

《美国法院判三星赔偿苹果1.196亿美元》

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SAN JOSE - A US jury on Friday ordered Samsung Electronics Co Ltd to pay \$119.6 million to Apple Inc, far less than Apple had sought and marking a big loss for the iPhone maker in the latest round of their globe-spanning mobile patent litigation.

During the month-long trial in a San Jose, California, federal court, Apple accused Samsung of violating patents on smartphone features including universal search, while Samsung denied wrongdoing. On Friday, the jury found the South Korean smartphone maker had infringed two Apple patents.

Apple and Samsung have been litigating around the world for three years. Jurors awarded the iPhone maker about \$930 million after a 2012 trial in San Jose, but Apple failed to persuade US District Judge Lucy Koh to issue a permanent injunction against the sale of Samsung phones in the United States.

Some industry observers see the ongoing legal dispute as an attempt by Apple to curtail the rapid growth of phones based on Google Inc's rival Android software. Samsung was by far the largest adopter of the operating platform.

"Though this verdict is large by normal standards, it is hard to view this outcome as much of a victory for Apple. This amount is less than 10 percent of the amount Apple requested, and probably doesn't surpass by too much the amount Apple spent litigating this case," said Brian Love, assistant professor at the Santa Clara University School of Law.

"Apple launched this litigation campaign years ago with aspirations of slowing the meteoric rise of Android phone manufacturers. It has so far failed to do so, and this case won't get it any closer."

The current case involves five Apple patents that were not in the 2012 trial and that cover iPhone features such as slide-to-unlock and search technology. Apple is seeking to ban sales of several Samsung phones, including the Galaxy S III, and sought just over \$2 billion in damages.

It will now be up to Judge Koh to decide whether a sales ban is warranted, though legal experts deem that unlikely.

"An injunction is extremely unlikely," argued Michael Carrier, a professor at Rutgers Law School. "The Federal Circuit sets a high bar."

Responding to the verdict, Apple said the ruling reinforced its stance that "Samsung willfully stole our ideas and copied our products."

Samsung representatives were not immediately available for comment.

The shortfall in damages for Apple led some experts to again question whether patent litigation amongst the technology industry's largest players, which has been on the rise in past years, was a viable strategy.

Critics have argued that patent litigation can be abused and can hinder innovation. Its advocates say litigating helps innovators protect their intellectual property and benefit from them.

"What the verdict shows is that Apple's patents did not play a significant role in consumer decisions," Carrier wrote. "One wonders if the endless smartphone patent wars, costing millions and putting the focus on the courtroom rather than the innovation lab, are worth it."

During the trial, Samsung argued that Apple had vastly exaggerated the importance of its patented iPhone features, while Apple said the South Korean company could not have competed in the smartphone market without unfairly copying its flagship product.

In the San Jose trial, the jury found that Samsung had infringed two patents, and the judge had ruled before trial that Samsung had infringed a third. The jury also found Apple had infringed on one of the Korean company's own patents.

Samsung, which asserted a \$6 million damages claim, was awarded \$158,400.

During the trial, the two tech leaders also sparred over how Google's work on the software used in Samsung phones affects Apple's patent claims. Samsung's phones run on the Android mobile operating system developed by Google Inc.

Google was not a defendant in the case, but during the trial Samsung pointed out that some of the features Apple claims to own were actually invented by Google, and called a handful of executives from the Internet search giant to testify on its behalf.

Apple said Google shouldn't affect how jurors analyzed Samsung's liability, partly because Google had agreed to reimburse some of Samsung's costs.

After the jury delivered its verdict, Apple attorneys argued that the jurors had made a technical mistake in awarding damages to Apple on a patent covering one of Samsung's phones. Koh ordered the jurors to return on Monday to resolve the issue, which could boost Apple's damages award by a few hundred thousand dollars.

The case in US District Court, Northern District of California is Apple Inc vs. Samsung Electronics Co Ltd, 12-630.