

Samsung: Patents developed by Google engineers (Update)

April 1 2014, by Martha Mendoza



In this Dec. 12, 2013 file photo, a man passes by the Samsung Electronics Co. logos at its headquarters in Seoul, South Korea. Opening statements are underway in the latest patent fight over mobile devices between Apple and Samsung, the world's largest cellphone manufacturers. An Apple lawyer told jurors in San Jose, Calif., on Tuesday April 1, 2014, that Samsung quickly recognized that the iPhone was going to be a big seller when it first went on the market, and the South Korean company didn't have a product that could compete. (AP Photo/Ahn Young-joon, File)

Samsung fired back at Apple's accusations of patent theft Tuesday, saying the South Korean tech giant didn't write any of the Android software on its smartphones and tablets, Google did.

"Not one of the accused features on this phone was designed, much less copied, by anyone at Samsung," Samsung attorney Peter Quinn said. "The accused features on this phone were developed independently by some of the software engineers at Google, up the road in Mountain View."

The finger-pointing took place in U.S. District Court in San Jose, where Apple Inc. and Samsung Electronics Co. are accusing each other of stealing ideas from each other. At stake: more than \$2 billion if Samsung loses, about \$6 million if Apple loses.

On opening day, Google Inc.—which is not named in the litigation—was clearly a large part of it.

The trial marks the latest round in a long-running, worldwide series of lawsuits between Apple and Samsung over mobile devices.

Quinn told jurors that Apple's gripe is with Android, a Google-developed smartphone operating system that now makes up about 70 percent of the global market.

Apple's lawyer Harold McElhinny had anticipated the tactic.

"Don't be misled by that," he said in his opening statement. "This case is not about Google. It is Samsung that has made the decision to copy these features, it is Samsung, not Google, that chooses to put these features into their phones, and it is Samsung that has made the decision to keep on infringing on Apple's patents."

Google declined to comment on the controversy.

The trial's first witness, Phil Schiller, Apple's senior vice president of worldwide marketing, said the relationship between the companies has soured since Samsung launched the Galaxy smartphone.



In this Dec. 12, 2013 file photo, a woman walks by a banner advertising iPhone 5c at a subway station in Seoul, South Korea. Opening statements are underway in the latest patent fight over mobile devices between Apple and Samsung, the world's largest cellphone manufacturers. An Apple lawyer told jurors in San Jose, Calif., on Tuesday April 1, 2014, that Samsung quickly recognized that the iPhone was going to be a big seller when it first went on the market, and the South Korean company didn't have a product that could compete. (AP Photo/Ahn Young-joon)

"It appeared that Samsung was going to be doing a lot of copying of our product. It looked like an attempt to copy the iPhone," he said.

Former Apple CEO Steve Jobs, who died in 2011, was widely invoked throughout opening day.

Apple's McElhinny asked jurors to remember where they were on Jan. 9, 2007, and he shared video of Jobs proudly unveiling the iPhone to cheering crowds that day in San Francisco.

"Samsung went far beyond competitive intelligence and crossed into the dark side of intentionally copying," McElhinny said.

Quinn countered that Apple is claiming overly broad rights to ideas.

"They don't own the only way to search on a phone, they don't own the only way to sync, they don't own the only way to unlock with a swipe," he said.

Consumers may end up paying the ultimate price in the case. Experts say the litigation could lead to more expensive smartphones and devices, and slow the overall pace of mobile innovation.

Rutgers Law School professor Michael A. Carrier said the litigation is "a drain on employees' time and could lead to companies reinventing the wheel to try to steer clear of patents."

Apple accuses Samsung of infringing on five patents on newer devices, including Galaxy smartphones and tablets. Specifically, Apple claims Samsung stole a "tap-from-search" technology that allows someone searching for a telephone number or address on the Web to tap on the results to call the number or put the address into a map. In addition, Apple says Samsung copied "slide to unlock," which allows users to swipe the face of their smartphone to use it.



In this Aug. 27, 2012 photo, the Apple iPhone 4s, left, is displayed next to the Samsung Galaxy S III at a store in San Francisco. Apple already has won nearly \$1 billion in judgments against Samsung over patent infringements involving older-model devices. Now Apple is alleging Samsung's newest devices, such as its Galaxy S III, also copied Apple technology. Jury selection for the case begins Monday, March 31, 2014. (AP Photo/Marcio Jose Sanchez)

In a counterclaim, Samsung says Apple stole two of its ideas and used them for iPhones and iPads, including a wireless technology system that speeds up sending and receiving video.

Apple is demanding that Samsung pay an average of \$33 for each of the 37 million Samsung devices running software allegedly conceived by Apple, and \$40 per high-end device. The figure is well above other precedents, but Apple's legal team said it's fair compensation for the losses.

"I'll prove to you that is a gross, gross exaggeration, and an insult to your intelligence," Quinn told jurors.

Less than two years ago, a federal jury in the same courthouse found that Samsung was infringing on Apple patents. Samsung was ordered to pay about \$900 million but is appealing and has been allowed to continue selling products using the technology.

Throughout three years of litigation, Samsung's global market share has grown. One of every three smartphones sold last year was a Samsung, now the market leader. Apple, with its typically higher priced iPhones, was second, with about 15 percent of the market.

The jury was selected Monday from a pool of about 100 people, many of whom had opinions about the legal dispute centered in the Silicon Valley and work for companies affiliated with Samsung or Apple.

Two of the 10 jurors were excused Tuesday for health and financial reasons.

"I have eight of you left, and you are each precious," said Judge Lucy Koh, jokingly admonishing jurors to avoid bungee jumping and to eat health supplements.

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