Samsung Urges U.S. Court to Keep Allowing Galaxy Phone Sales

Reuters

Samsung Electronics Co Ltd has urged a U.S. appeals court to stand by its denial of Apple Inc's request to ban sales of the Galaxy Nexus smartphone while Apple challenges its patent, according to a document filed late last week.

In October, a three-judge panel of the U.S. Court of Appeals for the Federal Circuit blocked Apple's bid for a pretrial sales ban. Apple has asked all nine active Federal Circuit judges to reconsider that decision, a process known as "en banc" review.

The October ruling by the Washington D.C.-based appeals court raised the bar for potentially market crippling injunctions on product sales based on narrow patents for phone features. The legal precedent puts Samsung in a much stronger position by allowing its products to remain on store shelves while it fights a global patent battle against Apple over smartphone technology.

Several legal experts believe Apple faces long odds in trying to persuade the appeals court to revisit its decision.

Samsung's hot-selling Galaxy smartphones and tablets phones run on Google Inc's Android operating system, so Apple's litigation against Samsung has been viewed as a proxy for Apple's fight with Google. The appeals court decision involves patented search technology which Apple argues is critical to the iPhone's commercial success.

In its court filing last Friday, Samsung argued that en banc review was unnecessary because Apple did not have enough evidence to show a "causal nexus" between its patented search capability and iPhone sales to justify a ban on sales of the Galaxy Nexus.

The Federal Circuit's panel ruling against Apple used "well established" reasoning that does not conflict with U.S. Supreme Court precedent, Samsung argued.

Representatives for Apple and Samsung did not immediately respond to a request for comment on Monday.

The two companies are scheduled to go to trial in federal court in San Jose, California in March 2014.

In a related patent lawsuit last year, Apple scored a huge legal victory over Samsung when a U.S. jury found Samsung had copied critical features of Apple's iPhone and iPad and awarded Apple $1.05 billion in damages.

But U.S. District Judge Lucy Koh in San Jose, California -- who has presided over much of the Apple/Samsung litigation in the United States -- in December rejected Apple's request for permanent sales bans on several other Samsung phones.

Koh cited the Federal Circuit panel's October opinion as a key precedent in her ruling, which Apple said it would also appeal.

The Nexus case in the Federal Circuit is Apple Inc. vs Samsung Electronics Co Ltd et al, 12-1507.

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