

# Oracle's Legal Action Against Google Rekindles Java Debate

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Oracle's lawsuit against Google over its attempts to avoid licensing Java technology will test the openness of the platform. Regardless of the lawsuit's outcome, Gartner believes the future of Java on Android is limited.

## News Analysis

### Event

On 12 August 2010, Oracle announced that it has filed suit in the U.S. District Court for the Northern District of California against Google, claiming that the Android operating system and devices that operate Android "infringe one or more claims of each of United States Patents Nos. 6,125,447; 6,192,476; 5,966,702; 7,426,720; RE38,104; 6,910,205; and 6,061,520." These patents relate to the Java-related intellectual property (IP) that Oracle acquired along with Sun Microsystems earlier this year. The text of the complaint is available at <http://www.scribd.com/doc/35811761/Oracle-s-complaint-against-Google-for-Java-patent-infringement>.

### Analysis

The lawsuit, which alleges both patent and copyright infringement, hinges on Google's use of Harmony — a "clean room" implementation of a Java-like clone from Apache that is supposedly free from Oracle's copyrighted IP — rather than licensing Java technology directly from Oracle. We believe Google made this decision partly because of its vision of Android as an open and free OS platform as well as for simple economic reasons. The "Java-like but not exactly Java" distinction would seem to shield Android from IP infringement issues; however, the lawsuit argues otherwise. At its heart lies a claim of patent infringement that includes complete clean-room implementations.

While Gartner cannot offer a legal interpretation of the lawsuit, we believe that if Oracle's patents are valid, and if Google knowingly violated these patents, then Oracle's position is very strong. This suit is part of continuing negotiations that began with Sun, and there are many potential outcomes; however, Gartner believes Google will move quickly to ensure the safety of Android investments by counter-suing with its own patent claims or by settling the issue by taking a license from Oracle. The most likely and immediate result will be a settlement that brings Google into license compliance.

Even if the issue is settled quickly, we believe that Oracle may find itself in a longer discussion with the Java developer and vendor communities over the "open" nature of the Java platform. Some Java users have expressed concern over Oracle's newfound stewardship over Java. This lawsuit may give cause for some to further question this issue. If Google prevails, it will establish a precedent that could fuel adoption of independent Java versions that are beyond Oracle's direct control. If Oracle prevails, it may increase the migration away from Java already under way among leading-edge developers and industry leaders.

## Recommendations

- **Java enterprise users:** The lawsuit will not immediately affect you; however, consider the impact to long-term plans if debate arises over the future disposition of the Java platform as a whole.
- **Android developers:** Depending on any number of outcomes from this lawsuit, Gartner believes the long-term future of Java on Android may be limited. Consider alternatives and plan future investments accordingly.

## Recommended Reading

- "Oracle Will Support but Not Evolve Sun's Java CAPS" — Earlier this year, Gartner answered our clients' questions about the future of the Java Composite Application Suite in light of Oracle's investment in installed Sun and SeeBeyond middleware. **By Jess Thompson and John Radcliffe**
- "Oracle's Acquisition of Sun Could Change Java's Course" — In April 2009, when news about the acquisition of Sun went public, Gartner advised that the reaction of the Java community to Oracle's ownership would be critical to Java's continued popularity. **By Massimo Pezzini and others**

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