

**Oracle Am., Inc. v. Google, Inc.,**  
**750 F.3d 1339 (Fed. Cir. 2014)**  
*cert. denied* 135 S. Ct. 2887 (2015)

Year	2014
Court	United States Court of Appeals for the Federal Circuit
Key Facts	Plaintiff Oracle America, Inc. owned patents and copyrights related to several software application programming interface (API) packages. Oracle alleged that defendant Google, Inc.'s Android mobile operating system infringed its API packages. The parties agreed that the jury would decide infringement, fair use, and whether any copying was de minimis, while the district judge would decide copyrightability and Google's equitable defenses. The district court did not order a new trial when the jury hung on Google's fair use defense because the district judge concluded that the elements of the API packages that Google had copied, including their declaring code and their structure, sequence, and organization, were not subject to copyright protection. Oracle appealed the district judge's finding regarding copyrightability, and asked the court of appeals to also rule that Google's use was not fair.
Issue	Whether the declaring code of API packages and the packages' structure, sequence, and organization are subject to copyright protection.
Holding	The Court of Appeals for the Federal Circuit found that the API packages and those packages' structure, sequence, and organization were subject to copyright protection. The court then remanded the case to the district court for consideration of the fair use issues. In doing so, however, the court did comment on a few aspects of the fair use issues in the case, noting that it was undisputed that Google's use of the API packages was commercial but that there was disagreement about whether Google's use was transformative. The court also observed that the considerations it reviewed relating to the functional aspects of the packages and interoperability that are relevant to copyrightability may also be relevant to a fair use analysis. Additionally, regarding market impact, the court noted that there were material facts in dispute as to whether both parties had successfully entered the relevant market or not.
Tags	Federal Circuit; Computer program
Outcome	Preliminary ruling, mixed result, or remand

Source: U.S. Copyright Office Fair Use Index. For more information, see <http://copyright.gov/fair-use/index.html>.