

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,
Plaintiff,
v.
GOOGLE INC.,
Defendant.

No. C 10-03561 WHA

**ADJUSTMENTS TO FAIR-USE
INSTRUCTION**

The Court intends to amend its already-circulated proposed fair-use instructions (Dkt. No. 1688) to include (with slight modification for context) the statement of our court of appeals in *Wall Data Inc. v. Los Angeles County Sheriff's Dept.*, 447 F.3d 769 (9th Cir. 2006), at page 778, first full paragraph, first column, beginning with "as we balance" through "as reasonable." This insert will go in the last paragraph of the instruction. Also, on page 5, line 23, the phrase "Unless it was a fair use, however," will be added before "Google" and "however" will be deleted on the next line, this to avoid an unintended misstatement of law. Please take these adjustments into account in your upcoming critiques.

IT IS SO ORDERED.

Dated: April 22, 2016.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE