

Apple, Motorola In Germany Patent Struggle

The Associated Press

FRANKFURT, Germany (AP) — Apple Inc. has temporarily blocked Motorola Mobility's attempt to have it withdraw several iPhone and iPad models from its Internet store in Germany, the latest twist in an extended legal duel over patents between the companies.

The sale of the devices was briefly halted after Libertyville, Ill.-based Motorola Mobility Holdings Inc. enforced a ruling it won against Ireland-based Apple Sales International Inc., from a court in Mannheim, Germany.

The court had earlier ruled that Apple should not be using Motorola's mobile technology in the devices without a license.

Motorola Mobility moved to enforce the decision and Apple announced Thursday it was halting online sales. A few hours later, Apple said it had won a suspension from an appeals court in Karlsruhe.

"All iPad and iPhone models will be back on sale through Apple's online store in Germany shortly," Apple said in a statement. "Apple appealed this ruling because Motorola repeatedly refuses to license this patent to Apple on reasonable terms, despite having declared it an industry standard patent seven years ago."

Apple says Motorola Mobility has refused to license the technology even though Motorola agreed it should be an industry standard.

In a statement Friday, Motorola Mobility said it will continue to pursue claims against Apple. It said Apple had refused to negotiate in good faith.

The devices in question were the iPhone 3G, the iPhone 3Gs and the iPhone4 and UMTS-capable iPads — but not the iPhone 4S.

Florian Mueller, an intellectual property consultant who has been reporting on the cases on his blog FOSS Patents, said that the wording of the Karlsruhe decision only suspends enforcement of the decision until the court can hear a response from Motorola.

"This is a very, very temporary suspension," said Mueller. "Apple could be in the same situation again a week or two down the road."

The two companies are also at odds over what Motorola Mobility says is improper use of its push email technology that sends email to smartphones. The Mannheim court ruled in Motorola's favor Thursday, but Apple said it would appeal and that people using its phones would keep getting their email.

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