

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

United States Automobile Association,
Petitioner

v.

Auto Telematics Ltd.,
Patent Owner

Case No. IPR2025-00812
U.S. Patent No. 12,236,728

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

RESPONSE TO STATEMENT OF MATERIAL FACTS IN DISPUTE.....	2
I. INTRODUCTION	3
II. THE '728 PATENT	6
A. Challenged Claims.....	6
B. Prosecution History of the '728 Patent.....	6
C. Claim Construction	7
III. RELEVANT LEGAL STANDARDS	8
IV. THE PETITION SHOULD BE DENIED.	9
A. The Petition Improperly Attempts and Fails to Use the Challenged Claims as a Roadmap.....	9
B. Callopy is Collopy.	10
1. What's in a Name?.....	10
2. Callopy and Collopy Share the Same Disclosure.	12
C. Warren Was Submitted to and Considered by the Examiner	20
V. CONCLUSION	22
CERTIFICATE OF WORD COUNT.....	23
CERTIFICATE OF SERVICE.....	24

TABLE OF AUTHORITIES

Cases

<i>3M Innovative Props. Co. v. Tredegar Corp.</i> 725 F.3d 1315 (Fed. Cir. 2013)	8
<i>ATD Corp. v. Lydall, Inc.</i> , 159 F.3d 534 (Fed. Cir. 1998)	9, 10
<i>In re Fine</i> , 837 F.2d 1071 (Fed. Cir. 1988)	9
<i>In re Gorman</i> , 933 F.2d 982 (Fed. Cir. 1991).....	9
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>)	7
<i>Thorner v. Sony Computer Entm't Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012)	8
<i>Toshiba Corp. v. Imation Corp.</i> , 681 F.3d 1358 (Fed. Cir. 2012).....	8

PATENT OWNER'S EXHIBIT LIST

- ATL-2001 U.S. Pat. Pub. 2010/0131304 (“Collopy”)
- ATL-2002 PCT/US2009/065730 (Callopy PCT File History)

RESPONSE TO STATEMENT OF MATERIAL FACTS IN DISPUTE

Petitioner did not submit a specific statement of material facts in its Petition. Accordingly, no response is required under 37 C.F.R. § 42.23(a), and no facts are admitted.

I. INTRODUCTION

Patent Owner Auto Telematics Ltd. (“ATL”) submits this preliminary response to the Petition for *Inter Partes* Review (the “Petition”) of U.S. Patent No. 12,236,728, App. 18/676,284 (USAA-1001, “the ’728 Patent”) filed by United States Automobile Association. (“Petitioner”). *See* Paper 2.

Petitioner strains all credulity in submission of its Petition, which should be denied for at least three reasons. First, Petitioner attempts to use the claims as a roadmap for hindsight reconstruction of the claims, but neglects to analyze the specific language of the challenged claims and instead presents a generic recitation of some elements allegedly found in the cited references. For example, the “throughout the driving period” limitation was added by amendment in response to the initial claim rejection over Collopy of July 31, 2024, which was successfully traversed. Because it is improper to use the challenged claims as a roadmap with hindsight reconstruction, the Petition should be denied, even more so in this proceeding since Petitioner’s roadmap only looks to generic recitations of limitations rather than the specific claim language.

Second, Petitioner presents its main obviousness reference, WO 2010/062,899, PCT/US2009/065730, (“Callopy”) (USAA-1004) as a different reference than U.S. Pub. No. 2010/0131304, U.S. Pat. App. 12/547,800, (“Collopy”)

(USAA-1002) *e.g.*

[T]he grounds based on Callopy do not involve the same or substantially same art or arguments previously presented during original prosecution. Collopy and Callopy do not have the same disclosures, and this Petition applies references that were not applied by the examiner in any rejections of the claims.

Pet. at 5, fn. 4. However, as ATL demonstrates below, the disclosure of Collopy *is wholly contained within Callopy*¹, indeed, Petitioner’s substantive citations and references to Callopy, throughout each ground of challenge, has a mirrored paragraph, word-for-word, in Collopy. Petitioner does not substantively rely on any material found exclusively in Callopy, alone, and instead relies on passages that are identically disclosed in **both** Callopy and Collopy. Collopy was disclosed, considered, and used by the Examiner in a rejection during prosecution, which ATL overcame through amendment and argument. The USPTO issued the ’728 Patent over the full disclosure of Collopy. Now Petitioner asks the Board to consider Callopy as a wholly new reference, even though the entire substantive disclosure of Collopy is found and additionally incorporated by reference within

¹ “[0001] This application claims the benefit of U.S. Provisional Application Serial No. 61/118,400 ... U.S. Patent Application Serial No. 12/547,800 entitled “REAL TIME INSURANCE GENERATION” and filed on August 26, 2009 [“Collopy”] ... The entireties of above-captioned applications are incorporated herein by reference.” Callopy at [0001].

Callopy. The Petition should be denied on this ground, as Callopy's disclosure has already been considered via Collopy's citation and application against the originally filed claims of the '728 Patent.

Third, Petitioner asserts that U.S. Pat. Publication No. 2006/0053038 (USAA-1008) ("Warren") "was never before the Office, and thus, not considered by the Examiner." Pet. at 77 (IV.A). The information disclosure statement filed on May 28, 2024, explicitly recites the same Warren reference which was considered by the Examiner on July 23, 2024.

21	2006/0053038 A1	03-06-2006	Warren et al.
22	2007/0027583 A1	02-01-2007	Tamir et al.
23	2009/0005975 A1	01-01-2009	Forstall et al.
24	2010/0131691 A1	05-27-2010	Chatterjee et al.
25	2011/0141006 A1	06-16-2011	Rabu
26	2011/0307188 A1	12-15-2011	Peng et al.
27	2005/0046584 A1	03-03-2005	Breed
ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.D.P/			

USAA-1002 at 277. It is unclear why or how Petitioner asserts that "Warren was never before the Office", when Warren is clearly identified in the file history numerous times as being presented by ATL and considered by the Examiner. *See* Pet. at 77, USAA-1002 at 267, 269, 277, 279, 313, 315, 386, and 388.

For at least these reasons, the Petition should be denied.

II. THE '728 PATENT

The '728 Patent is the latest in a line of patents which relates to a data-logging system for monitoring how safely a vehicle is being driven by a driver throughout a driving period through the use of a logging system that is independent from the vehicle. The driving information is logged by the system and then can be transmitted and/or processed to a driving score, which may be used to determine or build a risk profile for the driver and/or vehicle being driven. The '728 Patent overcomes the prior challenges against the parent patents and the cited prior art, including Callopy/Collopy, Curry, Thompson, Warren, and Katayama.

A. Challenged Claims

Petitioner challenges all twenty-eight claims of the '728 Patent: independent Claims 1, 13, 24, and 25 and dependent Claims 2-12, 14-23, and 26-28 (“challenged claims”). *See* Petition at 1.

Ground	Claim(s)	Basis
1	1-4	§103: Callopy, Curry, Thompson
2	5	§103: Callopy, Curry, Thompson, Warren
3	6-28	§103: Callopy, Curry, Thompson, Katayama

B. Prosecution History of the '728 Patent

The '728 Patent claims were initially rejected under 35 U.S.C. § 102 as being anticipated by Collopy, US2010/0131,304. In particular, the rejection was overcome

by amending the claims to further clarify differences against Collopy, including amending “during the driving period” to “throughout the driving period” and by including the explicit recitation of the processing of raw sensor data (for determination of derived driving information) being carried out by the processor of the mobile device and which includes determining a specific driving incident (event) by comparison of the raw sensor data against a predetermined threshold value with the incident being detected if the raw sensor data exceeds the threshold value. *See, e.g.,* USAA-1002 (’728 Patent file history) at 201-224. Lastly, the driving incident was further specified as being on a list of specific incidents (harsh braking, harsh acceleration, harsh swerving or a vehicle accident). *Id.* at 223.

C. Claim Construction

Petitioner does not contend that any term from the ’728 Patent requires construction. *See* Petition at 3-4. At this stage, PO agrees that the terms of the ’728 Patent have their plain and ordinary meaning. The plain and ordinary meaning of a term is the “meaning that the term would have to a person of ordinary skill in the art in question at the time of invention.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (*en banc*). The person of ordinary skill in the art (“POSITA”) is deemed to have read the claim term in the context of the entire patent. *Id.* Therefore, to ascertain the meaning of a claim, the Court must look to the claim, the

specification, and the patent's prosecution history. *Id.* at 1314–17.

The “only two exceptions to [the] general rule” that claim terms are construed according to their plain and ordinary meaning are when the patentee (1) acts as his/her own lexicographer or (2) disavows the full scope of the claim term either in the specification or during prosecution. *Thorner v. Sony Computer Entm't Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012). To act as his/her own lexicographer, the patentee must “clearly set forth a definition of the disputed claim term,” and “clearly express an intent to define the term.” *Id.* at 1365. To disavow the full scope of a claim term, the patentee's statements in the specification or prosecution history must represent “a clear disavowal of claim scope.” *Id.* at 1366. Accordingly, when “an applicant's statements are amenable to multiple reasonable interpretations, they cannot be deemed clear and unmistakable.” *3M Innovative Props. Co. v. Tredegar Corp.*, 725 F.3d 1315, 1326 (Fed. Cir. 2013). “Absent disclaimer or lexicography, the plain meaning of the claim controls.” *Toshiba Corp. v. Imation Corp.*, 681 F.3d 1358, 1369 (Fed. Cir. 2012).

III. RELEVANT LEGAL STANDARDS

It is improper to use the claims as a roadmap for a finding of obviousness. The “[d]etermination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented

invention.” *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546 (Fed. Cir. 1998). In analyzing obviousness, only the knowledge of one skilled in the art, the prior art references, and the accepted wisdom in the field at the time may be considered. “One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). It is improper to backtrack from the claims to try to find something related in the prior art. The Federal Circuit has held: “It is impermissible [to] simply ... engage in a hindsight reconstruction of the claimed invention, using the [patent owner’s] structure as a template and selecting elements from the references to fill the gaps.” *In re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991).

IV. THE PETITION SHOULD BE DENIED.

A. The Petition Improperly Attempts and Fails to Use the Challenged Claims as a Roadmap

The Petition fails to analyze the actual claim limitations and language, instead Petitioner presents a generic recitation of the challenged claims, *i.e.*, attempting to use the claims as a roadmap. Even though Petitioner impermissibly uses hindsight to reconstruct the challenged claims, Petitioner’s roadmap fails to apply the specific claim language. Instead, Petitioner presents generic descriptions of the cited references against an assigned number for individual claim limitations. The

discussion of any particular claim limitation is generic and does not provide a detailed accounting of the specific claim limitations as-issued.

One of the limitations and amendments not discussed or presented in Petitioner's analysis of the independent claims 1, 13, 24, and 25, is the modification of "during the driving period" to "throughout the driving period". The only time this limitation is even mentioned in Petitioner's analysis is in reference to dependent claim 6. Instead, Petitioner constantly discusses the cited references using the term "during" rather than "throughout". Because Petitioner attempts to use the claims as a roadmap, much less the actual issued language of the challenged claims, the Petition should be denied. *ATD Corp.* at 546.

B. Callopy is Collopy.

1. What's in a Name?

Petitioner asserts:

[T]he grounds based on Callopy (USAA-1004) do not involve the same or substantially same art or arguments previously presented during original prosecution. Collopy and Callopy do not have the same disclosures, and this Petition applies references that were not applied by the examiner in any rejection of the claims.

Petition at II.B, fn. 4. ATL will show that the relevant disclosure of Collopy is wholly contained within Callopy, making it duplicative of Collopy, which was considered and applied by the Examiner and overcome by ATL.

While Petitioner makes much ado about the names Collopy and Callopy and presents them as distinct references, these references *share the same disclosure*. First, Collopy and Callopy refer to the same inventor: “Fred Collopy” of Ohio. The name Callopy with an “a” appears to be a simple misspelling of the first named inventor, Fred Collopy, as shown on the PCT application form RO/101 Request. ATL-2002 at 242.

Further evidence of this similarity between the references is the inclusion of co-inventors, *i.e.*, Nard, Amin, Turocy, Takieh, Krosky, Noonan, Narvaez, and Asquith. Of note is that Callopy (WO2010/062899) has one additional inventor, Murphy, not named in the Collopy reference. *Id.* at 242-245.

In terms of where Callopy falls within the Collopy patent family: Callopy (WO2010/062899) claims priority from nine prior U.S. patent applications, including U.S. Patent Application 12/547,800, which originally published as US2010/0131307, *i.e.*, Collopy.

[0001] This application claims the benefit of U.S. Provisional Application Serial No. 61/118,400, filed on November 26, 2008, entitled “INSURANCE OPTIMIZER AND REAL TIME ANALYTICS”, and U.S. Patent Application Serial No. 12/395,342, entitled “VISIBLE INSURANCE” and filed on February 27, 2009, and U.S. Patent Application Serial No. 12/490,033, entitled “INSURANCE VERTICAL MARKET SPECIALIZATION” and filed on June 23, 2009, and U.S. Patent Application Serial No. 12/498,446, entitled “INSURANCE VERTICAL MARKET SPECIALIZATION”, and filed on July 7, 2009, and U.S. Patent Application Serial No.

12/536,999 entitled “DYNAMIC INSURANCE RATES”, and filed on August 6, 2009, and **U.S. Patent Application Serial No. 12/547,800 entitled "REAL TIME INSURANCE GENERATION" and filed on August 26, 2009**, and U.S. Patent Application Serial No. 12/612,958, entitled “INSURANCE VISIBILITY”, filed on November 5, 2009, U.S. Patent Application Serial No. 12/624,371, entitled, “INCENTIVIZED ADOPTION OF TIME-DEPENDENT INSURANCE BENEFITS” and filed on November 23, 2009, and U.S. Patent Application Serial No. 12/624,366, entitled “MONETIZATION OF PERFORMANCE INFORMATION OF AN INSURED VEHICLE,” filed on November 23, 2009. **The entirety of above-captioned applications are incorporated herein by reference.**

Callopy at [0001] (emphasis added); *see also* ATL-2002 at 245-246 (Callopy PCT File History PCT/US2009/0655730). As such, the Callopy reference appears to simply be an omnibus PCT application combining each of the previously filed US patent applications, all of which claim priority to the original U.S. Provisional Application 61/118,400, including the Collopy reference (WO2010/0131307) which was considered, cited, and used in rejection by the Examiner.

2. Callopy and Collopy Share the Same Disclosure.

Contrary to the Petition’s protestations, Callopy and Collopy share the same disclosure and should be considered the same reference. To start, the nine figures in Collopy are reproduced in Callopy simply with new reference numerals.

“Callopy” WO2010/062899 (USAA-1005)	“Collopy” US2010/0131307 (ATL-2001)
FIG. 40	FIG. 1
FIG. 41	FIG. 2
FIG. 42	FIG. 3
FIG. 43	FIG. 4
FIG. 44	FIG. 5
FIG. 45	FIG. 6
FIG. 46	FIG. 7
FIG. 60	FIG. 8
FIG. 59	FIG. 9

Most of the Petitioner’s annotated diagrams to support its argument of obviousness at [III.A.1.(a); III.A.1.(b); III.A.1.(e); III.B.(a) 1.1; III.B.(a) 1.2; III.B.(a) 1.3; III.B.(a) 1.11; III.B.(a) 1.12] are based on Figure 1 of US2010/01031307 (Collopy) (identical to cited Figure 40 of WO2010/062899 (Callopy) – save for reference numerals). Similarly, one further figure of Callopy which has been used to support the Petition’s obviousness argument at III.A.2(a) [1.11] (Figure 42) is also found in Collopy as Figure 3. It should be noted that at section III.A.2(a) [1.5] of the Petition the figure shown is labelled as USAA-1005, FIG. 3. However, this is incorrect as this figure is from USAA-1006. The figures relied on and annotated by Petitioner were already of record during Prosecution through Collopy.

To further demonstrate the overlapping nature of Callopy and Collopy’s disclosures, ATL presents the following list of paragraphs referred to in the Petition, based on Callopy, and the identical paragraphs found in Collopy:

	“Callopy” WO2010/062899 (USAA-1005)	“Collopy” US2010/01031307 (ATL-2001)		
Where in Petition & Claim	Cited Paragraphs from Callopy	Corresponding Identical Paragraphs in Collopy	Substantially the same paragraph in Collopy	Not explicitly recited in Collopy
III.A.1(a)	Abstract, [0017] – [0018], [0314] – [0316]	[0042] – [0044]		Abstract, [0017] – [0018]
	[0165], [0321]-[0323]	[0049]-[0051]		[0165]
	[0024], [0314] – [0316], [0165]	[0042]-[0044]		[0024], [0165]
	[0085], [0307]	[0023], [0035]		
	[0323] – [0324]	[0051] – [0052]		
	[0323] – [0324]	[0051] – [0052]		
	[0307]	[0035]		
	[0334]	[0062]		
III.A.1(d)	[0017] – [0018], [0165], [0321] – [0323]	[0049] – [0051]		[0017] – [0018], [0165]
	[0306] – [0357]	[0034] – [0085]		
	[0307]	[0035]		
	[0004]		[0004]	
	[0308]	[0036]		
III.A.1(e)	[0307] – [0310]	[0035] – [0038]		
	[0314] – [0324]	[0042] – [0052]		
III.A.2(a) [1.1]	[0307]	[0035]		

	“Callopy” WO2010/062899 (USAA-1005)	“Collopy” US2010/01031307 (ATL-2001)		
Where in Petition & Claim	Cited Paragraphs from Callopy	Corresponding Identical Paragraphs in Collopy	Substantially the same paragraph in Collopy	Not explicitly recited in Collopy
	[0004], [0307], [0308]	[0035], [0036]	[0004]	
	[0307], [0320]	[0035], [0048]		
	[0307], [0323]	[0035], [0051]		
III.A.2(a) [1.2]	[0307]	[0035]		
III.A.2(a) [1.3]	[0307] – [0310], [0314] – [0324]	[0035] – [0038], [0042] – [0052]		
	[0346], [0321], [0329]	[0074], [0049], [0057]		
	[0032], [0038], [0323]	[0013], [0019], [0051]		
III.A.2(a) [1.5]	[0307]	[0035]		
III.A.2(a) [1.6]	[0307]	[0035]		
III.A.2(a) [1.8]	[0308], [0323] – [0324], [0330], [0333] – [0334], [0342], [0346], [0388]	[0036], [0051] – [0052], [0058], [0061] – [0062], [0074]	[0070]	[0388]
	[0307]	[0035]		
	[0323]	[0051]		
III.A.2(a) [1.9]	[0307]	[0035]		
III.A.2(a) [1.10]	[0307]	[0035]		

	“Callopy” WO2010/062899 (USAA-1005)	“Collopy” US2010/01031307 (ATL-2001)		
Where in Petition & Claim	Cited Paragraphs from Callopy	Corresponding Identical Paragraphs in Collopy	Substantially the same paragraph in Collopy	Not explicitly recited in Collopy
	[0309]	[0037]		
	[0323] – [0324], [0330], [0346], [0347], [0388]	[0051] – [0052], [0058], [0074], [0075]		[0388]
	[0346]	[0058]		
III.A.2(a) [1.11]	[0308], [0332]	[0036], [0060]		
	[0317]	[0045]		
	[0333] – [0334]	[0061] – [0062]		
	[0309]	[0037]		
	[0307]	[0035]		
	[0332] – [0334]	[0060] – [0062]		
	[0333]	[0061]		
	[0317]	[0045]		
	[0333] – [0334]	[0061] – [0062]		
III.A.2(a) [1.12]	[0307]	[0035]		
	[0443] – [0445]	[0115] – [0117]		
	[0307] – [0308], [0322], [0329]	[0035] – [0036], [0050], [0057]		
III.A.2(a) [1.13]	[0332] – [0334]	[0060] – [0062]		

	“Callopy” WO2010/062899 (USAA-1005)	“Collopy” US2010/01031307 (ATL-2001)		
Where in Petition & Claim	Cited Paragraphs from Callopy	Corresponding Identical Paragraphs in Collopy	Substantially the same paragraph in Collopy	Not explicitly recited in Collopy
III.A.2(a) [1.14]	[0309], [0323], [0324], [0330], [0332] – [0334], [0346], [0388]	[0037], [0051], [0052], [0058], [0060] – [0062], [0074]		[0388]
III.A.2(b) [2.2]	[0017] – [0018]			[0017] – [0018]
III.B.1(b)	[0014]			[0014]
	[0004], [0307], [0321]	[0035], [0049]	[0004]	
III.C.1(b)	[0330]	[0058]		
III.C.2(g) [12]	[0309]	[0037]		
	[0308], [0333], [0334]	[0036], [0061], [0064]		
III.C.2(g) [13.15], [24.16]	[0307]	[0035]		
	[0004], [0308]	[0036]	[0004]	
III.C.2(g) [22]	[0323]	[0051]		
III.C.2(m) [26]	[0330]	[0058]		

Save for the Abstract and Paragraphs [0014], [0017], [0018], [0024], [0165], and [0388], the entire contents of WO2010/062899 are reproduced word-for-word in Callopy. The entire disclosure of Collopy is incorporated by reference in Callopy.

See USAA-1005 at [0001]. The six paragraphs which are not word-for-word found in Collopy are either not material to the consideration of or are duplicative of the substantive material already disclosed in Collopy. The Examiner considered and applied Collopy during prosecution of the '728 Patent, which ATL overcame by amendment and traversal.

Further, the Petition's analysis of Claim 1 of the '728 Patent, the several paragraphs not explicitly recited in Collopy are used in conjunction with paragraphs that are word-for-word identical in Collopy. This should be taken as a tacit admission that the content of those paragraphs, which are not recited word-for-word in Collopy, have the same subject matter or that the disclosure of Collopy. Therefore, the subject matter disclosed in the several non-reproduced paragraphs was already considered by the Examiner through the Examiner's consideration of the identical disclosure that is Collopy.

There are only two occasions when the above paragraphs of Collopy, which are cited in the Petition and which are not explicitly found word-for-word in Collopy, are *not* cited in conjunction with paragraphs that are found in Collopy. The first of these occasions is for the obviousness rejection against Claim 2 (Ground 1, III.A.2(b) [2.2]) and the second is for the obviousness rejection against Claim 5 (Ground 2, III.B.1(b)). It is noted that both claims are *dependent claims*.

Accordingly, as the Examiner found Claim 1 to be valid during prosecution over Collopy, then any such objections to the present dependent claims are moot. Accordingly, it is immaterial whether the Petitioner considers that these paragraphs are directed to new material which was not considered by the Examiner. Secondly, the actual disclosures upon which Petitioner is relying have already been considered by the Examiner through the virtue of considering and applying Collopy.

The Petition argues that Callopy is a brand-new reference, never considered and distinct from Collopy. Aside from some minor, non-substantive differences, the substantive disclosure of Callopy, the Petition's primary obviousness reference, is identically disclosed in Collopy, which was considered by the Examiner during prosecution of the '728 Patent. Collopy was carefully considered by the Examiner during prosecution and was used in rejections against the then pending claims. These rejections were overcome by ATL's amendments and arguments. *See* USAA-1002 at 201-224 (Amendments and Response to Office Action); 39-52 (Notice of Allowability). Accordingly, the substance of Callopy, has already been carefully considered by the Examiner contrary to Petitioner's assertions in section IV.A of the Petition.

Furthermore, Petitioner has used Callopy as the main reference in its Petition using a modified version of Figure 40 of Callopy eight separate times to support its

obviousness arguments and has also reproduced a modified version of Figure 42 of Callopy. Substantive consideration of Callopy is essential to Petitioner's challenges. However, as Callopy's disclosure was already considered and applied by the Examiner, through consideration of Collopy, the Petition should be denied.

C. Warren Was Submitted to and Considered by the Examiner

Contrary to the Petitioner's assertions in the Petition at page 77 (IV.A) that "*Warren was never before the Office, and thus, not considered by the Examiner.*", Warren (USAA-1008) was before the office and considered by the Examiner. *See* USAA-1002 at 267, 269, 277, 279, 313, 315, 386, and 388. It is unclear why Petitioner would make such an assertion, when the file history clearly shows that Warren was presented to and considered by the Examiner.

21	2006/0053038 A1	03-06-2006	Warren et al.
22	2007/0027583 A1	02-01-2007	Tamir et al.
23	2009/0005975 A1	01-01-2009	Forstall et al.
24	2010/0131691 A1	05-27-2010	Chatterjee et al.
25	2011/0141006 A1	06-16-2011	Rabu
26	2011/0307188 A1	12-15-2011	Peng et al.
27	2005/0046584 A1	03-03-2005	Breed

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.D.P/

USAA-1002 at 277. In fact, all the prior art, save for WO2010/062899 (Callopy), that is cited in the Petition was *explicitly listed* in the prosecution history of the '728 patent and *considered* by the Examiner during prosecution.

Collopy:

42	2010/0131307 A1	05-27-2010	Collopy et al.
----	-----------------	------------	----------------

Katayama:

81	EP 1914691 A1	04-23-2008	Japan Automobile Research Institute
----	---------------	------------	--

Curry:

87	WO 2010/042545 A2	04-15-2010	University of Utah Research Foundation
----	-------------------	------------	---

Thompson:

95	Thompson et al.; "Using Smartphones to Detect Car Accidents and Provide Situational Awareness to Emergency Responders"; Mobile Wireless Middleware, Operating Systems, and Applications; 2010; p. 29-42		
----	---	--	--

Examiner Signature	/TYLER D PAIGE/ (07/23/2024)	Date Considered	07/23/2024
-----------------------	------------------------------	--------------------	------------

USAA-1003 at 278-281.

As discussed above, the relevant, substantive disclosure of Collopy was already considered by the Examiner's citing of Collopy. Accordingly, all of the relevant contents of the prior art relied upon by the Petition were already before and considered by the Examiner. The '728 Patent claims were allowed and issued over each of the cited references now relied upon by the Petition.

V. CONCLUSION

For the foregoing reasons, the Board should find that Petitioner has not carried its burden of proving that any claim of the '728 Patent is invalid and deny the Petition.

Date: July 18, 2025

Respectfully Submitted,

By: /Matthew C. Juren/
Matthew C. Juren
Reg. No. 68,233
Stephens Juren, PLLC
2500 Tanglewilde St., Suite 320
Houston, Texas 77063
Main: 832-344-5400
Direct: 832-990-2707
Fax: 832-476-5460
Email: mjuren@patent-lawyers.com

***Counsel for Patent Owner
Auto Telematics Ltd.***

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), I certify that this Preliminary Response complies with the type-volume limits of 37 C.F.R. § 42.24(b)(2) because it contains **3,354** words, excluding the parts of this Patent Owner's Preliminary Response that are exempted by 37 C.F.R. § 42.24(a)(1), according to the word processing system used to prepare this Patent Owner's Preliminary Response.

/Matthew C. Juren/
Matthew C. Juren

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 18th day of July, 2025, I electronically filed the foregoing document and served a copy of the same on counsel for Petitioner at the following e-mail addresses, as authorized in the Petition:

IPR36137-0034IP1@fr.com (Ref. No. 36137-0034IP1)
PTABInbound@fr.com
axfptab@fr.com
tar@fr.com
patrick@fr.com
zoppo@fr.com
rchowdhury@fr.com

Dated: July 18, 2025

/Matthew C. Juren/
Matthew C. Juren

Law Firm:	Stephens Juren, PLLC
Address:	2500 Tanglewilde Street, Suite 320
City, State, ZIP:	Houston, Texas 77063
Telephone:	832-344-5400
Fax:	832-476-5460
E-mail Address:	mjuren@patent-lawyers.com