

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

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**PRACTICES** Intellectual Property, Copyright

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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 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.

Oracle initially brought claims for infringement of both patents and copyrights. But after a 2012 trial, the jury found non-infringement on all patent claims. Oracle ultimately chose not to appeal the jury's verdict of non-infringement, ending the litigation over the patent claims.

On the copyright claims, a jury found that Google had in fact copied portions of the Java APIs. But 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, which had jurisdiction based on the patent claims litigated at the district court. 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. Based on the jury's verdict, the district court entered final judgment in favor of Google in June 2016.

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 to the Federal Circuit, 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.