

Mixed decision for Samsung appeal in Apple patent case (Update)

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A US appeals court upheld most elements of the blockbuster patent case in which Samsung was found to have violated Apple iPhone patents, but invalidated some of the damages

A jury must recalculate the \$930 million verdict against Samsung in the blockbuster patent lawsuit from Apple, a US appeals court ruled Monday.

The appellate panel in Washington gave Samsung a partial victory by ruling that Apple cannot collect damages for Samsung's copying of the look and feel of the iconic smartphone.

The latest decision from the appeals court in the US capital sends the case back to a California federal court to recalculate damages.

The ruling could affect as much as \$382 million of the award to Apple, which was on grounds the South Korean electronics giant hurt Apple's image by copying certain design features of the iPhone.

The invalidated awards affect Apple's contention that Samsung violated the "unregistered trade dress" or design components of the iPhone such as "a rectangular product with four evenly rounded corners."

The court said Apple should not be awarded damages for these items because these were not purely design features of the brand, but rather a functional element of the smartphone.

If the award were allowed to stand, the court said, Apple could have a "perpetual monopoly" of features which are needed for smartphone operation.

"Trademark law allows for a perpetual monopoly and its use in the protection of 'physical details and design of a product' must be limited to those that are 'nonfunctional,'" the appeals court said.



Samsung devices targeted by Apple include more than half a dozen smartphones from the Galaxy line, along with the Galaxy 2 tablet

But the court upheld the damages violation of Apple's registered design patents and other technologies such as scrolling and zooming on a smartphone.

"Today's decision shows that Apple's claims over trade dress and damages lack merit and are grossly exaggerated," Samsung said in a statement.

"We remain confident that our products do not infringe on Apple's design patents and other intellectual property, and we will continue to take all appropriate measures to protect our products," the company said.

Apple had no immediate response to an AFP request for comment.

New jury, new damages

Intellectual property analyst Florian Mueller said in a blog post that the decision means the damage award must be recalculated.

"A new jury will have to determine damages" in the case, he said.

"The original jury verdict only specified damages by product, but not by product and intellectual property right. That's why the total damages amount for those products must be redetermined. There's no way to simply subtract the part that related to design patents."

In the long-running case between the world's two biggest smartphone makers, patents at issue in the case involve unlocking touchscreens with slide gestures, automatically correcting words being typed, retrieving data sought by users and performing actions on found data such as making a call after coming up with a phone number.

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The original 2012 verdict was for more than \$1 billion, but Judge Lucy Koh invalidated some \$450 million and ordered a retrial on portions of the case. The retrial ended with an award of \$930 million.

The case was part of a series of patent battles around the world. Last year, the two firms agreed to end patent battles outside the United States.

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