

EXHIBIT A

**United States Court of Appeals
for the Federal Circuit**

AMDOCS (ISRAEL) LIMITED,
Plaintiff-Appellant

v.

**OPENET TELECOM, INC.,
OPENET TELECOM LTD.,**
Defendants-Appellees

2015-1180

Appeal from the United States District Court for the Eastern District of Virginia in No. 1:10-cv-00910-LMB-TRJ, Judge Leonie M. Brinkema.

Decided: November 1, 2016

S. CALVIN WALDEN, Wilmer Cutler Pickering Hale and Dorr LLP, New York, NY, argued for plaintiff-appellant. Also represented by BRITTANY BLUEITT AMADI, GREGORY H. LANTIER, JAMES QUARLES III, Washington, DC.

BRIAN PANDYA, Wiley Rein, LLP, Washington, DC, argued for defendants-appellees. Also represented by SCOTT A. FELDER, JAMES HAROLD WALLACE, JR., ERIC HAROLD WEISBLATT.

Before NEWMAN, PLAGER, and REYNA, *Circuit Judges*.

Opinion for the court filed by *Circuit Judge* PLAGER.

Dissenting opinion filed by *Circuit Judge* REYNA.

PLAGER, *Circuit Judge*.

This is a patent case, in which the outcome turns on the application of the “abstract idea” test, a judicially-created limitation on patent eligibility under § 101 of the Patent Act, 35 U.S.C. § 101.

Plaintiff-Appellant Amdocs (Israel) Limited (“Amdocs”) sued Defendants-Appellees Openet Telecom, Inc. and Openet Telecom Ltd. (collectively, “Openet”) for infringing four U.S. Patents, Nos. 7,631,065 (“065 patent”); 7,412,510 (“510 patent”); 6,947,984 (“984 patent”); and 6,836,797 (“797 patent”). In the wake of *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347 (2014), the district court granted Openet’s motion for judgment on the pleadings, finding that the patents were not directed to patent eligible subject matter under § 101. Amdocs appeals.

For the reasons we shall explain, we reverse and remand for further proceedings.

BACKGROUND

Prosecution History and Technology

Although we need not recapitulate every detail of these patents, we describe them sufficiently for purposes of this opinion. Additional background is available in our opinion from the prior appeal in this case. *See Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 761 F.3d 1329, 1331–36 (Fed. Cir. 2014) (“*Amdocs I*”).

The patents in suit concern, inter alia, parts of a system designed to solve an accounting and billing problem faced by network service providers. Each patent descends from U.S. Patent Application No. 09/442,876,

which issued as U.S. Patent No. 6,418,467. One of the patents in suit, the '797 patent, issued as a result of a continuation-in-part application, while the other three patents issued as a result of continuation applications.

The '065 patent concerns a system, method, and computer program for merging data in a network-based filtering and aggregating platform as well as a related apparatus for enhancing networking accounting data records. The '510 patent concerns a system, method, and computer program for reporting on the collection of network usage information. The '984 patent concerns a system and accompanying method and computer program for reporting on the collection of network usage information from a plurality of network devices. The '797 patent concerns a system, method, and computer program for generating a single record reflecting multiple services for accounting purposes.

Each patent's written description describes the same system, which allows network service providers to account for and bill for internet protocol ("IP") network communications. The system includes network devices; information source modules ("ISMs"); gatherers; a central event manager ("CEM"); a central database; a user interface server; and terminals or clients. *See, e.g.*, '065 patent at 4:29–33, 43–54.

Network devices represent any devices that could be included on a network, including application servers, and also represent the source of information accessed by the ISMs. *Id.* at 5:10–26. The ISMs act as an interface between the gatherers and the network devices and enable the gatherers to collect data from the network devices. *Id.* at 5:33–35. The ISMs represent modular interfaces that send IP usage data in real time from network devices to gatherers. *Id.* at 5:35–39. Gatherers can be hardware and software installed on the same network segment as a network device or on an application

server itself to minimize the data traffic impact on a network; gatherers “gather the information from the ISMs.” *Id.* at 6:54, 58–64. Gatherers also normalize data from the various types of ISMs and serve as a distributed filtering and aggregation system. *Id.* at 7:5–8. The CEM provides management and control of the ISMs and gatherers, and the CEM can perform several functions including performing data merges to remove redundant data. *Id.* at 8:13–67. The central database is the optional central repository of the information collected by the system and is one example of a sink for the data generated by the system. *Id.* at 9:1–5. The user interface server allows multiple clients or terminals to access the system, and its primary purpose is to provide remote and local platform independent control for the system. *Id.* at 10:5–12.

Importantly, these components are arrayed in a distributed architecture that minimizes the impact on network and system resources. *Id.* at 3:56–65. Through this distributed architecture, the system minimizes network impact by collecting and processing data close to its source. *Id.* The system includes distributed data gathering, filtering, and enhancements that enable load distribution. *Id.* at 4:33–42. This allows data to reside close to the information sources, thereby reducing congestion in network bottlenecks, while still allowing data to be accessible from a central location. *Id.* at 4:35–39. Each patent explains that this is an advantage over prior art systems that stored information in one location, which made it difficult to keep up with massive record flows from the network devices and which required huge databases. *See, e.g., id.* at 4:39–42.

Procedural History

In 2010, Amdocs sued Openet for patent infringement in the United States District Court for the Eastern District of Virginia. Amdocs asserted that Openet infringed

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