

Google wants Oracle copyright trial rematch

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Jurors [this week ruled](#) that Google's Android [operating system](#) for smartphones violated Java software copyrights but deadlocked when it came to the pivotal question of whether it constituted "fair use" that made it acceptable.

If Google's use of copyrighted Java application programming interfaces (APIs) in Android was fair use, Oracle would deserve no damages from the Mountain View, California-based Internet firm under the law.

Google late Tuesday filed a motion asking US [District Court Judge William Alsup](#) to declare a mistrial in the copyright phase of the trial and have both questions presented to a new jury in a retrial.

Alsup on Wednesday was presiding over a second phase of the trial devoted to claims by Oracle that Google violated Java patents in Android software.



The Oracle Corp. logo is displayed at Oracle OpenWorld in San Francisco in 2010. Google on Wednesday confirmed that it wants a new trial on the copyright portion of a legal battle being fought with Oracle in San Francisco federal court.

Adding to the complexity of the case, Alsup has gone on record reserving the right to make the ultimate decision whether APIs can even be copyrighted. The judge told jurors to assume so for the sake of deliberations.

Oracle lawyers are proposing that both sides in the case leave the "fair use" question to Alsup rather than have a new trial.

Oracle's challenge of Google in court over copyrights was an unusual tactic being watched intently in [Silicon Valley](#).

In the fast-paced land of Internet innovation, it has been common for software writers to put their own spins on APIs that mini-programs use to "talk" to one another.

The jury concluded that Google infringed on 37 copyrighted APIs but it also agreed that Google demonstrated that it was led to believe it did not need a license for using Java.

Oracle accused Google of infringing on Java [computer programming language](#) patents and copyrights Oracle obtained when it bought Java inventor [Sun Microsystems](#) in a \$7.4 billion deal in 2009.

[Google](#) has denied the claims and said it believes mobile phone makers and other users of its open-source Android operating system are entitled to use the [Java](#) technology in dispute.

The Internet titan unveiled the free Android operating system two years before Oracle bought Sun.

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