

EXHIBIT A

ORACLE'S PROPOSED FINAL JUDGMENT

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA (DMR)

FINAL JUDGMENT

Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

1 WHEREAS a jury trial was held in this matter from April 16 to May 23, 2012;

2 WHEREAS a partial jury verdict was rendered on May 7, 2012, on Oracle’s copyright
3 infringement claim, finding that (1) Google infringed the structure, sequence, and organization of
4 the accused 37 Java API packages, but failing to reach a verdict on whether the use constituted
5 “fair use”; (2) Google did not infringe as to the documentation for the accused 37 Java API
6 packages; (3) Google did infringe as to the rangeCheck code in TimSort.java and
7 ComparableTimSort.java; (4) Google did not infringe as to the eight decompiled files (seven
8 “Impl.java” files and one “ACL” file); and (5) Google did not infringe as to the English-language
9 comments in CodeSourceTest.java and CollectionCertStoreParametersTest.java;

10 WHEREAS, on May 11, 2012, the Court granted Oracle’s motion for judgment of
11 copyright infringement as to the eight decompiled files;

12 WHEREAS a jury verdict was rendered on May 23, 2012, on Oracle’s patent infringement
13 claims, finding that Google did not infringe U.S. Patents RE38,104 and 6,061,520;

14 WHEREAS, on May 31, 2012, the Court dismissed Oracle’s claim for copyright
15 infringement as to the structure, sequence, and organization of the accused 37 Java API packages;

16 WHEREAS, on May 31, 2012, the Court, sitting as the trier-of-fact, rejected on the merits
17 Google’s affirmative defenses of implied license and waiver, for both copyright and patent
18 infringement, and denied Google’s equitable estoppel and laches defenses as moot;

19 WHEREAS Google voluntarily withdrew its invalidity defenses to the ’104 and ’520
20 patents; and

21 WHEREAS Oracle voluntarily withdrew its claims for infringement of U.S. Patents
22 6,125,447; 6,192,476; 5,966,702; 7,426,720; and 6,910,205; under the terms set forth by the
23 Court in its orders of May 3, 2011 and March 2, 2012, specifying that “Oracle may not renew
24 those infringement claims in a subsequent action except as to new products”;

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1 Therefore, good cause appearing, it is **ORDERED, ADJUDGED, AND DECREED** that:

2 1. Oracle's Claim for Infringement of the '447 Patent (Count I) is voluntarily
3 dismissed with prejudice.¹

4 2. Oracle's Claim for Infringement of the '476 Patent (Count II) is voluntarily
5 dismissed with prejudice.

6 3. Oracle's Claim for Infringement of the '702 Patent (Count III) is voluntarily
7 dismissed with prejudice.

8 4. Oracle's Claim for Infringement of the '720 Patent (Count IV) is voluntarily
9 dismissed with prejudice.

10 5. On Oracle's Claim for Infringement of the '104 Patent (Count V), judgment is
11 entered in favor of Google, pursuant to the jury's May 23, 2012 verdict of non-infringement.

12 6. Oracle's Claim for Infringement of the '205 Patent (Count VI) is voluntarily
13 dismissed with prejudice.

14 7. On Oracle's Claim for Infringement of the '520 Patent (Count VII), judgment is
15 entered in favor of Google, pursuant to the jury's May 23, 2012 verdict of non-infringement.

16 8. On Oracle's Claim for Copyright Infringement (Count VIII) as to the
17 documentation for the accused 37 Java API packages, judgment is entered in favor of Google,
18 pursuant to the jury's May 7, 2012 verdict of non-infringement.

19 9. On Oracle's Claim for Copyright Infringement (Count VIII) as to the rangeCheck
20 code in TimSort.java and ComparableTimSort.java, judgment is entered in favor of Oracle,
21 pursuant to the jury's May 7, 2012 verdict of infringement. Statutory damages for Google's
22 infringement as to the rangeCheck code are set in the amount of \$ ____.

23 10. On Oracle's Claim for Copyright Infringement (Count VIII) as to the English-
24 language comments in CodeSourceTest.java and CollectionCertStoreParametersTest.java,
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26 ¹ All patent infringement claims that are voluntarily dismissed under this Judgment are
27 dismissed with prejudice except as to new products that Google may introduce after the date of
28 this Judgment, pursuant to the terms of the Court's May 3, 2011 and March 2, 2012 orders.

1 judgment is entered in favor of Google, pursuant to the jury's May 7, 2012 verdict of non-
2 infringement.

3 11. On Oracle's Claim for Copyright Infringement (Count VIII) as to the eight
4 decompiled files (seven "Impl.java" files and one "ACL" file), judgment is entered in favor of
5 Oracle, pursuant to the Court's order of May 11, 2012. Statutory damages for Google's
6 infringement as to the eight decompiled files are set in the amount of \$_____.

7 12. Oracle's Claim for Copyright Infringement (Count VIII) as to the structure,
8 sequence, and organization of the accused 37 Java API packages is dismissed with prejudice,
9 pursuant to the Court's order of May 31, 2012.

10 13. Google's affirmative defenses of invalidity of the '104 and '520 Patents are
11 voluntarily dismissed with prejudice.

12 14. Google's affirmative defenses of implied license and waiver, for both copyright
13 and patent infringement, are dismissed with prejudice, pursuant to the Court's May 31, 2012
14 order.

15 15. On Google's Counterclaim for Declaratory Judgment of Non-Infringement of the
16 '104 Patent (Count One), judgment is entered in favor of Google, pursuant to the jury's May 23,
17 2012 verdict of non-infringement. The Court declares that Google has not infringed and does not
18 infringe the '104 Patent.

19 16. Google's Counterclaim for Declaratory Judgment of Invalidity of the '104 Patent
20 (Count Two) is voluntarily dismissed with prejudice.

21 17. Google's Counterclaim for Declaratory Judgment of Non-Infringement of the '702
22 Patent (Count Three) is dismissed as moot in light of Oracle's voluntary dismissal of its
23 infringement claim.

24 18. Google's Counterclaim for Declaratory Judgment of Invalidity of the '702 Patent
25 (Count Four) is dismissed as moot in light of Oracle's voluntary dismissal of its infringement
26 claim.

27 19. On Google's Counterclaim for Declaratory Judgment of Non-Infringement of the
28 '520 Patent (Count Five), judgment is entered in favor of Google, pursuant to the jury's May 23,

1 2012 verdict of non-infringement. The Court declares that Google has not infringed and does not
2 infringe the '520 Patent.

3 20. Google's Counterclaim for Declaratory Judgment of Invalidity of the '520 Patent
4 (Count Six) is voluntarily dismissed with prejudice.

5 21. Google's Counterclaim for Declaratory Judgment of Non-Infringement of the '447
6 Patent (Count Seven) is dismissed as moot in light of Oracle's voluntary dismissal of its
7 infringement claim.

8 22. Google's Counterclaim for Declaratory Judgment of Invalidity of the '447 Patent
9 (Count Eight) is dismissed as moot in light of Oracle's voluntary dismissal of its infringement
10 claim.

11 23. Google's Counterclaim for Declaratory Judgment of Non-Infringement of the '476
12 Patent (Count Nine) is dismissed as moot in light of Oracle's voluntary dismissal of its
13 infringement claim.

14 24. Google's Counterclaim for Declaratory Judgment of Invalidity of the '476 Patent
15 (Count Ten) is dismissed as moot in light of Oracle's voluntary dismissal of its infringement
16 claim.

17 25. Google's Counterclaim for Declaratory Judgment of Non-Infringement of the '205
18 Patent (Count Eleven) is dismissed as moot in light of Oracle's voluntary dismissal of its
19 infringement claim.

20 26. Google's Counterclaim for Declaratory Judgment of Invalidity of the '205 Patent
21 (Count Twelve) is dismissed as moot in light of Oracle's voluntary dismissal of its infringement
22 claim.

23 27. Google's Counterclaim for Declaratory Judgment of Non-Infringement of the '720
24 Patent (Count Thirteen) is dismissed as moot in light of Oracle's voluntary dismissal of its
25 infringement claim.

26 28. Google's Counterclaim for Declaratory Judgment of Invalidity of the '720 Patent
27 (Count Fourteen) is dismissed as moot in light of Oracle's voluntary dismissal of its infringement
28 claim.

1 29. On Google’s Counterclaim for Declaratory Judgment of Non-Infringement of the
2 Asserted Copyrights (Count Fifteen) as to the documentation for the accused 37 Java API
3 packages, judgment is entered in favor of Google, pursuant to the jury’s May 7, 2012 verdict of
4 non-infringement. The Court declares that Google has not infringed and does not infringe
5 Oracle’s copyrights as to the documentation for the accused 37 Java API packages.

6 30. On Google’s Counterclaim for Declaratory Judgment of Non-Infringement of the
7 Asserted Copyrights (Count Fifteen) as to the rangeCheck code in TimSort.java and
8 ComparableTimSort.java, judgment is entered in favor of Oracle, pursuant to the jury’s May 7,
9 2012 verdict of infringement.

10 31. On Google’s Counterclaim for Declaratory Judgment of Non-Infringement of the
11 Asserted Copyrights (Count Fifteen) as to the English-language comments in
12 CodeSourceTest.java and CollectionCertStoreParametersTest.java, judgment is entered in favor
13 of Google, pursuant to the jury’s May 7, 2012 verdict of non-infringement. The Court declares
14 that Google has not infringed and does not infringe Oracle’s copyrights as to the English-
15 language comments in CodeSourceTest.java and CollectionCertStoreParametersTest.java.

16 32. On Google’s Counterclaim for Declaratory Judgment of Non-Infringement of the
17 Asserted Copyrights (Count Fifteen) as to the eight decompiled files (seven “Impl.java” files and
18 one “ACL” file), judgment is entered in favor of Oracle, pursuant to the jury’s May 7, 2012
19 verdict of non-infringement.

20 33. Google’s Counterclaim for Declaratory Judgment of Non-Infringement of the
21 Asserted Copyrights (Count Fifteen) as to the structure, sequence, and organization of the accused
22 37 Java API packages is dismissed as moot in light of the Court’s dismissal with prejudice of
23 Oracle’s infringement claim.

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DATED this ____ day of June, 2012.

BY THE COURT:

By: _____
Hon. William H. Alsup
United States District Court Judge