

UT Law CLE

The Supreme Court's Decision in *Google v. Oracle*



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Agenda

1. **Background of the case:** How did we get here?
2. **Breaking down the decision:** What exactly did the Supreme Court decide?
3. **Immediate effects:** What does this mean for Oracle, for Google, and for Java? What is the effect on software?
4. **Effect on copyright:** How might the Google v. Oracle decision apply more generally?
5. **What's next:** What cases and issues are likely to be litigated next?

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1. Background of the Case

- **2006:** Google decides to build Android using the Java language. Unable to come to a licensing deal with Sun, Google decides to re-implement Java for Android, copying just the API specifications.
- **APIs:**

What is an API? The Federal Circuit described an API as a tool that “allow[s] programmers to use . . . prewritten code to build certain functions into their own programs, rather than write their own code to perform those functions from scratch.” *Oracle America, Inc. v. Google, Inc.*, 750 F.3d 1339, 1349 (2014).

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1. Background of the Case

- **APIs, cont.:** From oral arguments:

"It's like the QWERTY keyboard," Breyer said in a question to Oracle's lawyer. "You didn't have to have a QWERTY keyboard on typewriters in the beginning. But my God, if you let somebody have a copyright on that now, they would control all typewriters, which really has nothing to do with copyright."

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1. Background of the Case

- **2010:** Oracle buys Sun and sues Google for copyright and patent infringement.
- **2012:** Google wins on copyrightability of the copied API code. 872 F. Supp. 2d 974 (N.D. Cal. 2012)
- **2014:** The Federal Circuit reverses-the API is copyrightable-and remands for an analysis of fair use. 750 F.3d 1339 (Fed. Cir. 2014) (*“Oracle I”*)

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1. Background of the Case

- **2016:** Google wins a general jury verdict on fair use for its copying of the API code. (2016 WL 5393938)
- **2018:** The Federal Circuit reverses the jury verdict-the use of the API code was not fair use. 86 F.3d 1179 (Fed. Cir. 2018) (*“Oracle II”*)

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