Apple Inc. v. Samsung Electronics Co. Ltd. et al Doc. 2003 Att. 2

Exhibit A

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Samsung seeks new trial in legal feud with Apple

By Howard Mintz
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SAN JOSE -- Samsung has asked a federal judge to set aside a jury's $1 billion verdict in favor of Apple (AAPL) in their legal war over smartphone and tablet patents, suggesting in court papers filed in recent days that the South Korean tech giant will allege jury misconduct as one of its legal arguments.

In asking for a new trial, Samsung maintains that "no reasonable jury" could support Apple's sweeping arguments that Samsung copied the designs of the iPhone and iPad in a host of smartphone and tablet products. U.S. District Judge Lucy Koh has set a hearing for December to consider the flurry of post-trial motions filed by both sides.

Apple vs. Samsung

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While most of the arguments in Samsung's 42-page brief were raised during trial, the company's legal team is keeping some of its legal ammunition under seal, filing many documents that are blacked out from public view. That includes arguments involving the jury, which are mentioned in a separate document filed Monday that asks Koh to bar any "further communication with jurors who served during the trial until the matters raised by this motion have finally been resolved."

Those "matters" are blacked out, as is a declaration on the topic from Susan Estrich, a Samsung lawyer, law professor and prominent television legal commentator.

Apple, meanwhile, also delivered its latest legal arguments to Koh over the weekend, asking for a permanent injunction against the sale of more than two dozen smartphone and tablet models, such as the Galaxy S II and Galaxy Tab 10.1. In addition, Apple asked for another $535 million in damages as a result of the jury's findings of patent infringement and violation of trade dress protections for many of those products, which would bring the final judgment to more than $1.5 billion.

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Monday, jury foreman Velvin Hogan defended the integrity of the jury's verdict, which he told this newspaper last month came after a painstaking review of the evidence.

"There was no jury misconduct at all," Hogan said.

Trial judges seldom grant motions for new trials, but Samsung's arguments will also lay the foundation for the company's expected appeal to the Washington, D.C.-based U.S. Circuit Court of Appeals, which reviews patent cases.

An Apple spokeswoman declined comment on Samsung's latest legal arguments.

Howard Mintz covers legal affairs. Contact him at 408-286-0236 or follow him at Twitter.com/hmintz

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