

Apple wants \$380M in patent trial with Samsung (Update)

November 13 2013, by Paul Elias

Apple demanded Wednesday that Samsung Electronics pay it \$380 million for copying vital iPhone and iPad features, as a billion-dollar patent fight between the world's two biggest smartphone makers resumed in a Silicon Valley courtroom.

An Apple attorney made the demand during opening statements in a trial to determine damages. The statements included a video of Apple founder Steve Jobs unveiling the first iPhone at the now-famous Jan. 9, 2007, Macworld conference in San Francisco. Since then, Apple alleges, Samsung has embarked on a copying campaign to keep pace in the exploding smartphone market.

"Apple lost sales because Samsung was selling infringing products," Apple attorney Harold McHenry told the jury.

Attorneys for Samsung are expected to make their opening remarks later in the day.

A previous jury awarded Apple \$1.05 billion after determining 26 Samsung products had infringed six Apple patents. But a judge found the jury miscalculated \$400 million in damages for 13 products and ordered a new trial to determine the proper amount. The new jury is free to order new damages ranging from nothing to more than the original \$400 million.

"Most cases with these enormous stakes would have settled by

now—particularly once the court ordered a new trial on damages, which could substantially increase or decrease the damage award," said Notre Dame law school professor Mark McKenna, who specializes in technology.

But McKenna said a key incentive for both companies to reach a settlement was removed by U.S. District Judge Lucy Koh when she refused to ban U.S. sales of the Samsung products the first jury found infringed Apple's patents.

No matter the outcome, McKenna and other experts expect the loser to appeal.

Samsung and Apple have been locked in bitter legal struggles around the world as they fight for supremacy of the more than \$300 billion smartphone market.

Apple has argued in courts, government tribunals and regulatory agencies around the world that Samsung's Android-based phones copy vital iPhone features. Samsung is fighting back with its own complaints that some key Apple patents are invalid and Apple has copied Samsung's technology.

The two have each won and lost legal skirmishes over the past couple of years, and analysts predict continued litigation for months to come.

The current proceedings are somewhat of a warm-up for a much larger trial scheduled for March. That case will focus on newer products still on the market, while the current trial is a battle over products that are several years old and no longer sold in the U.S. Apple is asking that Samsung be barred from selling some of its current devices in the U.S., and more money will be at stake as well.

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