

No. 18-956

In the Supreme Court of the United States

GOOGLE LLC,

Petitioner,

v.

ORACLE AMERICA, INC.,

Respondent.

On Writ of Certiorari
to the United States Court of Appeals
for the Federal Circuit

**BRIEF OF HUDSON INSTITUTE AS *AMICUS*
CURIAE IN SUPPORT OF RESPONDENT**

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QUESTIONS PRESENTED

The Copyright Act protects “literary works,” 17 U.S.C. §102(a), expansively defined as “works * * * expressed in words, numbers, or other verbal or numerical symbols or indicia,” §101. Computer programs are protected as literary works under the Act. Google copied 11,330 lines of Oracle’s original and creative computer code, as well as the intricate organization of its computer program, into a competing software platform, Android.

The questions presented are:

1. Does the Copyright Act protect the code and organization of an original and creative reference system, popular with computer programmers who use the Java programming language, that could have been written in countless ways to perform the same function?
2. Does the fair-use limitation on copyright protection apply where the protected computer code was copied for commercial purposes, the copied code serves the same purpose and has the same meaning in the derivative work that it had in the original, and the derivative work containing the copied material competes directly with the original work, harming its actual and potential markets?

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