United States District Court
For the Northern District of California

E-filing

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

/

No. C 10-03561 WHA

SPECIAL VERDICT FORM

YOUR ANSWERS MUST BE UNANIMOUS.

1. As to the compilable code for the 37 Java API packages in question taken as a group:

A. Has Oracle proven that Google has infringed the overall structure, sequence and organization of copyrighted works?

Yes ✓ No _____

(IF YOU ANSWER "NO" TO QUESTION 1A, THEN SKIP TO QUESTION NO. 2.)

B. Has Google proven that its use of the overall structure, sequence and organization constituted "fair use"?

Yes _____ No _____

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2. As to the documentation for the 37 Java API packages in question taken as a group:

A. Has Oracle proven that Google has infringed?

Yes _____ No ✓

(IF YOU ANSWER "NO" TO QUESTION 2A, THEN SKIP TO QUESTION NO. 3.)

B. Has Google proven that its use of Oracle's Java documentation constituted "fair use"?

Yes _____ No _____

3. Has Oracle proven that Google's conceded use of the following was infringing, the only issue being whether such use was de minimis:

	Yes (Infringing)	**No** (Not Infringing)
A. The rangeCheck method in TimSort.java and ComparableTimSort.Java	✓	
B. Source code in seven "Impl.java" files and the one "ACL" file		✓
C. The English-language comments in CodeSourceTest.java and CollectionCertStoreParameters Test.java		✓

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4. Answer the following special interrogatories only if you answer "yes" to Question 1A.

A. Has Google proven that Sun and/or Oracle engaged in conduct Sun and/or Oracle knew or should have known would reasonably lead Google to believe that it would not need a license to use the structure, sequence, and organization of the copyrighted compilable code?

Yes ✓ No _____

B. If so, has Google proven that it in fact reasonably relied on such conduct by Sun and/or Oracle in deciding to use the structure, sequence, and organization of the copyrighted compilable code without obtaining a license?

Yes _____ No ✓

Your answers to Questions 4A and 4B will be used by the judge with issues he must decide. Questions 4A and 4B do not bear on the issues you must decide on Questions 1 to 3.

Dated: May 7, 2012

Greg Thorpe
FOREPERSON