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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)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).

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

REMARKS

Claims 1-8, 10-11, and 13-20 are the subject of the Office Action, with claims 1, 15, and 18 being presented in independent form. Claims 9 and 12 are cancelled. With this Response, Applicant has amended claims 1, 5-18, 15, and 18 to include subject matter supported by at least para. [0116]-[0117] in the Specification. New claims 21 and 22 are added, which includes inherent subject matter previously recited in claims 15 and 18, respectively. No new matter has been added. Applicant thanks Examiner for the courtesies extended during the telephone interview on July 2, 2020.

The Applicant respectfully requests the scheduling of an interview consistent with AFCP 2.0. The Examiner is invited to contact the Undersigned if any clarification of the remarks or claims is desired or if such communication could otherwise facilitate prosecution of the application.

Rejections under 35 U.S.C. § 101

Claims 1-8, 10-11, and 13-20 stand rejected under 35 U.S.C. § 101 as being directed to an abstract idea of adjustment to an insurance policy without significantly more.

Applicant respectfully traverses and requests withdrawal of this rejection. Specifically, Examiner asserts that the claims “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).” (Final Office Action, p.3; emphasis added) In making this rejection, the Office generally follows the revised two-step analysis laid out in the USPTO “2019 Revised Patent Subject Matter Eligibility Guidance.” See Federal Register / Vol. 84, No. 4, dated January 7, 2019 (hereinafter “2019 PEG”). Applicant respectfully asserts that the presently amended claims are eligible under the 2019 PEG because the claims are not directed to an abstract idea, and the claims are directed to a technological solution to a technical problem, as explained below.

(1)

Under **Prong One** of Step 2A of the *Alice/Mayo* test, claims are evaluated to determine whether they recite limitations that fall within one of the following groupings of judicial exceptions: (a) mathematical concepts, (b) certain method of organizing human

activity, and (c) mental processes. (2019 PEG, Section III(A)(1)) Applicant respectfully contends that claim 1 as amended does not recite a patent-ineligible method of organizing human activity, inasmuch as amended claim 1 recites a process of having processor(s) to (1) transmit a warning notification to the mobile device or the onboard computer in real-time and (2) limit functionality of the mobile device or at least one component of the insured vehicle for the insured driver if the processor(s) collect telematics data and biometric data that indicate the driver being in a high risk of accident.

An October 2019 Update (hereinafter the “October Update”) to the 2019 PEG clarifies that organizing human activity “is limited to activity that falls within the enumerated sub-groupings of fundamental economic principles or practices, commercial or legal interactions, managing personal behavior, and relationships or interactions between people, and is not to be expanded beyond these enumerated sub-groupings except in rare circumstances as explained in Section III(C) of the 2019 PEG.” (Section II(B) of October Update; emphasis added).

Because the amended claim recites a process that is neither achievable by human intervention nor pertaining to economic, commercial, or legal practices, Applicant respectfully submits that reducing or eliminating distractions of a driver by (1) transmitting a warning notification to the mobile device or the onboard computer in real-time and (2) limiting functionality of the mobile device or at least one component of the insured vehicle is not an abstract idea under Prong One of Step 2A in the *Alice/Mayo* test.

(2)

Under **Prong Two** of Step 2A in the *Alice/Mayo* test, a claim is eligible for patenting if, although allegedly directed to a judicial exception, it recites additional elements that integrate the judicial exception into a practical application. (2019 PEG, Section III(A)(2)) The judicial exception is integrated into a practical application if the additional elements “apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the exception.”

Even assuming, *arguendo*, amended claim 1 is directed to the judicial exception of abstract idea, amended claim 1 is patent eligible because it recites additional elements that are “unconventional or otherwise more than what is well-understood, routine, conventional activity in the field.” (2019 PEG, Section III(B)). Furthermore, Applicant respectfully asserts

that amended claim 1 includes limitations that reflect an improvement in the functioning of a vehicle system to reduce a driver's risk of accident, in which case "the claim integrates the judicial exception into a practical application and thus imposes a meaningful limit on the judicial exception" (Section III(A) of October Update).

The USPTO has provided the following analysis in Example 21, originally issued between December 16, 2014 through December 15, 2016 and included in the examples of the October Update: "However, when looking at the additional limitations as an ordered combination, the invention as a whole amounts to significantly more than simply organizing and comparing data. The claimed invention addresses the Internet-centric challenge of alerting a subscriber with time sensitive information when the subscriber's computer is offline." (Emphasis added).

Similarly, here, amended claim 1 recites meaningful limitations to address the challenge of computer-centric challenge of reducing a driver's risk of accident by analyzing the biometric data and risk aversion score and "determining ... one or more of physical, mental, or emotional conditions of the insured driver" such that when these "conditions indicate a high risk of accident for the insured driver," the processor(s) would then be "transmitting ... a warning notification to the mobile device or the onboard computer in real-time, and limiting ... functionality of the mobile device or at least one component of the insured vehicle for the insured driver." Such features are neither well-understood, routine, conventional in the field of fundamental economic practices (*e.g.*, insurance), which is the field specified in the Final Office Action, nor well-understood, routine, conventional in the field of accident risk reduction. For avoidance of doubt, Applicant respectfully disagrees with the field specified by the Patent Office.

The recited features being "unconventional or otherwise more than what is well-understood, routine, conventional activity in the field," (Section III(B) of 2019 PEG), is also clearly acknowledged by the Patent Office, as there is no 35 U.S.C. §102 or §103 rejections in the Office Action. Further, detailed computer-implemented steps (*e.g.*, analyzing the telematics data and the biometric data to "determin[e] one or more driving risk scores associated with the insured driver"; "generat[e] a risk aversion score associated with the insured driver"; and "determin[e] one or more of physical, mental, or emotional conditions of the insured driver") are recited in amended claim 1 beyond generic computer process as alleged in the Final Office Action. In fact, these steps do not amount to "mere data gathering, which is a form of insignificant extra-solution activity" (Final Office Action, p. 4) as alleged,

but actually are crucial to performing the aforementioned reduction of a driver's risk of accident, and as explained before, reflects an improvement of a vehicle system's functionality to reduce a user's risk of accident.

Therefore, the recited features of amended claim 1 meaningfully apply the abstract idea and hence integrate the abstract idea into a practical application, i.e. "the claim imposes meaningful limits on any recited judicial exception, and the claim would be eligible under the 2019 PEG at least at Step 2A Prong Two" (Section III(A) of October Update), because "the disclosure provides sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement" (Section III(B) of October Update).

In summary, amended claim 1 is directed to patent-eligible subject matter, because amended claim 1 recites features that do not fall into one of the enumerated groupings set forth in the 2019 PEG; or, because the features are integrated into a practical application with improvement to the functioning of a vehicle; or, alternatively because amended claim 1 recites additional elements that are not well-understood, routine, conventional in the field of vehicle safety and accident risk-control. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejections of amended claim 1 and its dependent claims.

Similar arguments also apply to amended claims 15 and 18 and respective dependent claims. Therefore, Applicant respectfully submits that the rejections of claims 1-8, 10-11, and 13-20 under 35 U.S.C. §101 have been overcome and should be withdrawn.

Conclusion

Applicant respectfully submits that claims 1-8, 10-11, and 13-22 are in condition for allowance. Please consider this response as a request for any necessary extensions of time. Applicant hereby authorizes the Office to charge any necessary fees to Deposit Account No. 02-0390, Faegre Drinker Biddle & Reath LLP.

Response to Final Office Action of 5/5/2020

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

Dated: July 20, 2020

By: /Shuang Zhang/
Shuang Zhang
Reg. No. 75,778

Faegre Drinker Biddle & Reath LLP
311 S. Wacker Drive
Chicago, IL 60606
PHONE: (312) 212-2277
FAX: (312) 212-6501

Amendments to the Claims:

This listing of claims supercedes and replaces all prior listings of claims.

1. (Currently Amended) A computer-implemented method for determining general risk aversion using telematics data, comprising:

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, at 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 onboard computer of the insured vehicle;

generating, by the one or more processors, a risk aversion score associated with the insured driver based upon the biometric data associated with the insured driver and 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 aversion 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 upon 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; and~~

in response to determining, by the one or more processors, that the determined one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver,

transmitting, by the one or more processors, a warning notification to the mobile device or the onboard computer in real-time, and

limiting, by the one or more processors associated with the mobile device or

the onboard computer of the insured vehicle, functionality of the mobile device or at least one component of the insured vehicle for the insured driver ~~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.~~

2. (Original) The computer-implemented method of claim 1, wherein determining the one or more driving risk scores includes:

analyzing the collected telematics data to determine one or more of the following usage characteristics: (i) driving characteristics associated with the driving behavior of the insured driver, or (ii) driving environments associated with the driving behavior of the insured driver, and

determining the one or more driving risk scores based upon the determined usage characteristics.

3. (Original) The computer-implemented method of claim 2, wherein

the driving characteristics include one or more of the following: vehicle speed, vehicle braking, vehicle acceleration, vehicle turning, vehicle position in a lane, vehicle distance from other vehicles, use of safety equipment, or insured driver alertness; and

the driving environments include one or more of the following: geographic location, time of day, type of road, weather conditions, traffic conditions, construction conditions, or route traveled.

4. (Original) The computer-implemented method of claim 2, wherein the driving environment includes a daily commute of the insured driver to and from a workplace.

5. (Currently Amended) The computer-implemented method of claim 1, further comprising adjusting 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 an automobile insurance policy.~~

6. (Currently Amended) The computer-implemented method of claim ~~4~~5, wherein the

insurance policy is one or more of the following: an automobile insurance policy, a health insurance policy, a disability insurance policy, an accident insurance policy, or an excess liability insurance policy.

7. (Currently Amended) The computer-implemented method of claim ~~15~~, wherein the adjustment to the insurance policy includes one or more of the following: a premium, a rate, a reward, a deductible, or a limit.

8. (Currently Amended) The computer-implemented method of claim ~~15~~, further comprising:
transmitting, via a communication network, information regarding the adjustment to the insurance policy to one or more insurance customers associated with the insurance policy for review; and
receiving, at the one or more processors, a confirmation of the adjustment to the insurance policy from at least one of the one or more insurance customers.

9. (Cancelled)

10. (Previously Presented) The computer-implemented method of claim 1, wherein determining the one or more driving risk scores includes:
determining the identity of one or more drivers of one or more insured vehicles, including the insured vehicle;
determining usage characteristics of the one or more drivers associated with the one or more insured vehicles, including one or more of the following: (i) an amount that each of the one or more drivers uses each of the one or more insured vehicles, (ii) driving behavior characteristics of each of the one or more drivers with respect to each of the one or more insured vehicles, or (iii) the vehicle environments in which each of the one or more drivers operates the one or more insured vehicles; and
determining the one or more driving risk scores based upon the determined usage characteristics.

11. (Previously Presented) The computer-implemented method of claim 1, wherein determining the one or more driving risk scores is based, at least in part, upon one or more of the following: a location the insured vehicle is parked or an amount of time the insured

vehicle is garaged.

12. (Cancelled)

13. (Previously Presented) The computer-implemented method of claim 1, wherein the one or more sensors are disposed within or communicatively connected to one or more of the following: the mobile device or the on-board computer.

14. (Previously Presented) The computer-implemented method of claim 1, wherein the telematics data further includes data generated by one or more of the following: (i) a vehicle other than the insured vehicle associated with the insured driver; (ii) the insured vehicle, based upon vehicle-to-vehicle communication with one or more other vehicles; (iii) an infrastructure component; or (iv) road side equipment.

15. (Currently Amended) A computer system for determining general risk aversion using telematics data, comprising:

one or more processors;

one or more communication modules adapted to communicate data; and

a program memory coupled to the one or more processors and storing executable

instructions that when executed by the one or more processors cause the computer system to:

collect telematics data associated with driving behavior of an insured driver and biometric data associated with the insured driver from one or more sensors via the one or more communication modules, wherein each driving risk score indicates a level of risk of a vehicle accident based upon driving behavior indicated by the collected telematics data;

determine one or more driving risk scores associated with the insured driver based upon the collected telematics data;

collect 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;

generate a risk aversion score associated with the insured driver based upon the biometric data associated with the insured driver and 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 aversion score indicates risk preferences of the insured driver;

determine ~~(1)~~ one or more of physical, mental, or emotional conditions of the insured driver based upon 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;~~ and

when the determined one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver,

transmit a warning notification to the mobile device or the onboard computer in real-time, and

limit functionality of the mobile device or at least one component of the insured vehicle for the insured driver via the one or more processors associated with the mobile device or the onboard computer of the insured vehicle if the determined one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver; and cause the adjustment to the insurance policy to be implemented.

16. (Original) The computer system of claim 15, wherein the executable instructions that cause the computer system to determine the one or more driving risk scores cause the computer system to:

analyze the collected telematics data to determine one or more of the following usage characteristics: (i) driving characteristics associated with the driving behavior of the insured driver, or (ii) driving environments associated with the driving behavior of the insured driver, and

determine the one or more driving risk scores based upon the determined usage characteristics.

17. (Previously Presented) The computer system of claim 15, wherein the one or more driving risk scores are determined based, at least in part, upon one or more of the following: the identity and usage of an insured vehicle by one or more drivers, a location an insured

vehicle is parked, an amount of time the insured vehicle is garaged, or vehicle maintenance records.

18. (Currently Amended) A tangible, non-transitory computer-readable medium storing instructions for determining general risk aversion using telematics data that, when executed by one or more processors of a computer system, cause the computer system to:

collect telematics data associated with driving behavior of an insured driver and biometric data associated with the insured driver from one or more sensors;

determine 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;

collect 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;

generate a risk aversion score associated with the insured driver based upon the biometric data associated with the insured driver and 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 aversion score indicates risk preferences of the insured driver;

determine ~~(1)~~ one or more of physical, mental, or emotional conditions of the insured driver based upon 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;~~ and

when the determined one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver.

transmit a warning notification to the mobile device of the insured driver or the onboard computer of the insured vehicle in real-time, and

limit functionality of the mobile device or at least one component of the insured vehicle for the insured driver via the one or more processors associated with the mobile device or the onboard computer of the insured vehicle if the determined

~~one or more of the physical, mental, or emotional conditions indicate a high risk of accident for the insured driver, and cause the adjustment to the insurance policy to be implemented.~~

19. (Original) The tangible, non-transitory computer-readable medium of claim 18, wherein the instructions that cause the computer system to determine the one or more driving risk scores cause the computer system to:

analyze the collected telematics data to determine one or more of the following usage characteristics: (i) driving characteristics associated with the driving behavior of the insured driver, or (ii) driving environments associated with the driving behavior of the insured driver, and

determine the one or more driving risk scores based upon the determined usage characteristics.

20. (Previously Presented) The tangible, non-transitory computer-readable medium of claim 18, wherein the one or more driving risk scores are determined based, at least in part, upon one or more of the following: the identity and usage of an insured vehicle by one or more drivers, a location an insured vehicle is parked, an amount of time the insured vehicle is garaged, or vehicle maintenance records.

21. (New) The computer system of claim 15, wherein the executable instructions cause the computer system to adjust 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, the insurance policy being at least one of (i) a homeowners insurance policy, (ii) a renters insurance policy, or (iii) a life insurance policy.

22. (New) The tangible, non-transitory computer-readable medium of claim 18, wherein the instructions cause the computer system to adjust 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, the insurance policy being at least one of (i) a homeowners insurance policy, (ii) a renters insurance policy, or (iii) a life insurance policy.