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19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 ORACLE AMERICA, INC.  
 23 Plaintiff,  
 24 v.  
 25 GOOGLE INC.  
 26 Defendant.

Case No. CV 10-03561 WHA

**ORACLE'S RESPONSE TO  
 REQUEST FOR PROPOSED  
 FINDINGS**

Dept.: Courtroom 8, 19th Floor  
 Judge: Honorable William H. Alsup

1 Oracle submits the following proposed findings relating to the issue of the  
2 copyrightability of the selection, organization, and structure of the API specifications and  
3 associated implementations in class libraries for the 37 packages at issue in this case (collectively  
4 “APIs”). (See ECF No. 877).

5 **Proposed Findings**

- 6 1. The APIs include thousands of individual elements, organized into packages,  
7 classes, interfaces, exceptions, constructors, methods, and fields. There is an  
8 intricate relationship of hierarchies and dependencies among elements within and  
9 across packages.
- 10 2. The detailed selection, organization, and structure in the API specifications is  
11 mirrored in the source code and object code implementation in the Java class  
12 libraries.
- 13 3. The APIs represent years of creative design. The selection, organization, and  
14 structure of the elements and names in the APIs are each highly original and  
15 creative.
- 16 4. Oracle had many choices for what elements and names to include in the APIs.  
17 Other than a few classes, Oracle was not required to include any particular element  
18 or name.
- 19 5. There were many different ways to organize and structure the APIs.
- 20 6. A primary purpose of the selection, organization, and structure of the APIs is to  
21 make them more comprehensible and easier to use for programmers.
- 22 7. The selection, organization, and structure of the APIs is the detailed expression of  
23 an idea, not an idea itself. An idea for an API package may be to have a library of  
24 pre-written computer code relevant to the area of programming to which the  
25 package relates.
- 26 8. That selection, organization, and structure is not commonplace, and was not an  
27 indispensable or standard way of expressing any idea.  
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- 9. Other than a few classes, Google was not required to copy the selection, organization, and structure of the APIs to be compatible with the Java programming language.
- 10. It was not technically necessary for Google to copy the APIs. Google designed many of its own APIs for Android.
- 11. Android is not compatible with Java. Many programs written for one will not run on the other.
- 12. The specifications and implementations of the APIs are not a method of operation or system.

Dated: April 12, 2012

MORRISON & FOERSTER LLP  
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ORACLE AMERICA, INC.