

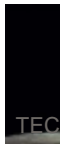
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Apple May Have Manipulated Evidence Against Samsung in Patent War

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August 15, 2011 5:52 PM EDT

Not everything seems to go in Apple's way.

In the patent war over [Samsung's](#) Galaxy tablet in Europe, Apple may have released false evidence to the German courts against the Korean firm.

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Last week Apple received an injunction from a German court, banning sales of [Samsung's](#) Galaxy Tab 10.1 throughout the [European Union](#), except the Netherlands. This development follows Apple successfully delaying the launch of Galaxy Tab 10.1 in Australia.

[Samsung](#) will appeal the ban on Aug. 25 in the same court in [Germany](#).

"The request for injunction was filed with no notice to Samsung, and the order was issued without any

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hearing or presentation of evidence from Samsung. We will take all necessary measures to ensure Samsung's innovative mobile communications devices are available to customers in Europe and around the world," Samsung said in a statement.

Meanwhile, the photo emerged as evidence suggesting that the Galaxy Tab 10.1 is identical to the iPad 2 appears to be falsified, according to an investigation by Webwereld.nl, Dutch IDG publication.

An image of the iPad 2 and the Galaxy Tab 10.1 appears on page 28 of the complaint filed by Apple's European lawyers, showing their resemblance.

However, the image of the Galaxy Tab submitted by Apple has its aspect ratio distorted, according to the report.

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**Apple's Flawed Evidence in German
Complaint against Samsung**

**Bottom left: Apple iPad 2
Aspect ratio: 1.30**

**Bottom right: alleged Galaxy Tab 10.1
Aspect ratio: 1.36**

**Top right: official Galaxy Tab 10.1
Aspect ratio: 1.46**

**Research: Webwereld.nl
August 2011**

NOTE: These images are only to compare the different aspect ratios, not the actual dimensions.



<http://webwereld.nl/nieuws>

While the actual Galaxy Tab 10.1 measures 256.7mm x 175.3mm with an aspect ratio of 1.46, the picture shows the tablet with an aspect ratio of 1.36, eight percent wider than the real slate.

As a result, the Samsung tablet looks far more similar to Apple's iPad 2 than it actually is.

Arnout Groen, a lawyer with the Dutch firm Klos Morel Vos & Schaap, specialized in intellectual property rights litigation, is baffled by the flaw.

"This is a blunder. That such a 'mistake' is made in a case about design rights can scarcely be a

coincidence... The aspect ratio of the alleged Galaxy Tab is clearly distorted to match the iPad more closely. Inasmuch as this faux pas will have consequences for the case is of course up to the judge. But at least a reprimand by the German judge seems to be in order," Groen was quoted by Computer World for saying.

Samsung has been locked in a battle with Apple over smartphone and tablet patents since April. The Galaxy gadgets pose one of the biggest challengers to Apple's mobile devices, which have achieved runaway success.

Earlier, Apple has accused Samsung of violating intellectual property rights across various products, including tablets and smartphones. In July, Apple filed a complaint against Samsung with the International Trade Commission in the United States over IP violations in both the tablet and smartphone markets. Apple has also filed suit against Samsung in [Japan](#), [South Korea](#) and the U.S.

Apple has said the Galaxy line of mobile phones and tablets "slavishly" copied the [iPhone](#) and iPad, and it has sued Samsung, which in return countersued Apple.

Apple sold 14 million iPads globally in the first half of 2011, while analysts' sales estimate shows around 7.5 million units for the Galaxy Tab over 2011.

"Outside of Apple, we believe Samsung is one of the few OEMs in the world with ability to enjoy success in both the smartphone and tablet markets. However, if Samsung is violating Apple's IP rights, we believe Apple could enjoy even further success in these markets in the coming years," commented Ticonderoga Securities analyst Brian White in a note to clients.

There is no compromise in sight between the technology giants. The legal battle is likely to carry on, which could result in a loss of millions of dollars to settle each claim in the court.

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