving behavior type and the *vehicle* maintenance data, and wherein the risk score indicates risk preferences of the insured driver; determining, by the one or more *processors*, (1) one or more of physical, mental, or emotional conditions of the insured driver based on the biometric data and (2) an adjustment to an insurance policy associated with the insured driver by adjusting a risk level associated with the insured driver for the insurance policy based upon the determined risk aversion score, wherein the insurance policy is at least one of (i) a homeowners insurance policy, (ii) a renters insurance policy, or (iii) a life insurance policy; transmitting, by the *one or more processors*, a warning notification to the *mobile device or the onboard computer* in real-time if the determined one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver; and causing, by the one or more *processors*, the adjustment to the insurance policy to be implemented. These limitations (with the exception of italicized limitations), under their broadest reasonable interpretation, describe an abstract idea of adjustment to an insurance policy which may correspond to Certain Methods of Organizing Human Activity as these limitations relate to fundamental economic principles (e.g., insurance). The processors, sensors, mobile device, on-board computer, and vehicle recitations do not necessarily restrict the claim from reciting an abstract idea. Thus, the claim 1 recites an abstract idea (*Step 2A-Prong 1: YES*).

This judicial exception is not integrated into a practical application because the additional limitation of processors, sensors, mobile device, and on-board computer result in no more than simply applying the abstract idea using generic computer elements. The additional elements of processors, sensors, mobile device, and on-board computer are all recited at a high level of generality, and under

their broadest reasonable interpretation comprises a generic computing device. The presence of a generic computing device does nothing more than to implement the claimed invention (MPEP 2106.05(f)). The limitations (with the exception of italicized limitations) collecting, at one or more *processors*, telematics data associated with driving behavior of an insured driver and biometric data associated with the insured driver from one or more *sensors*; collecting, by the one or more *processors*, vehicle maintenance data associated with an insured vehicle associated with the insured driver from either or both of a *mobile device* of the insured driver or an *on-board computer* of the insured *vehicle* amounts to mere data gathering, which is a form of insignificant extra-solution activity. Therefore, the recitations of additional elements do not meaningfully apply the abstract idea and hence do not integrate the abstract idea into a practical application. Thus, the claim 1 is directed to an abstract idea (*Step 2A-Prong 2: NO*).

The claim 1 does not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements of processors, sensors, mobile device, and on-board computer are all recited at a high level of generality in that it results in no more than simply applying the abstract idea using generic computer elements. The collecting step, which was considered insignificant extra-solution activity under Step 2A, should be re-evaluated in Step 2B to determine if it is more than what is well-understood, routine, conventional activity in the field. The specification provides an indication that the additional elements of processors, sensors, mobile device, and on-board computer are simply generic computer elements performing their generic computer functions of collecting data, which is a well-understood, routine, and conventional function when it is claimed in a merely generic manner (MPEP 2106.05(d)(II)). The additional elements when considered separately and as an ordered combination do not amount to add significantly more as these limitations provide nothing more than to simply apply the exception in a generic computer environment (*Step 2B: NO*). Thus, the claim 1 is not patent eligible.

Similar arguments can be extended to other independent claims 15 and 18 and hence these claims 15 and 18 are rejected on similar grounds as claim 1.

Dependent claims 2-8, 10-11, 13-14, 16-17, and 19-20 further define the abstract idea that is present in their respective independent claims 1, 15, and 18, thus correspond to Certain Methods of Organizing Human Activity, and hence are abstract in nature for the reasons presented above.

Dependent claims do not include any additional elements that integrate the abstract idea into a practical application or are sufficient to amount to significantly more than the judicial exception when considered both individually and as an ordered combination. Therefore, the claims 2-8, 10-11, 13-14, 16-17, and 19-20 are directed to an abstract idea. Thus, the claims 1-8, 10-11, and 13-20 are not patent-eligible.

Response to Arguments

Applicant's arguments filed dated 3/19/2020 have been fully considered but they are not persuasive due to the following reasons:

With respect to the rejection of claims 1-11 and 13-20 under 35 U.S.C. 101, Applicant states that collecting data from a plurality of sensors that are not only directed to the driving behavior of the driver but also the biometrics of the driver is not an abstract idea under Prong One of Step 2A in the *Alice/Mayo* test.

Examiner respectfully disagrees and notes that collecting data amounts to mere data gathering, which is a form of insignificant extra-solution activity under Step 2A. Under Step 2B, the computer functions of collecting data, which is a well-understood, routine, and conventional function when it is claimed in a merely generic manner (MPEP 2106.05(d)(II)). Thus, the collecting step does not transform the abstract idea into a patent eligible subject matter.

With respect to the rejection of claims 1-11 and 13-20 under 35 U.S.C. 101, Applicant states that claim 1 in the present application recites a specific improvement over prior art computer systems that

“imposes a meaningful limit on the judicial exception” and does not merely limit the abstract idea to inputting data into models and insurance products, as alleged in the Office Action with respect to the previously submitted claim 1, because claim 1 recites one or more processors transmitting a warning notification to the mobile device or the onboard computer in real-time if the determined one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver and also causing the adjustment to the insurance policy to be implemented.

Examiner respectfully disagrees and notes that this improvement is not technical in nature. The improvement may be to the underlying abstract idea which is not sufficient to integrate the abstract idea into a practical application (see October 2019 Update: Subject Matter Eligibility, page 13).

Transmitting a warning notification to the mobile device or the onboard computer in real-time is nothing more than transmitting data which is not sufficient to show an improvement in computer-functionality (see MPEP 2106.05(a)). Moreover, transmitting a warning notification to the mobile device or the onboard computer in real-time are within the well-understood, routine, and conventional functions of a computer when it is claimed in a merely generic manner or as insignificantly extra-solution activity (see MPEP 2106.05(d)II).

Applicant also states that claim 1 provides a technological solution to the technological problem of needing to improve safety of the insured driver in that the biometric data associated with the insured driver can be used to determine if there is a high risk of accident for the driver, after which a warning notification is transmitted to the driver.

Examiner respectfully disagrees and notes that this improvement is not technical in nature. The improvement may be to the underlying abstract idea which is not sufficient to integrate the abstract idea into a practical application (see October 2019 Update: Subject Matter Eligibility, page 13).

Transmitting a warning notification to the mobile device or the onboard computer in real-time is nothing more than transmitting data which is not sufficient to show an improvement in computer-

functionality (see MPEP 2106.05(a)I). Moreover, transmitting a warning notification to the mobile device or the onboard computer in real-time are within the well-understood, routine, and conventional functions of a computer when it is claimed in a merely generic manner or as insignificantly extra-solution activity (see MPEP 2106.05(d)II).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJESH KHATTAR whose telephone number is (571)272-7981. The examiner can normally be reached on M-F 8AM-5PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shahid Merchant can be reached on 571-270-1360. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAJESH KHATTAR/
Primary Examiner, Art Unit 3693