

1 [counsel listed on signature page]  
2  
3  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 ORACLE AMERICA, INC.

12 Plaintiff,

13 v.

14 GOOGLE INC.

15 Defendant.  
16

Case No. CV 10-03561 WHA

**GOOGLE'S PROPOSED  
STATEMENT OF ISSUES  
REGARDING COPYRIGHT**

Date: April 16, 2011  
Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2 Pursuant to the Court’s request (ECF No. 854), Google Inc. hereby provides its proposed  
3 statement of Oracle’s copyright infringement allegations:

4 **Oracle accuses the following of copyright infringement:**

5 1. 37 API packages in the Android class library source code, as well as the corresponding  
6 object code implementing those APIs, but only as to their selection, structure, and organization (it  
7 being conceded that the implementing source code and object code are different). Oracle claims  
8 that the tangible medium or media of expression in which the selection, structure and organization  
9 of the 37 APIs are fixed are electronic storage media and printed documentation.

10 2. The declarations of the API elements in Android class library source code and object  
11 code that implements the 37 API packages.

12 3. The English-language Android documentation for the 37 API packages, sometimes  
13 called the API “specifications.” Oracle alleges that approximately 103,400 lines in Google’s  
14 Android documentation were copied from Oracle’s Java API specifications.

15 4. The Android class library source and object code as derivative works of Oracle’s  
16 English-language documentation of the 37 API packages.

17 5. 12 Android files of source code (copied from 11 Java files):

18 a. The nine-line rangeCheck function and four lines of related comments in two  
19 Android source code files, TimSort.java and ComparableTimSort.java, as well as the  
20 corresponding object code. This method is part of Android’s implementation of the 37  
21 API packages.

22 b. Eight Android source code files—AclEntryImpl.java, AclImpl.java,  
23 GroupImpl.java, OwnerImpl.java, PermissionImpl.java, PrincipalImpl.java,  
24 PolicyNodeImpl.java, AclEnumerator.java—which are not part of Android’s  
25 implementation of the 37 API packages.

26 c. Twenty English-language comments contained in two Android source code  
27 files, CodeSourceTest.java and CollectionCertStoreParametersTest.java, which are not  
28 part of Android’s implementation of the 37 API packages.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Oracle does not accuse the following of copyright infringement:**

1. Android’s use of the Java programming language.
2. The names of the API elements, including the names of files, packages, classes, methods, fields, exceptions, and parameters.
3. The Android source code implementing the APIs contained in the 37 packages, with the exception of rangeCheck and the declarations of the API elements.
4. The ideas underlying the APIs.
5. The Dalvik virtual machine (not including the associated class libraries).
6. Android APIs and associated class libraries other than the accused 37 API packages and associated class libraries.
7. Android source and object code except as listed above.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: April 12, 2011

KEKER & VAN NEST LLP

By: Robert Van Nest  
[Attorney Name]

ROBERT A. VAN NEST (SBN 84065)  
rvannest@kvn.com  
CHRISTA M. ANDERSON (SBN184325)  
canderson@kvn.com  
DANIEL PURCELL (SBN 191424)  
dpurcell@kvn.com  
633 Battery Street  
San Francisco, CA 94111  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

SCOTT T. WEINGAERTNER (*Pro Hac Vice*)  
sweingaertner@kslaw.com  
ROBERT F. PERRY  
rperry@kslaw.com  
BRUCE W. BABER (*Pro Hac Vice*)  
bbaber@kslaw.com  
KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, NY 10036-4003  
Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

DONALD F. ZIMMER, JR. (SBN 112279)  
fzimmer@kslaw.com  
CHERYL A. SABNIS (SBN 224323)  
csabnis@kslaw.com  
KING & SPALDING LLP  
101 Second Street - Suite 2300  
San Francisco, CA 94105  
Telephone: (415) 318-1200  
Facsimile: (415) 318-1300

GREENBERG TRAUIG, LLP  
IAN C. BALLON (SBN 141819)  
ballon@gtlaw.com  
HEATHER MEEKER (SBN 172148)  
meekerh@gtlaw.com  
1900 University Avenue  
East Palo Alto, CA 94303  
Telephone: (650) 328-8500  
Facsimile: (650) 328-8508  
*Attorneys for Defendant*  
GOOGLE INC.