

**18-956 GOOGLE LLC V. ORACLE AMERICA, INC.**

DECISION BELOW: 886 F.3d 1179

LOWER COURT CASE NUMBER: 2017-1118, 2017-1202

**QUESTION PRESENTED:**

The Copyright Act provides that, while "original works of authorship" are generally eligible for copyright protection, 17 U.S.C. 102(a), "[i]n no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work," 17 U.S.C. 102(b). The Act also makes clear that "the fair use of a copyrighted work \* \* \* is not an infringement of copyright." 17 U.S.C. 107.

As is relevant here, software interfaces are lines of computer code that allow developers to operate prewritten libraries of code used to perform particular tasks. Since the earliest days of software development, developers have used interfaces to access essential tools for building new computer programs. Contravening that longstanding practice, the Federal Circuit in this case held both that a software interface is copyrightable and that petitioner's use of a software interface in a new computer program cannot constitute fair use as a matter of law.

The questions presented are:

1. Whether copyright protection extends to a software interface.
2. Whether, as the jury found, petitioner's use of a software interface in the context of creating a new computer program constitutes fair use.

PRESS RELEASE OF MARCH 16, 2020  
IN KEEPING WITH PUBLIC HEALTH PRECAUTIONS RECOMMENDED IN  
RESPONSE TO COVID-19, THE SUPREME COURT IS POSTPONING THE ORAL  
ARGUMENTS CURRENTLY SCHEDULED FOR THE MARCH SESSION.

4/13/2020: ARGUMENT TO BE RESCHEDULED FOR THE OCTOBER TERM 2020

ORDER OF MAY 5, 2020

THE PARTIES ARE DIRECTED TO FILE SUPPLEMENTAL LETTER BRIEFS  
ADDRESSING THE APPROPRIATE STANDARD OF REVIEW FOR THE SECOND  
QUESTION PRESENTED, INCLUDING BUT NOT LIMITED TO THE IMPLICATIONS  
OF THE SEVENTH AMENDMENT, IF ANY, ON THAT STANDARD.

CERT. GRANTED 11/15/2019