Tech titans renew legal battle over smartphones

PAUL ELIAS - Associated Press - Associated Press

The epic $1 billion patent fight between the world's top two smartphone makers resumes Thursday in a federal courtroom when Apple Inc. and Samsung Electronics Corp. again square off over rights to vital technology.

Samsung seeks to overturn an Aug. 24 jury verdict that found the Korean tech titan ripped off Apple Inc.'s designs for its iPhone and iPad. The jury ordered Samsung to pay Apple $1 billion after finding close to two dozen of its products used technology controlled by Apple.

Apple in turn is looking to add $500 million more to the award while barring many of the older Samsung products at issue from sale in the United States.

The companies' lawyers will file into a San Jose federal court armed with a host of legal arguments including allegations that the jury foreman committed misconduct. The case is ultimately expected to land before the U.S. Federal Circuit Court of Appeals, the Washington, D.C.-based court that decides patent disputes, if not the U.S. Supreme Court.

Nonetheless, what U.S. District Judge Lucy Koh decides after Thursday's hearing will greatly shape the end result.

Samsung has mounted an aggressive post-trial attack on the verdict, raising a number of legal issues that allege the South Korean company was treated unfairly in a federal courtroom a dozen miles from Apple's Cupertino headquarters. Samsung alleges that some of Apple's patents shouldn't have been awarded in the first place and that the jury made mistakes in calculating the damage award.

Samsung also accuses jury foreman Velvin Hogan of concealing that his former employer, Seagate Technologies, had a filed a lawsuit against him. Samsung is a large investor in Seagate.

"Mr. Hogan's failure to disclose the Seagate suit raises issues of bias that Samsung should have been allowed to explore," Samsung said in its October request for a new trial.

Hogan didn't return a call placed to his San Jose home Wednesday. In opposing Samsung's argument, Apple argued that Samsung should have discovered the 1993 lawsuit before Hogan was seated as a juror and made its objection then. Apple said Samsung knew that Hogan declared bankruptcy in 1993 and had it reviewed that case it would have discovered the Seagate lawsuit.

Apple argues it is unfair to raise the Seagate lawsuit now that the jury ruled against Samsung.

Experts monitoring the trial largely side with Apple on the juror misconduct issue specifically and speculate that the judge will keep most of the unanimous verdict intact.

"Samsung is hoping to set aside the verdict entirely, accusing the jury foreman of lying to get on the jury," said Edward Naughton, a patent attorney who is following the case closely. "This argument isn't likely to succeed, but Samsung may convince the court to whittle down the jury verdict a bit."

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