

Jury orders Samsung to pay Apple \$290 million

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Samsung's new Galaxy S4 is seen during its unveiling in this March 14, 2013 file photo at Radio City Music Hall in New York

A jury has added \$290 million more to the damages Samsung Electronics owes Apple for copying vital iPhone and iPad features, bringing the total amount the South Korean technology titan is on the hook for to \$930 million.

The verdict Thursday covers 13 older Samsung devices that a previous jury found were among 26 Samsung products that infringed Apple patents.

The previous jury awarded Apple \$1.05 billion. But U.S. District Judge Lucy Koh ordered the new trial and tossed out \$450 million of the damages after concluding that jury miscalculated the amount Samsung owed.

Apple had asked for \$380 million, arguing Samsung's copying cost it a significant amount of sales. Samsung countered that it owed only \$52 million because the features at issue weren't the reasons most consumers chose to buy Samsung's devices instead of Apple's.

Samsung said it would appeal both verdicts.

"For Apple, this case has always been about more than patents and money," Apple spokeswoman Kristin Huguet said. "While it's impossible to put a price tag on those values, we are grateful to the jury for showing Samsung that copying has a cost."

A third trial is scheduled for March to consider Apple's claims that Samsung's newest devices such as the popular Galaxy S III on the market also copied Apple's technology.

Apple and Samsung are the world's two biggest smartphone makers. The bitter rivals have been waging a global battle for supremacy of the \$300 billion worldwide market. The size of the award didn't faze Wall Street or harm or help either company's financial fortunes in any significant way.

Samsung reported it had \$47 billion in cash at the end of September and racked up \$247.5 billion in revenue last year. Apple has \$147 billion of

cash on hand and took in \$170.9 billion in revenue last year.

"We understood that the money wasn't really an issue," said juror Barry Goldman-Hall. "This was about the integrity of the patent process."

Goldman-Hall, 60, of San Jose was one of two men and six women on the jury, which was tasked only with determining damages.

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.

Samsung lawyer William Price argued Apple is misconstruing the breadth of its patents to include such things as basic rectangle shape of most smartphones.

"Apple doesn't own beautiful and sexy," Price told the San Jose jury.

Apple attorney William Lee told the jury that Samsung used Apple's technology to lift it from an also-ran in the smartphone market three years ago to the world's biggest seller of them today.

"Apple can never get back to where it should have been in 2010," Lee told the jury Tuesday at the conclusion of the weeklong trial.

The fight in San Jose is particularly contentious. The courtroom is a 15-minute drive from Apple's headquarters, and several prospective jurors were dismissed because of their ties to the company.

The three jurors who discussed the verdict outside court said Apple's proximity made no difference in their deliberations.

"Although Apple is down the street, it's a global company just like Samsung," jury forewoman Colleen Allen said. "I have a Samsung television and refrigerator and an Apple computer. I like both companies."

Allen, 36, of Aromas, is an emergency room nurse who served nearly eight years in the Navy, including a posting in Afghanistan.

"If we didn't award Apple much, we're saying it's OK to infringe patents," Allen said.

The South Korea-based Samsung has twice sought to stop the trial, accusing Apple on Tuesday of unfairly trying to inflame patriotic passions by urging jurors to help protect American companies from overseas competitors. The judge denied Samsung's request for a mistrial, but did reread an instruction ordering jurors to put aside their dislikes and biases in deciding the case.

On Wednesday, Samsung again demanded a halt to the trial after the U.S. Patent and Trademark Office told Apple it was planning to invalidate a patent protecting the "pinch-to-zoom" feature at issue in the jury's deliberation. The judge ordered more briefing while declining to stop the trial.

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