

# Apple, Samsung make final pitches in high-stakes trial

SAN JOSE, USA: - Apple and Samsung made their final pitches to jurors earlier this week in a big-money smartphone patent trial playing out in the heart of Silicon Valley.



Apple's Attorney Harold McElhinny says Samsung sold 37m phones that infringed Apple's copyright. Image: Lisa Shuchman [Clippings](#)

In a new trial following on a landmark 2012 case in the same courtroom, Apple attorneys argued that Samsung flagrantly infringed its iPhone patents in a bid to compete with the California company's culture-changing smartphone.

"Apple cannot simply walk away from its inventions," attorney Harold McElhinny told jurors in his argument for the US company.

"Here we are 37m acts of infringement later and we are counting on you for justice."

McElhinny maintained that Samsung sold more than 37m infringing smartphones and tablets in the United States.

Apple's legal team wants jurors to order the South Korean electronics company to pay it more than US\$2bn in damages for flagrantly copying iPhone features.

Meanwhile, Samsung lawyers maintained that the legal onslaught is the result of a "holy war" Apple declared on Google-made Android software used to power smartphones.

"We are not pointing the finger at Google," Samsung attorney Bill Price said during closing arguments in the courtroom of US District Court Judge Lucy Koh.

## **Samsung maintains it did not copy,**

"We are saying they independently developed these features and they don't infringe. Samsung didn't copy."

The launch of the first iPhone in 2007 shook the smartphone market and prompted Samsung to bemoan a "difference between Heaven and Earth" when it came to its handset line and Apple's coveted devices," McElhinny said while recapping evidence for jurors.

He said the US smartphone market quickly became a "two-horse race" between Apple and Samsung.

Samsung attorneys countered that the patented technology at issue in trial has not been used in iPhones and that smartphone buyers weigh a host of features and factors when choosing devices.

Jurors are to begin deliberations after attorneys complete closing statements in the trial that began at the start of April.

Google engineers were among witnesses called to testify as Samsung lawyers portrayed the case as an attack on Android, which has become a formidable rival for the software powering Apple smartphones and tablets.

Samsung is the world's leading manufacturer of smartphones and tablets using Google's free Android mobile operating system.

Android smartphones dominate the global market, particularly in devices offered for lower prices than iPhones.

In August 2012, a separate jury in the same court decided that Samsung should pay Apple US\$1.049bn in damages for illegally copying iPhone and iPad features, in one of the biggest patent cases in decades.

The damage award was later trimmed to US\$929m and is being appealed.

If this new trial goes in Apple's favour, it could result in an even bigger award since it involves better-selling Samsung devices, such as the Galaxy S3 smartphone.

Jurors will also consider Samsung's claims that Apple infringed on patents related to transmitting digital video and storing digital images.

Source: AFP via I-Net Bridge

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