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

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

**NOTICE RE DISCUSSION ITEMS AT
FINAL PRETRIAL CONFERENCE**

GOOGLE INC.,

Defendant.

At the final pretrial conference on Wednesday, March 28, both sides should be prepared to address the following.

A. Questions For Both Parties.

Illustrate the extent to which the 37 APIs in suit actually have “an elaborate set of interdependencies and relationship within and across different packages,” as argued by Oracle. Specific examples and charts showing how API X ties into API Y will help. A list of all such interdependencies from each API to all others (of the 37) will be appreciated. In addition to the 37 APIs in suit, how many more official Java APIs are available? Relatedly, how many more official Android APIs are available? Can the “structure, arrangement, and selection” of APIs be protected by patent law? If the “structure, arrangement, and selection” of APIs was not copyrightable under Section 102(b), what is left for the jury to decide at trial regarding the API claims (specifications and implementation)? Are the 37 APIs necessary (theoretically or practically) for using the Java programming language? Are the 11 copied code files part of the 37 accused APIs?

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B. Questions For Oracle.

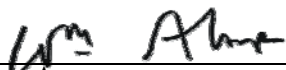
By claiming that Google infringes the API implementation, is Oracle alleging that Google copied the source code implementing the APIs? Is Oracle also claiming that Google's source code implementation of the Android APIs is a derivative work of the Java API specifications? What is Oracle's answer to Google's point in reply that the copyright registrations do not create a presumption as to the copyrightability of the APIs? Are there any aspects of the APIs that Oracle concedes are unprotectable by copyright?

C. Questions For Google.

Does Google admit to copying the structure, arrangement, and selection of the Java APIs? Are these 11 source code file removed from Android?

IT IS SO ORDERED.

Dated: March 27, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE