

Samsung copied 'every element' of iPhone: Apple

SAN JOSE, US: Samsung executives at the highest level made a decision to copy "every element" of the iPhone to compete in the smartphone market, a lawyer for Apple said as arguments began in a huge patent trial.



Harold McElhinny, a lawyer for Apple in the blockbuster patent trial underway in San Jose, California, told the jury that Samsung began the effort as soon as the iPhone was publicly unveiled in January 2007.

"At the same time (Apple co-founder Steve) Jobs introduced the iPhone, he warned his competitors that he had filed for patent protection on more than 200 new inventions in the iPhone," McElhinny said.

"Samsung was faced with a choice. Samsung could come up with its own designs, it could beat Apple fairly in the marketplace. Or it could copy Apple... it's easier to copy than to innovate."

The lawyer said Samsung copied specific features, including a "bounce-back" feature during the scrolling process and a design with a black-on-black face.

"At the highest corporate levels, Samsung decided to copy every element of the iPhone," he said.

"This was not accidental. Samsung's copying was intentional." He argued that Samsung made continual changes as Apple updated its products.

"Over 100 times Samsung made detailed changes to its phones and tablets so that the end result was identical to Apple products," the lawyer said.

Biggest patent trial in decades

The comments came as jurors began hearing the biggest US patent trial in decades, with billions at stake for the two big tech giants. A Samsung lawyer was set to respond later Tuesday with the company's argument.

Just ahead of the arguments, US District Judge Lucy Koh allowed one of the 10 jurors to be dismissed after the woman said she was confused about whether she was getting paid.

"The stress of this case is causing anxiety. She's having panic attacks," the judge said.

"We understand this case would be a severe economic hardship on you." Both sides agreed to the move which reduces the number of jurors hearing the case to nine, but does not impact the trial.

The case began Monday with a pool of 70 prospective jurors in the courtroom, who faced questions about whether they, their friends or family members work for Apple, Samsung, Google, or Motorola.

Google is not directly involved in the case but its Android operating system is used on Samsung devices and will figure prominently in the case. Google recently acquired Motorola Mobility, another maker of mobile devices.

Apple is seeking more than US\$2.5bn in a case accusing the South Korean firm of infringing on designs and other patents from the iPhone and iPad maker.



And Samsung says...

Samsung counters that Apple infringed on its patents for wireless communication, so the jury will sort out the competing claims.

This is one of several cases in courts around the world involving the two big electronics giants in the hottest part of the tech sector, tablet computers and smartphones.

While the results so far have been mixed in courts in Europe and Australia, Samsung is clearly on the defensive in the US case. Koh, who will preside in the jury case, has issued two temporary injunctions against US sales of Samsung's 10-inch Galaxy tablet and the Galaxy Nexus smartphone developed with Google.

Samsung could face big risks: If Apple wins, it would automatically get a permanent injunction on sales of Samsung devices. And if Samsung makes only minor changes, Apple could ask for the Korean firm to be held in contempt.

The case has huge financial implications for both firms and the burgeoning industry for mobile devices.

A survey by research firm IDC showed Samsung shipped 50.2 million smartphones globally in the April-June period, while Apple sold 26 million iPhones. IDC said Samsung held 32.6% of the market to 16.9% for Apple.

Samsung is the leading maker of smartphones using Google's Android operating system, which has become the most popular platform despite complaints from Apple that it has infringed on its patents.

Source: *AFP* via I-Net Bridge

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