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

ORDER GRANTING IN PART GOOGLE'S MOTION TO DEEM ISSUES UNDISPUTED

Defendant Google Inc. filed a motion to deem three issues undisputed at trial. Oracle opposed all three proposals. After reviewing both parties' submissions, this order holds that Google's motion is **GRANTED IN PART** as follows.

The jury shall be told: "The Java programming language is open and free for anyone to use but the parties disagree on whether the Java APIs and class libraries are part of the Java programming language." This instruction reflects Oracle's concessions at hearings.

The jury shall be told: "The names of the various items appearing in the disputed API package specifications, such as names of API files, packages, classes, and methods, are not protected." This instruction reflects the Court's order on summary judgment (Dkt. No. 433).

Google's third proposal is not adopted and will be a matter of proof at trial.

IT IS SO ORDERED.

Dated: April 11, 2012.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California