

Apple asks for verdict after Samsung 'misconduct'

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An Apple court document released Thursday said [Samsung](#) issued a statement to the press with data excluded from the trial, which began in San Jose Monday on [patent infringement](#) over smartphones and tablet computers.

"Apple seeks a finding that Samsung and its counsel have engaged in bad

faith litigation misconduct by attempting to prejudice the jury," the motion to Judge Lucy Koh said.

"Samsung apparently believes that it is above the law, and that it -- not this court -- should decide what evidence the jury should see."

According to [court documents](#), Samsung provided media with a statement Tuesday expressing displeasure with the judge's exclusion of evidence.

"Samsung was not allowed to tell the jury the full story and show the pre-[iPhone](#) design... in development at Samsung in 2006, before the iPhone," said the statement from the South Korean firm.

"The excluded evidence would have established beyond doubt that Samsung did not copy the iPhone design. Fundamental Fairness requires that the jury decide the case based on all the evidence."

Apple said in its motion that releasing the statement represented "misconduct" because it could influence the jury.

"Samsung already has been sanctioned four times in this case for discovery abuses," Apple's motion said.

"Most recently, Samsung was sanctioned for destroying evidence. Litigation misconduct is apparently a part of Samsung's litigation strategy -- and limited sanctions have not deterred Samsung from such misconduct."

Apple said it would not request a mistrial but instead ask the judge to rule in the case.

"It is fully within the court's authority to order judgment in Apple's favor

as a sanction for this misconduct," it said, adding the judge may also "instruct the jury that Samsung engaged in serious misconduct."

Apple's senior vice president of worldwide marketing, Philip Schiller, was to be on the stand when the trial resumes Friday.

[Jurors](#) on Tuesday began hearing the biggest US patent trial in decades, with billions at stake for the tech giants.

Apple is seeking more than \$2.5 billion in a case accusing the South Korean firm of infringing on designs and other patents from the iPhone and iPad maker.

This is one of several cases in courts around the world involving the two electronics giants in the hottest part of the tech sector -- [tablet computers](#) and smartphones.

While the results so far have been mixed in courts in Europe and Australia, Samsung is clearly on the defensive in the US case.

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