

## Fed Circuit Reverses Finding in Favor of Amdocs, Weighs in on Patent Claim Eligibility

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On November 1, 2016, WilmerHale achieved a significant victory for Amdocs (Israel) Limited, when the Federal Circuit reversed the US District Court for the Eastern District of Virginia's determination that all asserted claims of four Amdocs patents were directed to patent-ineligible subject matter under 35 U.S.C. § 101. The ruling was of wide interest as it determined that the courts should apply the "classic common law methodology" for determining patent eligibility of claims under Section 101, that is, the courts should "examine earlier cases in which a similar or parallel descriptive nature can be seen," and follow the holdings of those cases.

In August 2010, Amdocs sued Openet Telecom, Inc. and Openet Telecom Ltd. in the Eastern District of Virginia for infringement of four patents relating to systems for accounting and billing for services in telecommunication networks such as the Internet. Amdocs accused Openet's FusionWorks Framework software of infringing its patents and sought damages and a permanent injunction to prohibit Openet from selling its infringing software in the United States. In January 2013, the district court granted summary judgment of non-infringement against Amdocs for the four asserted patents. Amdocs appealed the district court's order, and in August 2014, the Federal Circuit issued a decision reversing the district court's grant of summary judgment as to all four asserted patents and remanding the case to district Court. (*Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 761 F.3d 1329 (Fed. Cir. 2016)(*"Amdocs I"*)). Shortly following remand, Openet filed a motion for judgment on the pleadings, asserting that all asserted claims were patent-ineligible under the Supreme Court's decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014). The district court granted Openet's motion and Amdocs then appealed a second time.

On this second appeal, the Federal Circuit again analyzed the asserted claims from the four patents, and again reversed and remanded on all asserted claims from the four patents. Based on its "examination of eligible and ineligible claims of a similar nature from past cases," the Court analogized the Amdocs claims to those that were found to be patent-eligible in other cases including *DDR Holdings LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1255 (Fed. Cir. 2014) and *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1342 (Fed. Cir. 2016).

Partner [Calvin Walden](#) argued the appeal before the Federal Circuit, with an appeal team that included Partners James Quarles and [Greg Lantier](#), Senior Associate [Brittany Amadi](#) and Associate [Jeffrey Dennhardt](#).