Apple claims Samsung copied iPhone technology

PAUL ELIAS - Associated Press - Associated Press

An attorney for Apple told a jury Tuesday that rival Samsung faced two options to compete in the booming cellphone market after Steve Jobs introduced the iPhone to critical acclaim in 2007: Innovate or copy.

Attorney Harold McElhinny claimed Samsung Electronics Inc. chose to copy, making its smartphones and computer tablets illegal knockoffs of Apple's popular products.

Samsung "has copied the entire design and user experience" of Apple's iPhone and iPad," McElhinny told a 10-person jury during his opening remarks at the closely watched patent trial.

Samsung denies the claims and its lawyers were expected to deliver their opening statement later in the day.

Samsung has previously countered that Apple did the stealing. It has also said some of the technology at issue — such as the rounded rectangular designs of smartphones and tablets — has been the industry standard for years.

The witness lists of both sides are long on experts, engineers and designers and short on familiar names. For example, Apple CEO Tim Cook is not scheduled to testify.

Cupertino-based Apple filed its lawsuit against Samsung last year and is demanding $2.5 billion in damages, an award that would dwarf the largest patent-related verdict to date.

The case marks the latest skirmish between the two companies over product designs. A similar trial began last week, and the two companies have been fighting in other courts in the United Kingdom and Germany.

U.S. District Judge Lucy Koh in San Jose last month ordered Samsung to pull its Galaxy 10.1 computer tablet from the U.S. market pending the outcome of the patent trial. However, she barred Apple attorneys from telling jurors about the ban.

"In some sense, the big part of the case is not Apple's demands for damages but whether Samsung gets to sell its products," said Mark A. Lemley, a professor and director of the Stanford Program in Law, Science, and Technology.

A verdict in Apple's favor could send a message to consumers that Android-based products such as Samsung's are in legal jeopardy, Lemley said.

A verdict in Samsung's favor, especially if it prevails on its demands that Apple pay its asking price for certain transmission technology, could lead to higher-priced

Apple products.

In court papers filed last week, each company laid out its legal strategy in trial briefs.

Apple lawyers argue there is almost no difference between Samsung products and its own, and that the South Korean company's internal documents show it copied Apple's iconic designs and its interface.

Samsung denies the allegation and counter-claims that Apple copied its iPhone from Sony. Samsung lawyers noted that it has been developing mobile phones since 1991 and that Apple jumped into the market in 2007.

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