

Google violated copyright, but no damages: jury

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The Google logo is seen at the Google headquarters in Mountain View, California. A jury in a high-profile technology case ruled Monday that Google violated copyrights owned by Oracle Corp. for the Android mobile platform, but failed to agree on whether monetary damages should be paid.

A jury ruled Monday that Google violated copyrights owned by Oracle Corp. for the Android mobile platform, but failed to agree on whether damages should be awarded in the high-profile trial.

In a partial verdict, jurors were unable to decide on a key point of whether Google's use of copyrighted Java software was "fair use" that made it acceptable.

The verdict stymies potential for an Oracle windfall, but the case between the two California tech titans now moves to another phase on

whether Java software patents were violated.

"There has been zero finding of liability on any copyright so far," US District Court Judge William Alsup told the rival attorneys after the jury left his San Francisco courtroom.

"The affirmative defense of fair use is still in play."

The jury, unable to reach unanimous decision on all four questions at issue, concluded that Google infringed on 37 copyrighted application programming interfaces (APIs).

It also agreed that Google demonstrated that it was led to believe it did not need a license for using Java.

"Oracle, the nine million Java developers and the entire Java community thank the jury for their verdict in this phase of the case," a company statement said.

Google lawyers moved to have a mistrial declared due to impasse on the pivotal "fair use" point, but both sides were expected to let Alsup make the call that the jury could not.

"We appreciate the jury's efforts, and know that fair use and infringement are two sides of the same coin," Google said in an official statement.

A ruling by Alsup that copyrighted Java APIs in Android were not "fair use" would open the door for jurors to award cash damages to Oracle in a damages phase of the trial.

"The core issue is whether the APIs here are copyrightable, and that's for the court to decide," Google said. "We expect to prevail on this issue and

Oracle's other claims."

Jurors agreed that Google infringed on nine lines of code in a Java "RangeCheck method" in Android in a relatively inconsequential win for Oracle.

Alsop said that "it borders on the ridiculous to say that with nine lines of code you are going to even get a percentage as damages," in an Android platform with 15 million lines of code.

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.

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.

Alsop called the jury back into the courtroom to commence a second phase of the trial devoted to whether Google violated Java patents.

Jurors were shown video explaining patents. While copyright applies to written works such as songs, a patent was described as being on par with

a property deed issued to inventors giving them rights to defend creations.

Oracle attorney Michael Jacobs said fair use is not a defense in patent infringement. He said the company will show Google improperly used the Java patents, which speed up the processing for mobile devices.

"These patents are about making phones run fast," he told the jurors.

Google will present its statement to the jury Tuesday. Part of the Google defense is that Oracle couldn't figure out a way into the smartphone market and is thus trying to leech off of Android's success by pressing claims regarding Java software that Sun made publicly available.

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