

## Jason Bloom in Law360: Copyright Cases to Watch in 2018

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

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*Law360* quoted Partner [Jason Bloom](#), head of Haynes Boone's Copyright Practice Group, in a preview of big cases ahead in the field.

With another round of Oracle's battle against Google and a potentially game-ending ruling on pre-1972 recordings, 2018 is shaping up as another busy year on the copyright front, *Law360* [reported](#).

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Following oral arguments in early December, the Federal Circuit is set to once again weigh in ... on the years-long copyright battle between Google Inc. and Oracle America Inc.'s battle over the Android operating system.

The two tech giants have been battling since way back in 2010, when Oracle accused Google of copying portions of its Java software code and incorporating it into the Android smartphone operating system.

The early phases of the case dealt with whether the chunks of code that Google allegedly copied — prewritten blocks called application programming interfaces, or APIs — were even eligible for copyright protection in the first place, but the Federal Circuit ruled they were covered in 2014.

That sent the case back to a San Francisco courtroom for a high-profile trial in 2016 over whether Google's use of the code was nonetheless legal under the fair use doctrine — a trial Google won, clearing the company of liability that could have reached \$8.8 billion.

The case is now on its second trip up to the Federal Circuit, where the court is weighing whether jurors got it right that Google's use of the code was fair. ...

If the court eventually sides with Oracle — and the judges had tough questions for Google during oral arguments — it would revive a case that has already been litigated for more than seven years, putting the tech giant at risk of huge damages and raising new questions about how fair use applies to software.

"The way that comes down will be huge," said Jason Bloom, a partner at Haynes Boone. "We've seen the application of fair use expanding in recent years with respect to new technologies, so it'll be interesting to see if the pendulum starts to go in the other direction."

The case is *Oracle America Inc. v. Google Inc.*, case number 17-1118, in the U.S. Court of Appeals for the Federal Circuit. ....

Excerpted from *Law360*. To read the full article, click [here](#) (Subscription required).