

Silicon Valley phone technology battle nears close (Update 2)

April 29 2014



Clerks stand behind boxes containing documents related to the Apple Inc. versus Samsung case outside of a federal courthouse in San Jose, Calif., Monday, April 28, 2014. A federal court has delayed by a day closing arguments in the Apple and Samsung trial because of an appeals court ruling in another case on a related patent issue. Dueling expert witnesses were called back to the stand Monday in a San Jose federal courtroom to discuss whether the ruling in a legal dispute between Apple and Motorola has any effect on the Apple and Samsung trial. Lawyers will now deliver closing arguments Tuesday. (AP Photo/Jeff Chiu)

An attorney for Apple invoked the memory of Steve Jobs and accused Samsung of unfairly and brazenly ripping off iPhone and iPad features invented by Jobs and other Apple executives, as closing arguments began Tuesday in the Silicon Valley court battle.

"These products were created by true geniuses," lawyer Harold McElhinny told jurors.

Samsung's lawyers were expected to deliver their arguments later in the day.

The case marks the latest legal fight between Samsung and Apple as each tries to dominate the \$330 billion annual market for smartphones. A different jury in San Jose presiding over an earlier trial regarding older technology ordered Samsung to pay Apple \$930 million. Samsung has appealed that ruling.

Samsung has captured about 31 percent of the smartphone market while Apple retains a 15 percent share.

Jobs, who died in 2011, is a Silicon Valley legend revered for launching Apple in his family's garage in 1976. The Cupertino headquarters of the tech giant is a 15-mile drive from the San Jose federal courthouse where the current patent case is playing out.

After the closing arguments, the case will be submitted to the jury of four men and four women to determine a verdict.

Each company has accused the other of stealing key features to develop some of the latest smartphones on the market, but Samsung's newest device, the Galaxy S5 released earlier this month, is not at issue.



Apple attorneys Harold McElhinny, left, and William Lee, walk with others to a federal courthouse in San Jose, Calif., Monday, April 28, 2014. Dueling expert witnesses were called back to the stand Monday in a San Jose federal courtroom to discuss whether the ruling in a legal dispute between Apple and Motorola has any effect on the Apple and Samsung trial. (AP Photo/Jeff Chiu)

Apple Inc. is demanding \$2.2 billion after arguing that nine of Samsung's smartphones and one of its Galaxy tablets infringes five patents. Samsung Electronics Co. seeks a fraction of that figure—some \$6 million—saying Apple infringed two of its patents in creating the iPhone.

Samsung also argues that if it is found to have infringed Apple's patent, it would owe only \$38.4 million.

Testimony wrapped up Monday with the recall of two expert witnesses to argue the effects of an appeals court ruling in an unrelated legal dispute between Apple and Motorola.

The appeals court ruling upheld a trial judge's definition of an Apple "quick link" patent that automatically turns phone numbers and email addresses into links, enabling users to make calls and send messages with a single click.

Apple's expert, Carnegie Mellon University professor Todd Mowry, argued the definition adopted by the appeals court made little difference in the case and that he believes Samsung still infringed Apple's patent for the "quick link" patent.

Kevin Jeffay, a professor of computer science at the University of North Carolina and Samsung's expert, argued the opposite, saying the definition adopted by the appeals court supports Samsung's position that it didn't infringe Apple's patent.

In the end, U.S. District Judge Lucy Koh in the Silicon Valley case said the matter was best left for the jury to decide along with infringement questions.

Jurors have been read 53 pages of instructions on how to decide if an infringement occurred and how to calculate damages if fault is found.

Apple contends that many of the key functions and vital features of Samsung phones important to consumers were invented by Apple. Samsung argues that its phones operate on the Google Android software system and that any legal complaint Apple has is with the search giant.

Google Inc. is not a party to the litigation. Google spokesman Matt Kallman declined to comment.

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