Judge Rejects Apple's Patent Damages Demands

Paul Elias, Associated Press

SAN FRANCISCO - A federal judge rejected Apple Inc.'s demand to increase the $1.05 billion in damages a jury ordered Samsung Electronics Inc. to pay its fiercest rival in the smartphone market.

Late Tuesday, U.S. District Judge Lucy Koh also rejected demands from both companies to conduct another trial on different issues over claims that the South Korean company unfairly used technology controlled by Apple to build its iPads and iPhones to market knockoff products. She also upheld the validity of the Apple patents at the centre of the dispute.

A jury in August found that Samsung "infringed" six Apple patents to create and market 26 models of smartphones and computer tablets and ordered the $1.05 billion award. The jury found several other older Samsung products didn't infringe any Apple patents.

Earlier, the judge refused to block sales of the infringing products in the United States after she said Apple failed to show consumer demand for the Samsung devices was driven by the purloined technology, including the "pinch-to-zoom" function. Apple is appealing that decision.

Samsung contends that only three of the 26 older-generation products are still offered for sale in the United Sates.

Apple has filed a new lawsuit contending that Samsung's current products are also using Apple technology. Koh scheduled trial for that matter in 2014.

In a series of four orders Tuesday night, the judge painstakingly considered each side's myriad claims that the nine-member jury wrongly considered evidence and misread complex patent law. With a few minor exceptions, the judge concluded that the jurors' got it right as far as the law goes.

"Accordingly, the trial was fairly conducted, with uniform time limits and rules of evidence applied to both sides," the judge said. "A new trial would be contrary to the interests of justice."

The judge is still considering Samsung's demands to reduce the $1.05 billion award. The jurors had filled out a verdict form listing the damages Samsung owed Apple for each of the 26 products it found to have used infringing technology. Samsung contends that many of the line-item calculations were done incorrectly and that it was due a big reduction in the award.

Apple spokeswoman Kristin Huguet declined to comment. A Samsung spokesperson didn't respond to emails late Tuesday.

At a hearing in December, the judge seemed inclined to rework at least a few of the jury's damages calculations, but gave no indication by what amount.

Apple and Samsung are the top two smartphone makers and are locked in a no-holds-barred, worldwide battle for supremacy of the $346 billion annual sales market, appearing in courtrooms around the globe accusing each other of stealing technology and trade infractions.

International Data Corp. on Friday released a report showing smartphone shipments soared 36 per cent worldwide in the fourth quarter as the sleek devices supplanted personal computers and other gadgets on holiday shopping lists.

Samsung Electronics Co. retained its bragging rights as the smartphone leader, shipping nearly 64 million devices for a 29 per cent share of the global market. Apple ranked second with nearly 48 million iPhones shipped during the fourth quarter, translating into a market share of 22 per cent.

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