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## Samsung tablet enjoined from US sales

*US District Judge  
Lucy Koh sides with  
Apple in patent battle  
over Galaxy Tab 10.1*

By Craig Anderson  
Daily Journal Staff Writer

In a victory for Apple Inc. in its smartphone legal battles, a San Jose federal judge has blocked the sale of a Samsung Electronics Co. Ltd. tablet computer in the United States because it infringes the Cupertino-based consumer technology company's patent on the design of the device.

Samsung's attorneys — led by Charles K. Verhoeven, a San Francisco-based partner at Quinn Emanuel Urquhart & Sullivan LLP — filed an appeal of U.S. District Judge Lucy H. Koh's ruling late Tuesday, a few hours after she released the decision.

Koh, who previously ruled that the Samsung device was "virtually indistinguishable" from Apple's iPad, concluded that the balance

of hardships and public interest favors the granting of a preliminary injunction.

"As a patent holder, Apple has a valid right to exclude others from practicing Apple's invention," Koh wrote. "In order to protect that right, and promote the 'encouragement of investment-based risk,' the public interest weighs in favor of Apple." *Apple Inc. v. Samsung Electronics Co. Ltd.*, 11-1846 (N.D. Cal., filed April 15, 2011).

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A Samsung spokesman said Wednesday in a prepared statement that the company did not expect the ruling enjoining the sale of the Galaxy Tab 10.1 to have

a "significant impact on our business operations," noting that the company has other Galaxy Tab products to sell.

Samsung previously modified a tablet computer in Germany after a similar injunction was issued there.

Still, the ruling is a noteworthy win for Apple, which has struggled to get injunctions in the U.S. against cell phones and tablet computers made by Google Inc.'s Motorola Mobility subsidiary, Samsung and HTC Corp. It is also a victory for the company's attorneys at Morrison & Foerster LLP, including San Francisco-based partners Michael A. Jacobs and Harold J. McElhinny.

Last week, an Illinois judge rejected Apple's request for an injunction against Motorola Mobility devices.

Colleen V. Chien, a professor at Santa Clara University School of Law who has been following the case, said in an email Wednesday that preliminary injunctions are quite rare, and Apple's ability to get one because of infringement of a design patent — which often

are discounted in technology cases — is "really significant."

Apple has other patent infringement claims, including over design patents, against Samsung that are scheduled to go to trial July 30 in Koh's San Jose courtroom. Samsung is pursuing patent claims against Apple in that same trial.

Koh rejected Apple's motion for a preliminary injunction last December on several patents it said Samsung infringed. The U.S. Court of Appeals for the Federal Circuit upheld most of her ruling last month, but said her rejection of one patent infringement claim because other tablet designs predated Apple's was wrongly decided.

Apple hailed the decision Wednesday.

"This kind of blatant copying is wrong and, as we've said many times before, we need to protect Apple's intellectual property when companies steal our ideas," company spokeswoman Kristin Huguet wrote in an email.

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