

In appeal, Apple says judge 'wrong' in e-books case (Update)

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Apple has appealed the verdict in its e-books price-fixing case, saying a US federal judge was "wrong" in ruling that the tech giant stifled competition.

"Apple's entry as an e-book retailer marked the beginning, not the end, of competition," the company said in its appeal filed late Tuesday in the landmark case which found Apple guilty of illegally conspiring to fix prices.

Apple said the district court judge's ruling "turns the antitrust laws upside down" because it "applied the wrong legal standards, which led it to jump to the false conclusion of a price-fixing conspiracy."

The document filed with the US Court of Appeals argues that Apple's entry into e-books in 2010 increased competition in a market that had been dominated by Amazon.

"Instead of a market dominated by a single retailer—Amazon—controlling 9 out of every 10 e-book sales, a competitive market emerged where output exploded and average price dropped," the company argued.

Apple thus "kick-started competition in a highly concentrated market, delivering higher output, lower price levels, and accelerated innovation," the appeal says.

"The district court therefore erred in condemning Apple's conduct as per se unlawful."

Apple is asking the appellate court to overturn Judge Denise Cote's ruling, and either rule in favor of Apple or order a new trial with a different judge.

Cote ruled last year that Apple illegally colluded with book publishers to reshape the market for electronic books with a new pricing model as it was launching its iPad in 2010.

The judge has also ordered Apple to work with a court-appointed monitor enforcing the decision.

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