

Oracle's big-money case against Google gets new life

March 27 2018, by Glenn Chapman



Oracle's copyright infringement lawsuit against tech rival Google got fresh life with a federal appeals court ruling

An appeals court on Tuesday gave Oracle another shot at wringing billions of dollars from Google in a keenly watched legal battle over the use of freely available Java software code.

A federal appellate court revived Oracle's case, ruling that the [application programming interface](#) (API) code at issue is protected by [copyright law](#) and sending the case back to the original judge to figure out how much Google owes the business software titan.

A trial two years ago ended with a jury deciding that Google did not unfairly use Java code, saving the internet giant from a possible multibillion-dollar verdict.

The appellate court on Tuesday disagreed, saying the software is entitled to [copyright protection](#).

Oracle, a major business software and cloud firm, sought billions in damages from Google over the search engine company's use of Java programming language in its Android smartphone operating system.

But Google and its allies argued that extending copyright protection to bits of code, called application programming interfaces, or APIs, would threaten innovation.

The case was closely watched by the tech industry because of its implications for software innovation and copyright law.

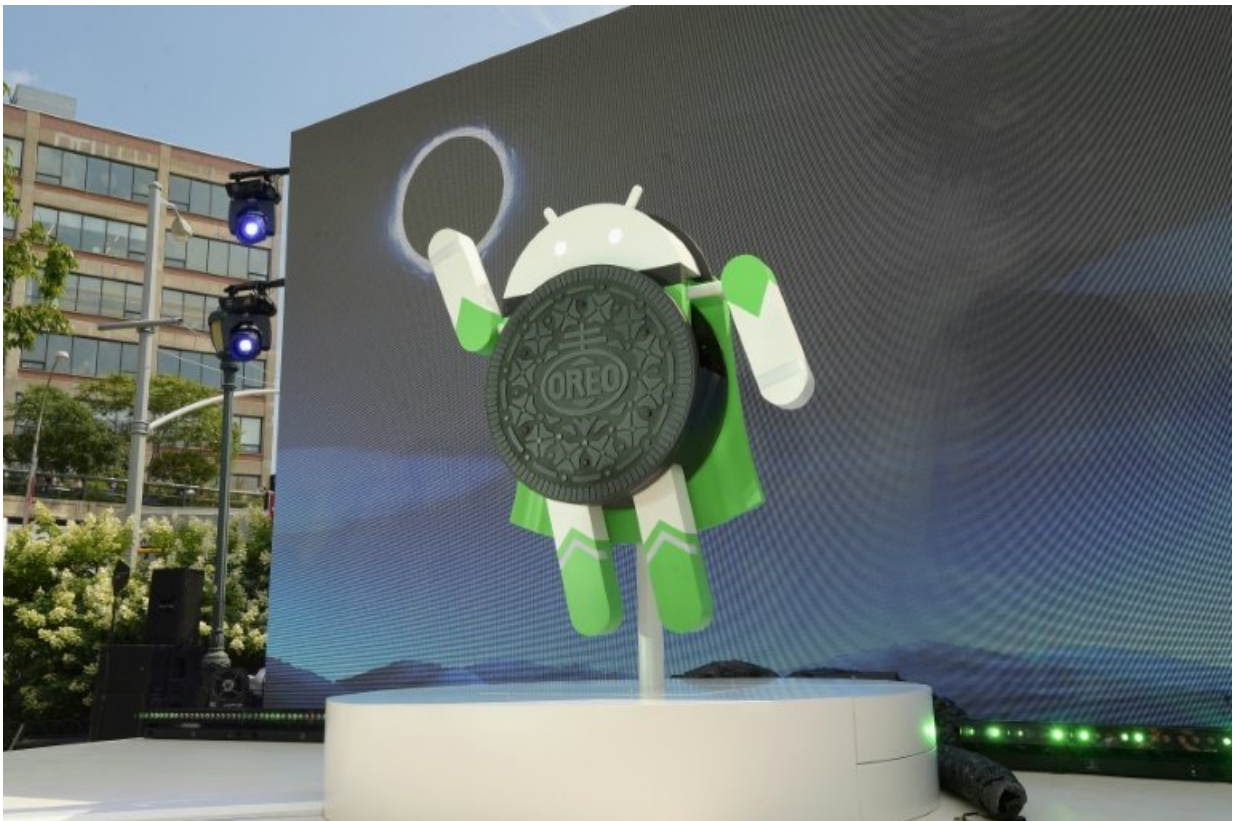
Google, at the time, said that its victory at trial was "a win for the Android ecosystem; for the Java programming community and for software developers who rely on open and free programming languages to build innovative consumer products."

Oracle, which obtained Java when it acquired Sun Microsystems in 2009, had been seeking some \$9 billion in damages.

Dorian Daley, Oracle's general counsel, welcomed the latest decision, saying it "upholds fundamental principles of copyright law and makes

clear that Google violated the law."

She added in a statement, "This decision protects creators and consumers from the unlawful abuse of their rights."



In a big Silicon Valley trial, Oracle argued that Google improperly used Java software to develop the Android mobile operating system

Google said it was reviewing its options, which could include an appeal to the US Supreme Court.

"We are disappointed the court reversed the jury finding that Java is open and free for everyone," a Google spokesperson told AFP.

"This type of ruling will make apps and online services more expensive for users. We are considering our options."

'Devastating effects'

The case dates back to 2012, and Google prevailed at an initial trial.

Oracle appealed, and an appellate panel ruled in 2014 that the lower court had erred, sending the case between the two Silicon Valley titans back for a new trial at which Google again triumphed.

Silicon Valley watched the case closely, since weaving open source code into software programs is commonplace and often eliminates a need to reinvent commands considered fundamental.

APIs are seen as snippets of code that simply direct one program to another, almost the way a restaurant menu points diners to meal options.

Public Knowledge policy counsel Meredith Rose lambasted the appellate [court](#), saying it has erred in ruling twice against Google in this case.

"Taken together, these decisions—which run counter to decades of [software](#) industry practice—could have devastating effects on the competitiveness, openness, and development of the technology industry," the nonprofit public interest group counsel said in a release.

"This could lead to higher prices, fewer choices, and worse products for consumers."

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