

The Supreme Court - April 5, 2021

Today, the Supreme Court of the United States issued the following decision:

Google LLC v. Oracle America, Inc., No. 18-956: Petitioner Google LLC developed the Android software platform for smartphone devices, with the goal of it being a free and open platform that would attract software developers – many of which were familiar with the Java programming language – to develop Android-based applications for Android-based smartphones. Google spent three years creating millions of lines of code, including “implementing codes” – a large library of prewritten codes to carry out complex tasks that developers can draw upon by typing in certain shortcut commands. To facilitate the ease by which software developers familiar with Java could utilize the implementing codes created by Google, Google copied approximately 11,500 lines of code from the Java SE program that contained the names given by Java to particular tasks. Oracle, which owns Java, sued Google for copyright infringement. The District Court found the copied material could not be copyrighted. After reversal by the Federal Circuit, the District Court determined that Google had shown fair use, a finding likewise reversed by the Federal Circuit. Today, the Court reversed, holding that even assuming that the Java code was copyrightable, the limited copying of the Java programming interface allowed programmers to put their accrued talents to work in a transformative program and constituted a fair use of that material under copyright law. Justice Breyer issued the Court’s opinion. Justice Thomas dissented, joined by Justice Alito. Justice Barrett took no part in the consideration or decision of the case.

View the Court’s [decision](#).

Today, the Supreme Court of the United States granted certiorari in the following case:

Brown v. Davenport, No. 20-826: May a federal habeas court grant relief based solely on its conclusion that the test from *Brecht v. Abrahamson*, 507 U.S. 619 (1993) is satisfied, *i.e.*, that the defendant suffered “actual prejudice” from the constitutional error,

Related Capabilities

- Appellate
- Intellectual Property
- Intellectual Property Litigation
- Trademark, Copyright + Advertising
- Technology

as the Sixth Circuit held, or must the court also find that the state court's harmless determination under *Chapman v. California*, 386 U.S. 18 (1967) was unreasonable under 28 U.S.C. §2254(d)(1), as the Second, Third, Seventh, Ninth, and Tenth Circuits have held?