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20 Oct



Samsung Decides Galaxy Nexus Was Not Actually Designed To Avoid Apple Patents, "Doesn't Know" How That Rumor Got Started, Nothing To See Here



Posted by David Ruddock in Android OS, Galaxy Nexus / Nexus Prime, Legal, News, Samsung

Uh-oh. Sounds like Samsung's lawyers heard about Samsung Mobile President Shin Jong-kyun's little statement that the Galaxy Nexus was designed such that no "known" Apple patents were used or infringed on by the phone. This was probably, to be frank, a very stupid thing to say. Aside from basically *challenging* Apple to take a closer look at the Galaxy Nexus, there's also the fact that, if Jong-kyun's statement was actually correct and Samsung *did* design the Galaxy Nexus to avoid Apple patents, that Apple's lawyers would love to quote it at various patent infringement trials around the world.

This could be introduced to a jury as evidence that Samsung had reason to believe, at the point the Galaxy Nexus was designed, that their other products could be infringing on Apple patents. The admissibility of this statement in a U.S. court may be possible, even though it is highly prejudicial to Samsung, as the doctrine against the admissibility of subsequent remedial measures does not apply to willful patent infringement. If it is admitted, this (along with other evidence - it wouldn't be enough alone) could lead a jury to find that Samsung released phones in the U.S. knowing they were potentially infringing on Apple patents, which would allow Apple, if the jury finds patents to

have been infringed, to recover treble (triple) damages.

It's rare that you get such a public, verifiable, and concrete statement from such a high-ranking corporate officer about a product's IP strength. It's also likely that Samsung doesn't want to mislead shareholders (which happens to be a crime in most countries) by representing that the Galaxy Nexus is Apple-lawsuit-proof when that may not be the case.

One of Samsung Mobile's executives, Won-Pyo Hong, cleared up the situation for Samsung at AsiaD, saying that patents were **not** a big part of Samsung's discussion when they designed the Galaxy Nexus. Hong claims "At the time this [patent infringement] was not a really heavy issue." He also said, probably without skipping a beat, "'I don't know where that rumor is from." Well, we're *pretty* sure it was your boss.

Actually, it was a quote from Korean news outlet Yonhap, who claim Jong-kyun said that the Galaxy Nexus was designed to bypass legal attacks from Apple. Though, it's quite possible they took Jong-kyun's statement that "We will see if (the Galaxy Nexus) will be 100 percent free [of Apple lawsuits]" as an implication that the phone was designed to avoid patent litigation, which pretty obviously implies that Apple patents *were* a concern in the phone's design. Of course, this could also just be a "misunderstanding" or a Korean-to-English translation quirk. Yep, totally.

AllThingsD

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David Ruddock



David studies law at Pepperdine University in Malibu, California. His phone is Motorola DROID BIONIC. David is an avid writer, and enjoys imparting a legal perspective on Android news where it is relevant. He also doesn't usually write such boring sentences.

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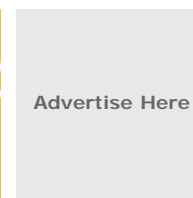
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6 Responses

to "Samsung Decides Galaxy Nexus Was Not Actually Designed To Avoid Apple Patents, "Doesn't Know" How That Rumor Got Started, Nothing To See Here"

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6 Comments



Martin

October 20, 2011 at 8:46 am



Reply

It wouldn't matter whether it was designed with patents in mind or not. With the current state of software patenting it would have infringed of something nonetheless, just like most other products do.



L boogie

October 20, 2011 at 9:24 am



Reply

It's amazing how the patent wars are truly out of hand when that type of statement could be used by the likes of "great artists steal" group to truly damage Samsung but at the same time, they're also both strange business bedfellows with each other, go figure.



Ryan S

October 20, 2011 at 9:47 am



Reply

This is stupid. The guy said when asked about the patents "We designed it so that no known patents were infringed."

This is NOT an admission of guilt that they intended to infringe on known patents on other devices. If you asked him then, "Does this mean the GS2 was designed to be a rip off of Apple?" I would bet he would have said the same exact thing.

Its more just an instance of the press jumping on something and taking it out of context to make a story.

Troy

October 20, 2011 at 10:27 am

Agreed. The statement is far from concrete or an admission of guilt regarding previous products. The idea that it would be admissible in court

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against Samsung and lead a jury to rule against them is ludicrous. This is a prime example of media-hype going way around the bend.

Reply

L boogie

October 20, 2011 at 10:44 am



“ Ludicrous agreed but it's not beyond Apple's legal tactics given some of their actions like the Netherlands/ Dutch cases.

Reply

Troy

October 21, 2011 at 7:24 am



“ I wouldn't put anything past Apple's legal tactics. We've already seen how they doctored evidence in the German courts. They will probably stitch together audio of Shin Jong-kyun admitting to violating Apple's patents. They might even throw in an admission of murder for good measure.

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