

## Google Beats Oracle's \$8.8 Billion Damages Claim after Jury Finds Fair Use

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**PRACTICES** Intellectual Property, Copyright, Patent Litigation, Intellectual Property Litigation

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Six years after Oracle first accused Google's popular Android platform of infringing Oracle's copyrights in Java application programming interfaces ("**APIs**"), a Northern District of California jury has found that Google's copying constituted fair use. Oracle was seeking \$8.8 billion in damages for the alleged infringement. But the verdict allows Google to avoid all liability and obviates the need for a second trial in which the jury was set to hear evidence that Google willfully infringed.

The parties initially went to trial in 2012 on claims of patent and copyright infringement, where a jury found that Google had in fact copied portions of the Java APIs. The district judge overturned the verdict on the basis that the APIs were "functional" and therefore not entitled to copyright protection. Oracle appealed and won a reversal at the Federal Circuit. In its high-profile opinion, the Federal Circuit found that while the APIs were functional in some ways, they were still entitled to copyright protection. After the Supreme Court declined review, the Federal Circuit remanded the case for a trial on Google's fair-use defense and Oracle's damages claims. The trial began May 9, 2016 and jurors heard testimony from high-ranking Silicon Valley executives like Google co-founder Larry Page and Oracle's executive chairman Lawrence Ellison.

Many in the software industry have carefully watched the case, which has far-reaching implications for software developers who rely on programming languages like Java. APIs help programs share data with one another and have become critical to mobile and cloud technology. With so much at stake, Oracle has already announced plans to appeal the verdict, and the case is unlikely to come to a final resolution any time soon.

This is the second major copyright fair use win for Google in as many months. In April, the United States Supreme Court declined to review a Second Circuit ruling holding that Google's digital library of millions of books constituted a permissible fair use, insulating Google from copyright claims asserted by the Author's Guild.

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