

Judge mulls reduced award in Samsung-Apple case

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How legal and sound the jury's calculations were, and whether the

massive award should be reduced or even a new trial held just to recalculate damages, were the first motions tackled by US District Court Judge Lucy Koh.

"I have quite a number of questions because there are so many issues and they are quite complex," Koh told rival legal teams as the hearing began in her [courtroom](#) in the [Silicon Valley](#) city of San Jose.

"I am planning to issue orders in installments, organized by subject matter," she added, explaining that her decisions on motions would be doled out in the weeks or months ahead.

Koh grilled attorneys regarding the jury's mathematical and legal reasoning, targeting specific Samsung smartphones at issue in the case, for damages that totaled \$1.049 billion.

"I don't see how you can look at the aggregate verdict without looking at the pieces put together to make that verdict," Koh replied after [Apple](#) attorneys urged her not to try to figure out the jury's reasoning device by device.

"If there is a basis to uphold the damages award, by the record, then I am going to uphold it," she continued. "But, I think it is appropriate to do analysis by product."

The judge quickly keyed on a Galaxy Prevail [smartphone](#) that appeared to have unsustainably high damages attached to it by the jury.

"We think it is inappropriate to look at each of these separate products and try to determine if that number is correct," an Apple attorney argued. "You are going into (the jury's) thought process and that is not what the court is supposed to do."

Samsung countered that it was proper for the judge to "reverse engineer" the damages award and, if she opted not to, a new jury should be impaneled to revisit the amount of damages due in the case.

Motions to be addressed included Samsung's request to have the verdict overturned on the grounds that a juror's own legal dispute wrongly led to the South Korean firm being hit with a billion-dollar patent [damages award](#).

Samsung wanted the verdict tossed out based on the jury foreman's undisclosed legal skirmish with Seagate nearly 20 years ago.

The foreman had worked for Seagate, a technology company in which Samsung owns a small stake, and wound up declaring bankruptcy after a court battle with his former employer.

Samsung hopes to convince Koh that the juror's experience influenced the August verdict, in what amounted to misconduct strong enough to have the outcome overturned.

The "lawsuit with Seagate nearly two decades ago is irrelevant to any issue raised by Samsung's post-trial motions," Apple contended in a pre-hearing filing.

The agenda also includes a motion by Apple for an injunction banning US sales of Samsung smartphone models said to contain patented technology at issue in the trial.

Apple asked Koh to ban eight Samsung mobile phones in the US market in the days after its August victory in the patent suit against the South Korean electronics giant.

Koh also plans to consider Apple's request for "punitive" damages,

which could triple the award.

The damages the jury ordered Samsung to pay to Apple for illegally copying iPhone and iPad features made it one of the biggest patent cases in decades.

Jurors decided the case with over 700 separate claims in less than three days of deliberations.

[Samsung](#) had steadfastly denied the charges by Apple, claiming it developed its devices independently. It unsuccessfully argued that Apple infringed on its wireless patents.

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