

Apple, Samsung demand changes to \$1B verdict

PAUL ELIAS - Associated Press - Associated Press

Neither side in a bitter patent battle is satisfied with Apple Inc.'s \$1 billion jury verdict over Samsung Electronics Co. after a three-week trial this summer.

Samsung wants a new trial. Apple is seeking an additional \$707 million in damages and interest.

The two companies filed a blizzard of legal papers late Friday and early Saturday with their demands that a federal judge in San Jose significantly amend — or toss out altogether — the jury's Aug. 24 verdict.

The jury found that 26 Samsung products ripped off Apple's technology at the heart of its iPhones and iPads.

"Samsung made a calculated business decision to copy the industrial designs, graphical user interfaces, and touchscreen navigation technology of the iPhone and iPad," Apple lawyers wrote in court papers, arguing for the additional damages. "Samsung has reaped extraordinary rewards from its wrongful sale of iPhone and iPad clones by taking market share, revenues, and profits from Apple."

The Apple lawyers contend that the "massive damage to the iPhone's distinctive product identity caused by Samsung's sale of millions of iPhone clones is irreversible."

U.S. District Judge Lucy Koh has scheduled a Dec. 6 hearing to discuss the myriad issues raised by both companies. Samsung says it will appeal if Koh turns down its demands.

The two companies are locked in a ferocious struggle for supremacy in the global smartphone market. Samsung is the worldwide leaders in smartphone sales, securing a market share of 33 percent in the second quarter, up from 17 percent a year ago. Apple's fell slightly to 17 percent, from 19 percent a year ago.

Apple accuses Samsung of essentially selling knockoffs of the Cupertino-based company's iPhones. Apple filed a lawsuit in San Jose federal court, alleging patent infringement. It was the latest legal action between the two companies, who are battling in courts in 10 countries over smartphone technology.

On Friday, Samsung asked the San Jose judge for a new trial. The company's lawyer argued that the jury's verdict was unreasonable and unsupported by the testimony and evidence. The company's lawyers also complained that the judge's strict constraints on the number of witnesses and testimony time deprived it of a fair trial.

"The Court's constraints on trial time, witnesses and exhibits were unprecedented

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for a patent case of this complexity and magnitude, and prevented Samsung from presenting a full and fair case in response to Apple's many claims," the company's lawyer wrote in court documents.

Representatives of both companies couldn't be reached for comment.

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