

Jury Awards \$1.05 Billion to Apple in Samsung Patent Case 苹果三星之战凸显专利之重

After a year of scorched-earth litigation, the jury at the federal court in San Jose, California deliberated for three days before coming to a unanimous decision, rejecting all of Samsung's claims and upholding Apple's allegations, ordering Samsung to pay Apple \$1.05 billion in damages for infringing intellectual property on August 24. The jury decided several Samsung devices had infringed iPhone-maker Apple's 6 patents, but rejected counter-claims by Samsung. Apple said it intended to seek sales injunctions of Samsung's 8 products.

Samsung immediately said it would take "all necessary measures" to respond to Apple's proposed injunction, including the application to stop the injunction, making an appealed application and modifying the products' design, etc. According to a Tokyo court ruled that Samsung did not infringe Apple's patents and hence rejected Apple's claim for indemnity on August 31. Up to now, the patent war continues.

Apple's big win

Correspondents say the ruling is one of the most significant in a global battle over patents and intellectual property with \$1.05 billion indemnity and \$400 million of counsel's fee.

Apple filed its patent infringement lawsuit in April 2011 in the federal court in San Jose, California that several of Samsung's phones and tablets infringed on Apple's patents and engaged legions of the country's highest-paid patent lawyers to de-

mand \$2.5 billion from its top smart phone competitor. Samsung fired back with its own lawsuit seeking \$399 million. The 20-page verdict was read in court that Samsung violated Apple's 6 patents, for example: some of Samsung's handsets infringed Apple's design patents for the look of its iPhone including the system it uses to display text and icons; several Samsung devices incorporated Apple's facility allowing users to zoom into text with a tap of a finger; some Samsung devices had copied Apple's "bounce-back" response, which makes lists jump back as if yanked by a rubber band.

Apple said in a statement that it applauded the court for finding Samsung's behavior willful and for sending a loud and clear message that Samsung is copying. Apple said it intended to seek sales injunctions at a follow-up hearing. The jury found that 21 Samsung products, including its Galaxy model, illegally used Apple's creations such as the "bounce-back" feature when a user scrolls to an end image. It means that Samsung must cease infringement and modify their infringing products before entering the US market again.

Potential social impact

Apple's suit against Samsung has partly been viewed as a proxy war against Google's Android software, including current models by Samsung as well as other firms. Analysts said that as the potential biggest market for smart phones globally, China's enterprises producing phone with Android system will

get into troubles if Apple brings the patent lawsuit to courts in China.

Li Shunde, a law professor at the Chinese Academy of Sciences, told China IP News that there is a possibility that Apple will file a lawsuit against Chinese smart phone makers in China in consideration of tremendous economic benefit. "Winning a battle of global attention, Apple has no reasons to withdraw attack. But we may see different ruling owing to the inherent disparities in patent system between the two nations. If Apple plans similar lawsuits in China, it is not simply an issue of patents from the same family. Technical issues such as claims, protection scope, evidence admission and economic issues such as market position are among the issues Apple shall not look past," said Professor Li.

After seeing Samsung's legal defeat, other device makers relying on Android may become more reluctant to use the software and risk getting dragged into court, even though the verdict will not have a direct effect on Chinese market. "I think Chinese companies should remain conscious in establishing partnership, proactively obtain licenses from patent right holders. This is their wake-up call to shift more attention to creating their own core patented technology, investing more on innovation and generating more choices to consumers," said Mr. Li.

(by Li Qun and Wang Yu)

本报记者 李群 王宇

美国苹果公司(下称苹果)与韩国三星电子有限公司(下称三星)之间的专利大战,经过1年多的起起落落,再掀波澜。当地时间8月24日,美国圣何塞联邦地方法院陪审团在经过3天的讨论后,就苹果与三星的专利诉讼案作出裁定,判定三星侵犯苹果6件专利权,赔偿苹果10.5亿美元,并驳回三星的所有诉讼主张。此裁定一出,苹果已寻求法院对三星的8款智能手机颁布禁令。

三星随即表示,将采取"一切必要的措施"来应对苹果提出的禁令,包括申请停止禁令,就法官的裁决提起上诉,或修改产品设计等。另据报道,北京时间8月31日,在另一起诉讼中,日本东京一家法院做出判决,认为三星并未侵犯苹果的有关专利权,因此驳回苹果的赔偿请求。苹果与三星的专利大战仍在继续。

三星目前主打产品Galaxy系列智能手机,这意味着,三星须停止侵权行为并对所涉及侵权产品进行更改,才能摆脱可能在美国市场被禁售的命运。

6件专利定胜负

10.5亿美元赔偿额加上4亿美元律师费,这组数字绝对对得起苹果与三星"世纪专利大战"的称号。然而,与庞大的赔偿数额相对应的是"小小的"6件专利,正是这6件专利支撑苹果取得阶段性胜利。

两家公司间的专利诉讼可追溯至去年4月,苹果在加州圣何塞联邦地方法院起诉三星专利侵权,要求对方赔偿25亿美元。三星随即进行反诉,要求苹果赔偿3.99亿美元。在今年8月24日公布的长达20页的陪审团裁决书中称,三星侵犯苹果的6件专利包括:与iPhone设计相关的两件专利,与图标设计相关的1件专利,与缩放图片相关的1件专利,与多点触控放大文件相关的1件专利以及文件边缘反弹效果相关的1件专利。

一如苹果现任掌门人库克的意愿,苹果在乎的不是赔偿额,而是"让世界知道三星抄袭",因此,禁令成了最直接的体现。按照法院判决,三星的21款产品抄袭了苹果的技术。通过这一技术,当屏幕滚动到页面边缘时将会产生回弹的效果。这些产品包括



一个堡垒",苹果没有理由放弃优秀技术。这意味着,三星须停止侵权行为并对所涉及侵权产品进行更改,才能摆脱可能在美国市场被禁售的命运。

国内企业警钟鸣

苹果与三星的专利诉讼,不仅是占据全球手机行业利润90%的两大巨头之间的利益争夺,更是iOS系统和安卓(Android)系统两大阵营的直接交锋。业内普遍预计,中国将超越美国,成为今年全球最大的智能手机市场。如果苹果把专利诉讼的战火延伸到中国,将产生国内安卓智能手机厂商难以应对的紧迫局面。

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China's IP in foreign eyes

Covidien, a leading global provider of healthcare products, announced the official opening of its China Technology Center (CTC) Research and Development (R&D) facility in Shanghai. With a total investment of \$45 million over a three year period, the CTC will eventually employ more than 300 people. "The Chinese Healthcare industry is on a fast track of development. And the key word is innovation. We are looking forward to Covidien providing more innovative technology and products to meet the local market demand," said Mr. Wang Xin Pei, the Deputy Director of Shanghai Municipal

Commission of Commerce. (Covidien Opens US\$45 Million R&D Facility in China, by Financial Post)

全球领先的医疗保健产品提供商柯惠医疗公司近日宣布,中国技术中心和研发工厂在上海正式成立。这个斥资4500万美元,耗时3年的研发机构最终将雇用超过300名研发人员。"中国医疗保健行业进入快速发展期,其关键要素就是创新。我们期待柯惠医疗公司能够提供更多的创新技术和产品,以满足当地市场的需求。"上海市商务委员会副主任王新培表示。《柯惠医疗斥资4500万美元在华建立研发机构,金融时报》

Comment:

According to a report, the Chinese medical device market is expected to grow 17 percent in 2012. As part of the country's long-term

healthcare reform program, the Chinese government is sparing no effort in investment in healthcare facilities and services. No doubt that China is a key market in many international companies' global strategy. Hopefully the cooperation will generate more cutting edge innovation.

点评:

研究报告显示,中国医疗器械市场在2012年预计将增长17%。为了实现长远的医疗体系改革,中国政府不遗余力地在改善医疗设施及服务方面加大投资。毫无疑问,中国已成为众多国际医疗公司全球战略的重要目标市场。希望中外双方的合作能够为中国带来更多尖端的创新成果。

In China's booming smartphone market, which is set this year to overtake the United

States as the world's largest, a host of little-known local firms are primed with cheap phones to squeeze market share from U.S. giant Apple Inc's iPhone. In the latest local challenge to the iPhone, Xiaomi Technology launches the successor to its popular MiOne smartphone, which is expected to have top-end specifications exceeding those of the iPhone 4S - at around half the price. Research firms IDC and Gartner predict China's smartphone shipments could hit 140 million this year, topping those in the United States. (Chinese smartphones cheaper and cheerful, outsmart Apple's iPhone, by Reuters)

目前中国智能手机市场发展势头旺盛,有望在今年超越美国成为世界

第一。在这个市场上,一个个名不见经传的当地企业用低价手机从美国巨头苹果公司手中抢占了市场份额。在最近的向iPhone的挑战中,小米科技公司推出了极受欢迎的MiOne智能手机的第二代产品,该产品拥有甚至超越iPhone 4S的高端应用,价格却只有它的一半左右。根据市场调查公司IDC和Gartner的预测,今年中国的智能手机出货量将超越美国,有望达到1.4亿部。《便宜又好玩的智能手机智胜苹果iPhone》,路透社)

Comment:

As the development of domestic smartphone market and technology, growth is driven largely by smartphones made by local manufacturers, such as ZTE Corp, Lenovo Group and smaller private firms like Xiaomi, Gionee and Meizu

Technology. Affordability is the key of their success. But meanwhile they are also improving the quality. Chinese customers are looking forward they become China's Apples, or even better.

点评:

随着中国国内智能手机市场及其技术的发展,本土智能手机制造商,如中兴通讯、联想集团以及小米、金立、魅族等规模较小的民营企业,一直持续不断地拉动着市场的增长。让消费者消费得起,是他们成功的关键。但同时这些产品的品质也不断提升。中国消费者翘首期待他们能成为中国的苹果,甚至更好。

(by Correspondent Wang Weiwei from Canada) (本报通讯员汪玮玮发自加拿大)

Beijing

The first Animation Beijing was recently held in Beijing, which attracted a number of local cartoon companies. Several theme activities were held during the four-day event, such as national animation and gaming promotion conference, the 2nd IDO animation carnival, animation song concert, cartoonist seminar and role experience of cartoon and gaming.

北京

近日,首届"动漫北京"活动在京开幕。在为期4天的活动当中,"动漫北京"不仅展示了北京动漫游戏产业知名企业的品牌产品,还举办了民族动漫游戏推介洽商会、第2届IDO动漫游戏嘉年华、动漫歌曲音乐会、漫画家讲座、动漫游戏角色体验SHOW等一系列活动。

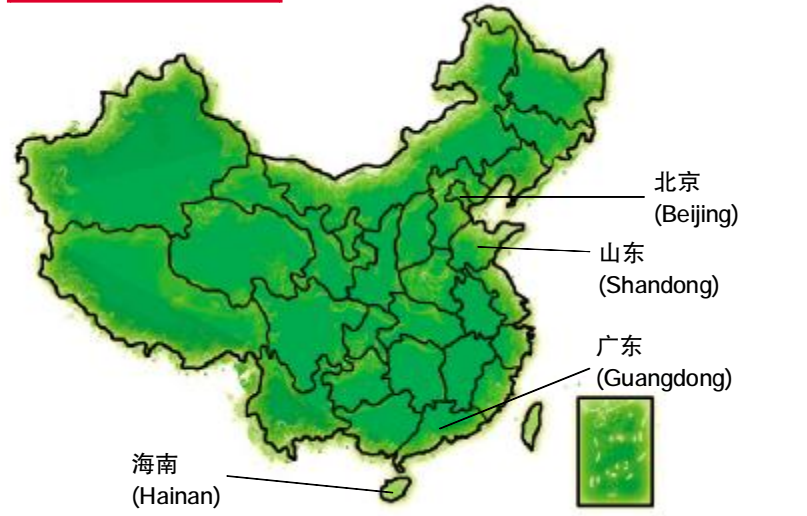
Guangdong

Guangdong Province recently introduced the Plan on Guangdong Intellectual Property Strategy Compendium 2012. According to the plan, Guangdong aims to build itself into an IPR-laden province, improve capacity to create IPR, realize the value of IPR, strengthen protection, enhance ability to manage IPR, build service platforms, cultivate IPR talents, promote IPR cultural construction and deepen cooperation and exchanges.

广东

近日,广东省政府办公厅印发了《2012年广东省实施知识产权战略纲要工作方案》。根据该方案,今年该省实施知识产权战略纲要的主要任务包括推进知识产权强省建设,增强知识产权创造活力,推进知识产权价值实现,加大知识产权保

IP Brief



护力度,提升知识产权管理能力,搭建知识产权服务平台,强化知识产权人才工作,加快知识产权文化建设和深化知识产权交流合作等9个方面。

Shandong

In the first half of 2012, Shandong filed 12,057 invention patents up 28.99%, representing 23.88% of the

total. Of all the patents granted during the period, 3,656 were for inventions, representing 11.27%, up 28.6%. Shandong ranks the No. 6 in China in terms of invention filings and grants.

山东

今年上半年,山东省发明专利申请量达1.2057万件,占专利申请总量的23.88%,同比增长28.99%;全省发明专利授权量3656件,占专利授权总量的11.27%,同比增长28.60%。全省发明专利申请量和授权量均居全国第6位。

Hainan

Latest news shows that notable achievements have been made since the implementation of Hainan Intellectual Property Strategy Compendium. From 2010 to June 2012, Hainan filed 3,210 patent applications, among that number, 1,635 for inventions, representing 28% and 50.9% respectively. Hainan obtained 1,994 patents,

637 of which were for inventions, representing 31.6% and 31.9% respectively. Statistics show that 1.03 invention patent was granted to each million residents in Hainan in 2012, up from 0.29 in 2009.

海南

自《海南省知识产权战略纲要》发布实施以来,海南省知识产权战略实施取得显著成果。从2010年至2012年6月,海南省提交专利申请3210件,占全省累计申请量的28%,其中发明专利申请1635件,占近两年申请量的50.9%;专利授权量1994件,占授权总量31.6%,其中发明专利637件,占近两年授权量的31.9%。2009年,海南省每万人口发明专利拥有量为0.29件,2012年6月,提高到1.03件。

Table with 2 columns: Role and Name. Includes Executive Editor Xiang Li, Translator Jiang Xu, etc.