



詠晟專利事務所

HU & WU PATENT OFFICE

專利申請課程
第一堂



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LESSON ONE OF PATENT CLASS (BASE)

APPLE V SAMSUNG

在美之億元世紀專利戰

2022/5/16



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手機演進史



資料來源：工研院 IEK ITIS 計畫 (2010/07)

Cell Phone: From Brick to Slick



Dr. Martin Cooper
The first call on a mobile phone was made.

Cell phone battery: Nickel Cadmium

1. Heavy and large. This subsequently increased the cell phone size.
2. Users have to empty the battery fully before recharging it.
3. Produced heat while using.
4. Cadmium being a toxic product posed health issues for the users and it was also difficult to dump after use.



Sources:

- <http://www.webdesignerdepot.com/2009/05/the-evolution-of-cell-phone-design-between-1983-2009/>
- http://www.pcworld.com/article/131450/in_pictures_a_history_of_cell_phones.html
- http://www.pcworld.com/article/173033/evolution_of_the_cell_phone.html
- <http://ginva.com/2011/05/the-evolution-of-the-cell-phone-between-1938-2011/>
- <http://blog.smartphoneslab.com/evolution-of-cell-phone-battery/>
- <http://gizmodo.com/5500343/sprints-htc-evo-the-first-ever-4g-phone-meet-the-new-terrific>

美國專利訴訟

- 專利權是一種「屬地主義」，要在美國提出專利訟訴(原告)，要先獲得美國專利。
- 美國專利權人要主張其專利權，有以下二項途徑：
 - 向美國地方法院提告
 - 向美國國際貿易委員會(ITC)提告

起訴



APPLE(原告)

- 美國專利
 - 7件發明專利(Patent)
 - 3件設計專利(Design)



Samsung (被告)

- 共同被告
 - Samsung
 - Samsung electronics
 - Samsung mobile

訴狀爭點整理

Apple

- 發明專利
 - 7,469,381(請求項19)
 - 7,844,915 (請求項8)
 - 7,864,163 (請求項50)
- 設計專利
 - D618,677(0-手機)
 - D593,087(0-手機)
 - D604,305(0-GUI)
 - D504,889(X-平板電腦)

Samsung

- 21款手機(不列舉)
- 2款平板電腦
 - Galaxy Tab 10.1(WiFi)
 - Galaxy Tab 10.1(4G LTE)

陪審團初次裁決

- 陪審團在今年8月24日作出裁決(verdict)，裁定23項產品分別對3件發明專利、3件設計專利及多項商標侵權。

LESSON ONE OF PATENT CLASS (BASE)

專利武器

2022/5/16



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381發明專利

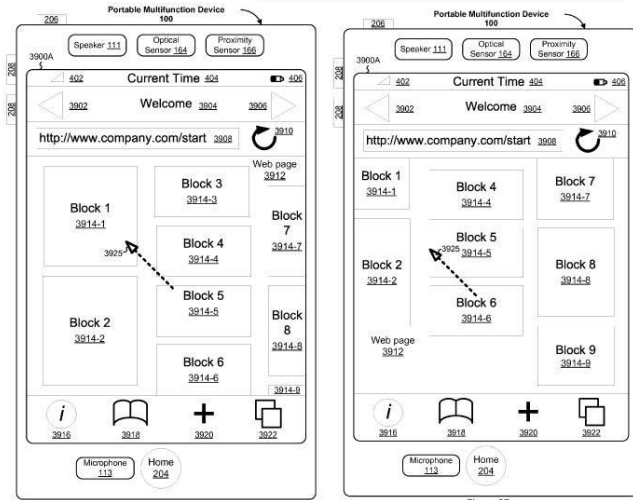
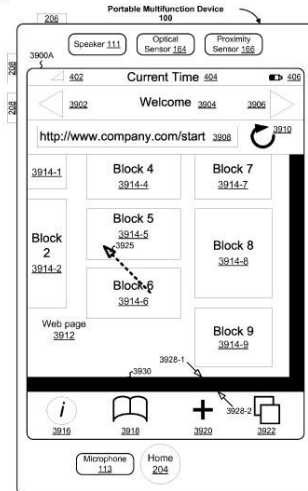


Figure 8A

Figure 8B



- 專利381號：邊界回彈及越界滾動
 - 將某個顯示頁面向上或者向下拉動，達到頂部或者底部時，它會有一個到達頂部或者到達底部的物理反饋機制
- Samsung有21款產品侵權

915發明專利

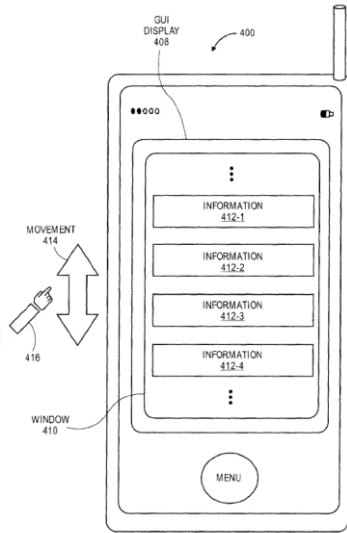


FIG. 4

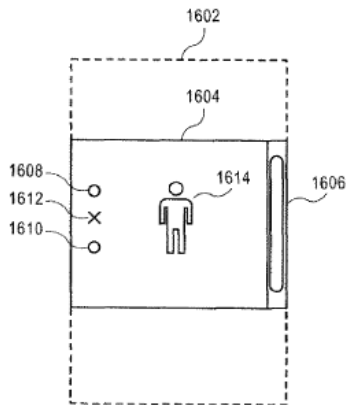


FIG. 16A

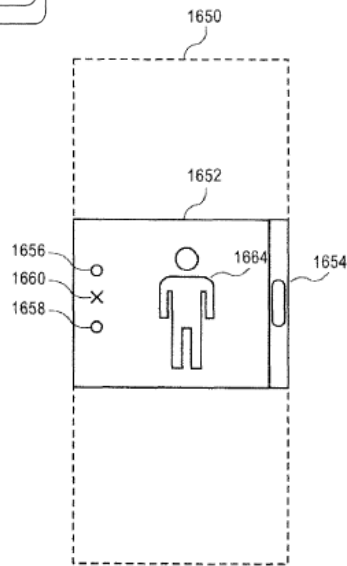


FIG. 16B

- 專利915號
 - 單指滾動
 - 多指縮放
- Samsung有21款產品侵權

163發明專利

- 專利163號：
 - 雙擊螢幕放大文檔
 - 當打開一個文檔螢幕顯示太小時，只要雙擊一下螢幕該文檔就能變大
- Samsung有16款產品侵權

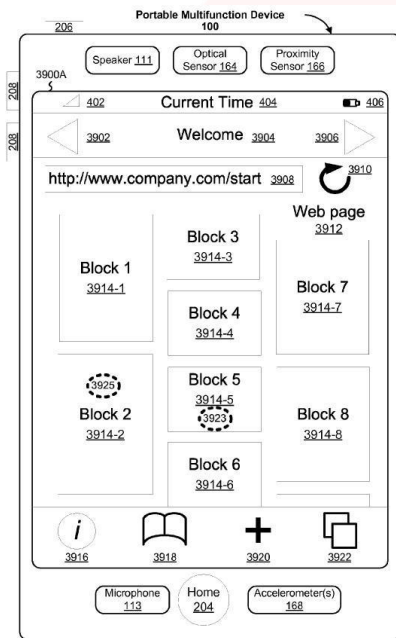


Figure 5A

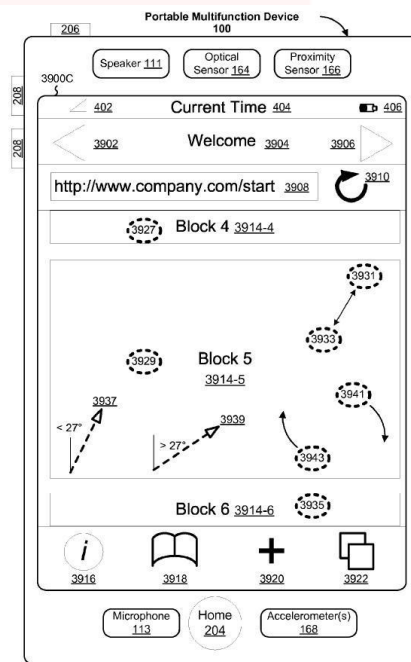


Figure 5C

677設計專利

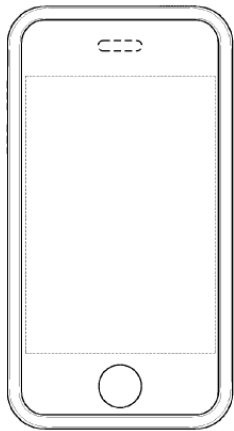


FIG. 3

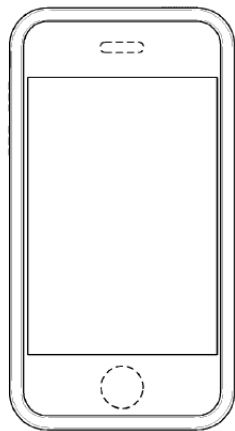


FIG. 11

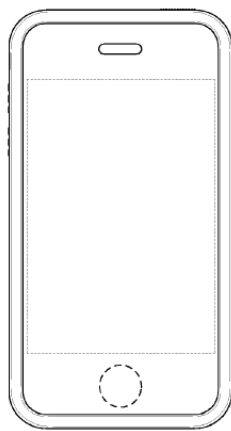


FIG. 19

- 專利677號
- 矩形面板+
 - 圓形Home鍵
 - 矩形觸控區
 - 長矩形聽筒
- samsung 12款產品侵權

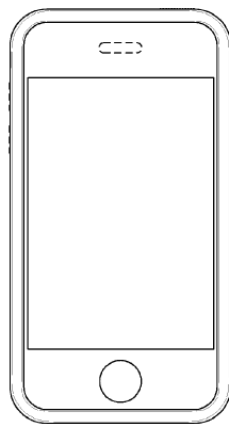


FIG. 27

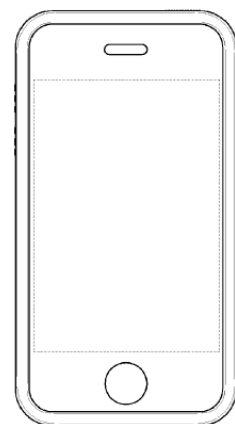


FIG. 35

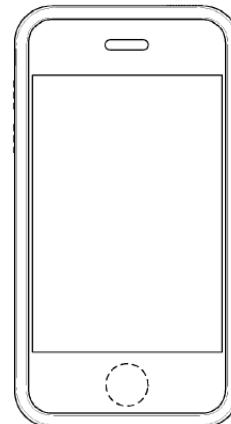


FIG. 43



087設計專利

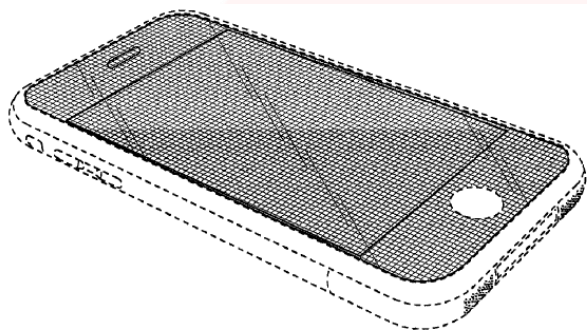


FIG. 1

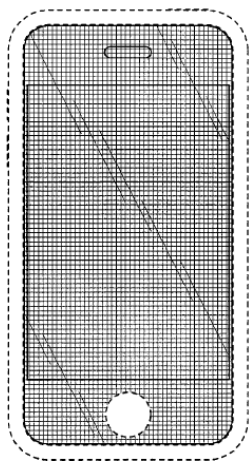


FIG. 3

- 專利087號
- 黑色矩形面板
 - 矩形觸控區
 - 長矩形聽筒
- samsung12款手機侵權



Apple iPhone 4

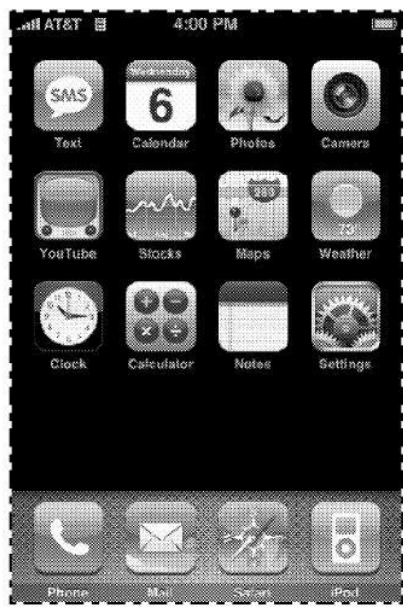
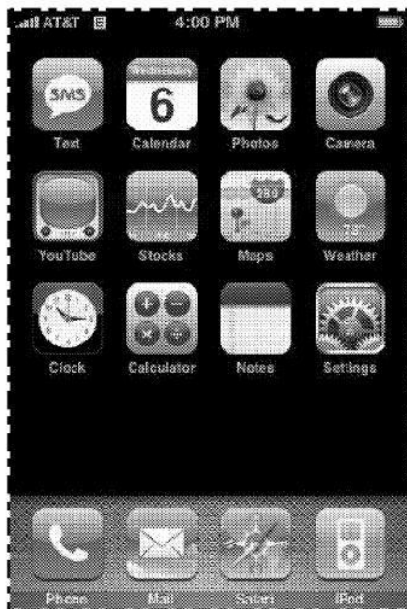


Samsung Galaxy S

你選那一支?



305設計專利



- 專利305號
- GUI設計(送彩圖)
 - 帶圓角方形的Icon
- Samsung有13款手機侵權

眼見為憑



LESSON ONE OF PATENT CLASS (BASE)

侵權賠償

2022/5/16



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初次裁決 verdict — 惡意侵權

10. If you answered “Yes” to any of Questions 1 through 9, and thus found that any Samsung entity has infringed any Apple patent(s), has Apple proven by clear and convincing evidence that the Samsung entity’s infringement was willful?

(Please answer in each cell with a “Y” for “yes” (for Apple), or with an “N” for “no” (for Samsung).)

Apple Utility and Design Patents	Samsung Electronics Co., Ltd.	Samsung Electronics America, Inc.	Samsung Telecommunications America, LLC
'381 Patent (Claim 19)	Y	Y	Y
'915 Patent (Claim 8)	Y	Y	Y
'163 Patent (Claim 50)	Y	Y	Y
D'677 Patent	Y		Y
D'087 Patent	N		N
D'305 Patent	Y		Y
D'889 Patent	N	N	N

各項侵權產品的賠償金

For the total dollar amount in your answer to Question 22, please provide the dollar breakdown by product.

Accused Samsung Product	Amount
Captivate (JX 1011)	80,840,162
Continuum (JX 1016)	16,399,117
Droid Charge (JX 1025)	50,672,869
Epic 4G (JX 1012)	130,180,894
Exhibit 4G (JX 1028)	1,081,820
Fascinate (JX 1013)	143,539,179
Galaxy Ace (JX 1030)	0
Galaxy Prevail (JX 1022)	57,867,383
Galaxy S (i9000) (JX 1007)	0
Galaxy S 4G (JX 1019)	73,344,648
Galaxy S II (AT&T) (JX 1031)	40,494,356
Galaxy S II (i9100) (JX 1032)	0
Galaxy S II (T-Mobile) (JX 1033)	83,791,708
Galaxy S II (Epic 4G Touch) (JX 1034)	150,326,988

Accused Samsung Product	Amount
Galaxy S II (Skyrocket) (JX 1035)	32,273,558
Galaxy S Showcase (i500) (JX 1017)	22,502,146
Galaxy Tab (JX 1036)	1,966,691
Galaxy Tab 10.1 (WiFi) (JX 1037)	833,076
Galaxy Tab 10.1 (4G LTE) (JX 1038)	0
Gem (JX 1020)	4,075,585
Indulge (JX 1026)	16,011,184
Infuse 4G (JX 1027)	44,792,974
Intercept (JX 1009)	0
Mesmerize (JX 1015)	53,123,612
Nexus S 4G (JX 1023)	1,828,297
Replenish (JX 1024)	3,350,256
Transform (JX 1014)	953,060
Vibrant (JX 1010)	89,673,957

00 3/21/12
00 3/24/12

總賠償金額

DAMAGES TO APPLE FROM SAMSUNG (IF APPLICABLE)

22. What is the total dollar amount that Apple is entitled to receive from Samsung on the claims on which you have ruled in favor of Apple?

~~\$ 1,051,855,000.00~~
\$ 1,049,343, ~~293~~ 540.00 *Att* 8/24/12

再次裁決

- 法官認為初次裁決中，對於數項產品的計算金額計算有誤，故令陪審團將其中450,514,650重為裁決。
- 裁決後金額為：
- 290,456,793

For the total dollar amount in your answer to Question 1, please provide the dollar breakdown by product.

Samsung Product	Amount
Captivate (JX 1011)	21,121,812
Continuum (JX 1016)	6,478,873
Droid Charge (JX 1025)	60,706,020
Epic 4G (JX 1012)	37,928,694
Exhibit 4G (JX 1028)	2,044,683
Galaxy Prevail (JX 1022)	22,143,335
Galaxy Tab (JX 1036)	9,544,026
Gem (JX 1020)	4,831,453
Indulge (JX 1026)	9,917,840
Infuse 4G (JX 1027)	99,943,987
Nexus S 4G (JX 1023)	10,559,907
Replenish (JX 1024)	3,046,062
Transform (JX 1014)	2,190,099

Have the presiding juror sign and date this form. \$ 290,456,793.00

Signed: Lee Pollan Date: 21 NOV 2013

PRESIDING JUROR

最後由地院作出的總賠償金

- 9.268億美金



USD9.268億





LESSON ONE OF PATENT CLASS (BASE)

專利權是一種智慧財產權

2022/5/16



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財產

- 有形財產
 - 動產
 - 不動產
- 無形財產 - 人類基於思想進行創作活動而產生的精神上、智慧上的無形產物
 - 如音樂、書籍、畫作、網站設計、專利、商標

智慧財產權

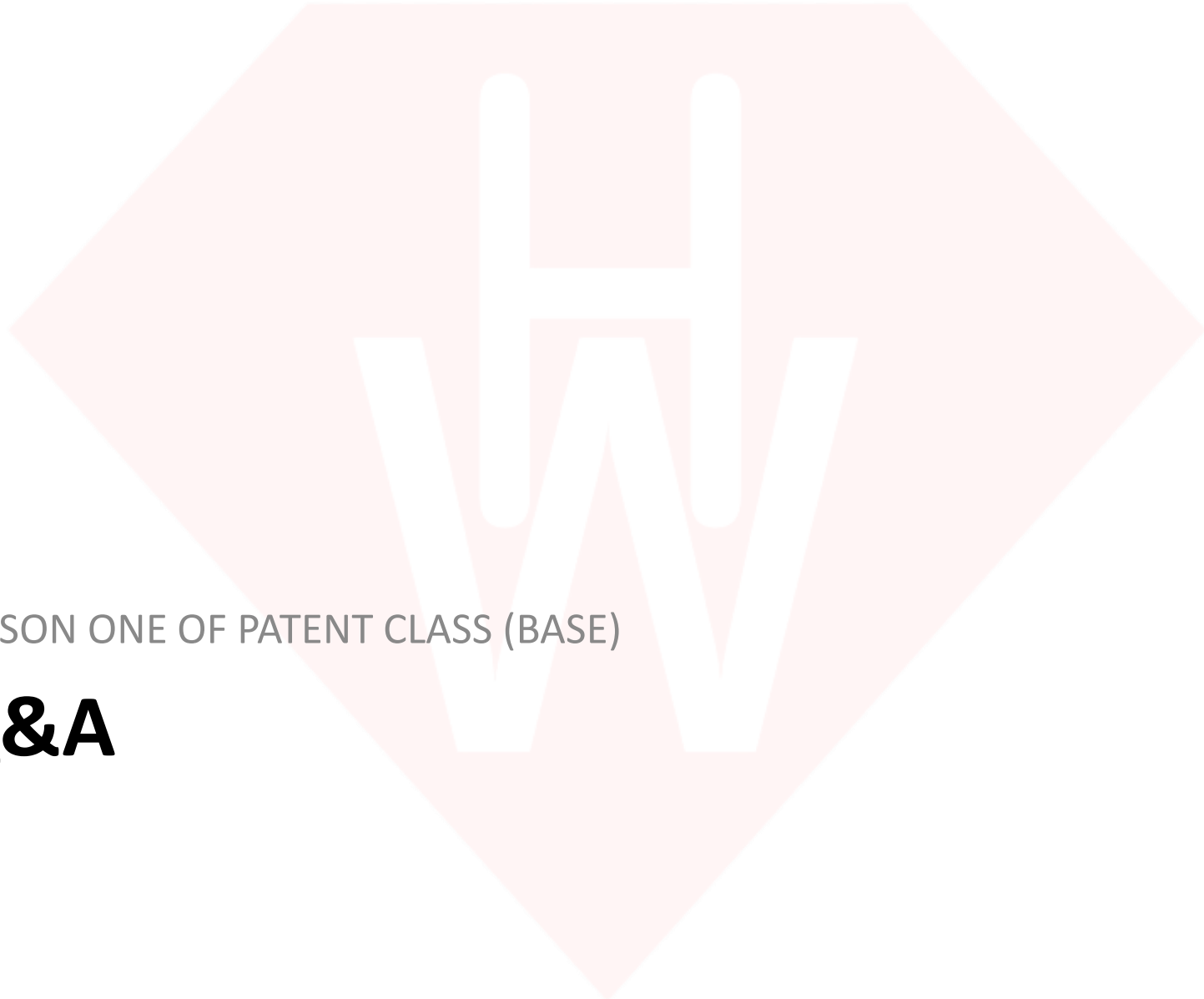
(Intellectual Property Rights ; IPR)

- 智慧財產權(IPR)

- 藉由立法保護人類精神智慧產物賦與創作人得專屬享有之權利，稱為「智慧財產權」，包括商標專用權、專利權及著作權

台灣法律如何保障智慧財產權

	專利權	商標專用權	著作權
刑事責任	X	V 3年以下有期徒刑 最高罰金20萬	V 5年以下有期徒刑 最高罰金200萬(修法中， 現行法500萬)
民事責任	V	V	V



LESSON ONE OF PATENT CLASS (BASE)

Q&A



Q&A

- (1) YES or NO?
 - 經業務人員轉告發現某A公司在美國販售OO產品，經查該OO產品使用本公司的技術，且該技術本公司已取得台灣發明專利保護，故可向美國地方法院向A公司起訴？
- (2) 最近針對公司交付一項重要的研究開發案件，設計想法已完備，而且差不多再半年就可以完成產品原型。此時，若想循求專利保護，以下何者正確？
 - (A) 等確定原型機完成再向公司專利申請窗口報備申請。
 - (B) 現在就向公司專利申請窗口報備申請。
 - (C) 寫程式、除錯、焊電路板就忙不過來了，有空再說。
 - (D) 還不確定客戶是否下訂，等原型機完成而且找到客戶後，再申請。



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