Oracle America, Inc. v. Google Inc. Doc. 938

United States District Court
For the Northern District of California

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 ORACLE'S MOTION TO DEEM ISSUES UNDISPUTED AND DENYING RELIEF REGARDING STATEMENT TO JURY

Oracle moves to deem issues undisputed (Dkt. No. 908) and for relief regarding statement to jury (Dkt. No. 909). Google opposes. After reviewing the parties' briefs, the following will be told to the jury:

1) "The Java APIs as a whole meet the low threshold for originality required by the Constitution." This instruction reflects Google's admission in its March 23 brief (Dkt. No. 823 at 9) and April 13 brief (Dkt. No. 914).

2) "Sun released the specifications for Sun's Java platform, including Sun's Java virtual machine, under a free-of-charge license that allowed developers to create "clean room" implementations of Sun's Java specifications. If those implementations demonstrate compatibility with the Java specification, then Sun would provide a license for any of its intellectual property needed to practice the specification, including patent rights and copyrights. The only way to demonstrate compatibility with the Java specification is by meeting all of the requirements of Sun's Technology Compatibility Kit ("TCK") for a particular edition of Sun's Java. Importantly, however, TCKs were only available from Sun, initially were not available as open source, were provided solely at Sun's

Dockets.Justia.com

discretion, and included several restrictions, such as additional licensing terms and fees. In essence, although developers were free to develop a competing Java virtual machine, they could not openly obtain an important component needed to freely benefit from Sun's purported open-sourcing of Java." This instruction reflects Google's admission in its Answer to Oracle's Amended Complaint (Dkt. No. 51) and its April 13 brief. The Court will read this statement in its entirety. Oracle's requested excerpts standing alone and out of context would be confusing.

3) "Although Sun eventually offered to open source the TCK for Java SE, Sun included field of use restrictions that limited the circumstances under which Apache Harmony users could use the software that the Apache Software Foundation created, such as preventing the TCK from being executed on mobile devices." This instruction reflects Google's admission in its Answer and its April 13 brief.

Oracle's second request to deem undisputed, that "Google has admitted that the Java programming language is distinct from the Java APIs and class libraries," is **DENIED**. Google did not make such an unequivocal admission in its pleadings.

With respect to Dkt. No. 896, Oracle's motion for modification is **DENIED**. The point about the structure, sequence, and organization will be appropriately addressed in other instructions.

The Court will read each statement to the jury at the time Oracle wishes but only once. The Court will advice the jury that the admission has been made, and that they may consider the admission as evidence along with all other evidence at trial. The jury will be told that the admissions are not conclusive. These same will apply to the prior order on Google's request to deem undisputed (Dkt. No. 896).

IT IS SO ORDERED.

Dated: April 18, 2012.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE