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GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**GOOGLE'S PROPOSED FINDINGS OF
FACT REGARDING THE
COPYRIGHTABILITY OF THE
STRUCTURE, SELECTION AND
ORGANIZATION OF THE 37 APIS**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

- 1 1. An API consists of a set of names that can be used to access features of a library,
2 together with specified conventions about their use.
- 3 2. API specifications, by design, describe the structure, selection and organization
4 (“SSO”) of API elements needed for compatibility between implementations of the APIs, and
5 with programs using the APIs.
- 6 3. The 37 APIs are fundamental to the Java language.
- 7 4. Developers learn the 37 APIs when they learn the Java language.
- 8 5. Developers treat the 37 APIs as part of the Java language.
- 9 6. The Java language cannot be implemented without many of the 37 APIs.
- 10 7. Without the 37 APIs, the Java language cannot perform basic tasks, e.g., receiving
11 input from and providing output to the user, or processing text strings.
- 12 8. The 37 APIs and their SSO are how developers access the implementing code in
13 the 37 API packages, and thus the functionality provided by that code.
- 14 9. Developers cannot use the 37 APIs without relying on their SSO.
- 15 10. The SSO of the 37 APIs are functional requirements for compatibility with the 37
16 APIs.
- 17 11. The 37 APIs cannot be implemented without their SSO.
- 18 12. Code using different APIs with different SSO than the 37 APIs will not be
19 compatible with the 37 APIs.
- 20 13. The design of the 37 APIs and their SSO is constrained by external factors
21 including functionality, efficiency and ease of use.
- 22 14. The 37 APIs and their SSO build on previous programming languages and long-
23 accepted conventions.
- 24 15. The 37 APIs and their SSO are a system of expression developers use when
25 programming in the Java language.
- 26 16. For years before this litigation, Sun was aware of, and did not object to, use of the
27 37 APIs and their SSO in GNU Classpath, Apache Harmony and Android.
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Dated: April 12, 2012

KEKER & VAN NEST LLP

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