

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Auto Telematics Ltd.,

Plaintiff,

v.

United Services Automobile Association,

Defendant.

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Civil Action No. 6:22-CV-00474

Jury Trial Demanded

**PLAINTIFF AUTO TELEMATICS LTD.’S PRELIMINARY INFRINGEMENT
CONTENTIONS AND IDENTIFICATION OF DOCUMENT PRODUCTION
ACCOMPANYING DISCLOSURE**

Pursuant to the Standing Order Governing Proceedings (OGP) 4.1 for Patent Cases, Plaintiff Auto Telematics Ltd. (“Plaintiff” or “Auto Telematics”) makes its Disclosures of Asserted Claims and Infringement Contentions against Defendant United Services Automobile Association (“Defendant” or “USAA”) and Identification of Document Production Accompanying Disclosure.

I. Disclosure of Asserted Claims and Infringement Contentions

(a) Identification of Accused Products / Systems

Upon information and belief, USAA makes, uses, sells, offers to sell, and/or imports into the United States methods and systems for logging vehicle behavior as claimed in each of the Patents-in-Suit. For example, and without limitation, USAA provides for its insurance customers the USAA SafePilot™ application for mobile devices (“SafePilot App”).

The SafePilot App is available for both iOS and Android devices:

Download the USAA SafePilot App

The USAA SafePilot App shows you how well you're driving and how you can improve. It's a free app available for [iOS](#) and [Android](#).

Source: usaa.com/insurance/safedriving?akredirect=true

According to USAA, the SafePilot App automatically logs and scores users' driving information, including without initiation from the user:

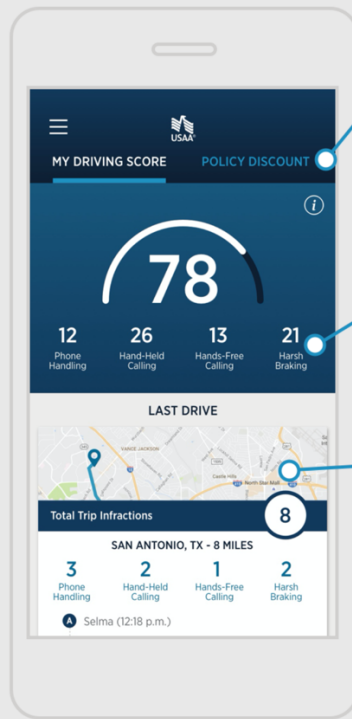
Start Driving

We'll automatically log and score your trips. You don't need to turn on the app every time you drive.

Source: usaa.com/insurance/safedriving?akredirect=true

The USAA website illustrates the following "Features of the App":

Features of the App



Better Driving, Bigger Discounts

The better you drive, the bigger the discount you'll earn. It's that easy. Just focus on keeping your hands off your phone while driving and leaving enough distance between yourself and the cars in front of you.

Driving Insights and Trends

Learn about your driving habits—like how much you drive, how often you use your phone while driving and how often you brake harshly—and see how you can improve.

Automatic and Smart Trip Logging

Using your phone's GPS and built-in sensors, we'll automatically log your trips and smart trip data like whether you were the driver, passenger or making calls while driving.

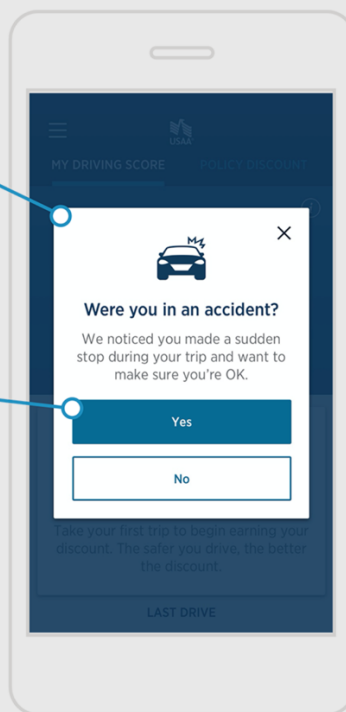
Source: usaa.com/insurance/safedriving?akredirect=true

Crash Detection

Your safety is our top priority. If the app detects you may have been in an accident, we'll reach out to make sure you're OK. If needed, you'll be able to dial 911 directly from the app.

Quick Claim Filing

If you choose to file a claim on the collision, we'll guide you through the steps. Our digital process makes it easy. Should you file a claim? It's up to you. You must promptly report a car accident to your insurance company if you intend to seek any coverage from your policy.



Source: usaa.com/insurance/safedriving?akredirect=true

The USAA webpage includes the following information under the “Driving Information” category in the FAQ tab:

— What driving information does the USAA SafePilot App collect?

The USAA SafePilot App runs in the background and gathers details about each trip you take, including:

- Location
- Time of day
- If you're the passenger or driver
- Phone Handling
- Hand-held Calling
- Hands-free Calling
- Harsh Braking
- Annualized Hours Driven

We take your privacy seriously and will never share your driving information.

— How is my USAA SafePilot App driving information used?

Your USAA SafePilot App driving information will be used to calculate a driving score and any potential discounts you may receive on your auto insurance policy. It won't be used to evaluate your insurability or increase your premium, although your discount may vary over the life of your policy.

— Does USAA share my USAA SafePilot App driving information?

No, except as necessary for the administration of the USAA SafePilot program, we will never share your driving information with third-party or marketing companies. Review the [USAA SafePilot Program Terms and Conditions](#) for more details on what driving information is collected by the USAA SafePilot App and how it is used.

Source: usaa.com/insurance/safedriving?akredirect=true

The USAA webpage includes the following information under the “Discount and Premium” category in the FAQ tab:

— **How is my earned discount calculated?**

We base your earned discount on your driving score, which you'll see in the USAA SafePilot App. This driving score will factor how often you handle your phone while driving, if you're making hands-free calls, if you brake harshly and how much you drive. While we understand that some defensive driving situations may require you to brake, try to keep erratic driving to a minimum to earn the highest possible discount.

If there are multiple drivers on your policy, we'll base your household earned discount on the driving behaviour of all drivers enrolled in USAA SafePilot. The highest possible discount you may earn depends on how many [eligible drivers](#) are participating in the program. We recommend that all eligible drivers participate in the program.

— **When will I receive my discount?**

After you enroll in the USAA SafePilot program, we'll apply a participation discount of up to 10% to your auto insurance policy.

Before your policy renews, we'll use your household's trip data to determine which drivers have met the requirements for an earned discount.

We'll apply the earned discount from these drivers to your policy's next term at renewal and remove their participation discount. The policy term's effective date is referenced in the USAA SafePilot App on the discount tab.

— **What if I change my mind and don't want to participate?**

That's OK. You can cancel your enrollment in the program any time.

— **Will my driving information impact my insurance rates?**

No. We will only use your driving information to calculate your discount. Your driving information won't have an impact on your auto insurance policy rate, although your rate may vary based on other factors.

Source: usaa.com/insurance/safedriving?akredirect=true

The USAA webpage includes the following information under the “Crash Detection” category in the FAQ tab:

— **What is crash detection?**

Your safety is our top priority. If the app detects a potential collision, we'll reach out to make sure you're OK and provide options for quick claim filing. If needed, you'll be able to dial 911 directly from the app.

— **How does the app detect a collision?**

Crash detection uses a proprietary algorithm and your device's GPS, barometer, accelerometer, gyroscope and other sensors to identify a potential collision.

— **What happens when the app detects a collision?**

As long as you enable notifications, the app will send you a push notification if it detects a potential collision. We'll want to make sure you're OK and provide options for quick claim filing.

— **Will crash detection affect my driving score and discount?**

Your score and discount won't be affected if the app detects a collision.

Source: usaa.com/insurance/safedriving?akredirect=true

(b) Asserted Patents and Asserted Claims

Based on the information currently available to it, Auto Telematics asserts Claims 1, 3, 4, 5, 6, and 7 of United States Patent No. 9,311,271 (“the ’271 Patent”) as being infringed by USAA under 35 U.S.C. §§ 271(a).

Based on the information currently available to it, Auto Telematics asserts Claims 1, 2, 3, 6, 9, 10, 11, 12, and 13 of United States Patent No. 9,633,487 (“the ’487 Patent”) as being infringed by USAA under 35 U.S.C. §§ 271(a).

Based on the information currently available to it, Auto Telematics asserts Claims 1, 2, 4, 5, 6, 7, 15, 18, 19, 20, 21, and 26 of United States Patent No. 10,191,369 (“the ’369 Patent”) as being infringed by USAA under 35 U.S.C. §§ 271(a).

Based on the information currently available to it, Auto Telematics asserts Claims 1, 2, 3, 4, 5, 6, 9, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 34, 35, 39, 40, 41, 46, 51, and 54 of United States Patent No. 10,198,879 (“the ’879 Patent”) as being infringed by USAA under 35 U.S.C. §§ 271(a).

The ’271, ’487, ’369, and ’879 Patents are collectively referred to as the “Patents-in-Suit” or the “Asserted Patents.”

USAA infringes the Asserted Claims under 35 U.S.C. § 271(a) by making, using, testing, supplying, causing to be supplied, selling, and/or offering for sale in the United States the SafePilot program, including the SafePilot App. For example, the USAA SafePilot App uses a customer’s mobile telecommunications device and configures it to log driving information associated with a vehicle, as described in certain of the Asserted Claims. Additionally, for example, USAA maintains a data-logging system for logging driving information received from its customers’ remote mobile telecommunications devices that run the SafePilot App, as described in other Asserted Claims. Additionally, for example, the USAA SafePilot App constitutes a non-transitory computer readable medium having instructions comprising a software application stored thereon, wherein the instructions are configured to be executed on a processor of a customer’s mobile

telecommunications device to enable the mobile telecommunications device to log driving information associated with a driver of a vehicle, as described in other Asserted Claims.

(c) Identification of Preliminary Claim Charts

Auto Telematics provides the following preliminary claim charts showing how USAA infringes the Asserted Claims. These charts are based on publicly available information. No discovery has been taken, and no documents have been produced. To the best of Auto Telematics's knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the information contained in these disclosures is complete and correct.

Attached are the following charts, which are incorporated by reference as if fully set forth herein:

Exhibit 1 – '271 Patent Claim Chart

Exhibit 2 – '487 Patent Claim Chart

Exhibit 3 – '369 Patent Claim Chart

Exhibit 4 – '879 Patent Claim Chart

(d) Identification of Priority Dates

The '271 Patent, entitled "Method and System for Logging Vehicle Behavior," duly and legally issued on April 12, 2016, from U.S. Patent Application No. 13/994,455, filed on July 24, 2013, naming Andrew William Wright as the sole inventor. The '271 Patent claims priority to PCT Application No. PCT/GB2011/052492, filed on December 15, 2011. The '271 Patent also claims priority to foreign applications 1021292.6 (GB), filed on December 15, 2010; 1101259.8 (GB), filed on January 25, 2011; 1109759.9 (GB), filed on June 10, 2011; and 1118777.0 (GB), filed on October 31, 2011.

The '487 Patent, entitled "Method and System for Logging Vehicle Behavior," duly and legally issued on April 25, 2017, from U.S. Patent Application No. 15/061,910, filed on March 4,

2016, naming Andrew William Wright as the sole inventor. The '487 Patent is a continuation of the '271 Patent and also claims priority to PCT Application No. PCT/GB2011/052492, filed on December 15, 2011. The '487 Patent also claims priority to foreign applications 1021292.6 (GB), filed on December 15, 2010; 1101259.8 (GB), filed on January 25, 2011; 1109759.9 (GB), filed on June 10, 2011; and 1118777.0 (GB), filed on October 31, 2011.

The '369 Patent, entitled "Method and System for Logging Vehicle Behavior," duly and legally issued on January 29, 2019, from U.S. Patent Application No. 15/454,937, filed on March 9, 2017, naming Andrew William Wright as the sole inventor. The '369 Patent is a continuation of the '487 Patent and also claims priority to PCT Application No. PCT/GB2011/052492, filed on December 15, 2011. The '369 Patent also claims priority to foreign applications 1021292.6 (GB), filed on December 15, 2010; 1101259.8 (GB), filed on January 25, 2011; 1109759.9 (GB), filed on June 10, 2011; and 1118777.0 (GB), filed on October 31, 2011.

The '879 Patent, entitled "Method and System for Logging Vehicle Behavior," duly and legally issued on February 5, 2019, from U.S. Patent Application No. 15/454,952, filed on March 9, 2017, naming Andrew William Wright as the sole inventor. The '879 Patent is a continuation of the '487 Patent and also claims priority to PCT Application No. PCT/GB2011/052492, filed on December 15, 2011. The '879 Patent also claims priority to foreign applications 1021292.6 (GB), filed on December 15, 2010; 1101259.8 (GB), filed on January 25, 2011; 1109759.9 (GB), filed on June 10, 2011; and 1118777.0 (GB), filed on October 31, 2011.

Auto Telematics presently contends that the Asserted Claims are entitled to the following priority dates:

Priority Date	Asserted Claims
As early as January 25, 2011	'271 Patent – Claims 4, 5 '487 Patent – Claims 1–3, 6, 9, 11–13 '369 Patent – Claims 1, 2, 4, 6, 7, 15, 18–21, 26

Priority Date	Asserted Claims
	'879 Patent – Claims 1–3, 5, 6, 9, 14–16, 19–23, 25, 26, 34, 35, 39–41, 46, 51, 54
As early as December 15, 2011	'271 Patent – Claims 1, 3, 6, 7 '487 Patent – Claim 10 '369 Patent – Claim 5 '879 Patent – Claims 4, 24

Discovery in this case has not yet begun, and the Asserted Claims have never been construed by a Court or administrative body. Accordingly, Auto Telematics reserves the right to modify its contentions as to the Asserted Claims' priority dates as discovery progresses and the claims are construed

II. Document Production Accompanying Disclosure

(a) Conception and Reduction to Practice

Documents evidencing conception and reduction to practice are being produced along with these disclosures under Bates Numbers AUTO-TELEMATICS_00000314–652.

(b) File Histories

Copies of the file histories of the Patents-in-Suit, along with copies of the patents themselves and patents and file histories of other patents in the same family, are being produced with these disclosures under Bates Numbers AUTO-TELEMATICS_00000001–2743.

Dated: August 26, 2022

Respectfully submitted,



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