

APPLE INC. v. SAMSUNG ELECTRONICS CO., LTD., Appeal No. 2014-1802 (Fed. Cir. September 17, 2015). Before Moore, Reyna, and Prost. Appealed from N.D. Cal. (Judge Koh).

Background:

Samsung was held to infringe five of Apple's patents. Thereafter, Apple filed a motion for a permanent injunction to restrict Samsung from importing or selling any product that implements Apple's patented features.

The focus at the district court was the *eBay* factor relating to irreparable harm. In an attempt to prove irreparable harm, Apple produced evidence of lost sales and other market harms (e.g., lost market share) due to Samsung's competing sales.

However, the district court asserted that Apple had not shown that the patented features "drive consumer demand for Samsung's infringing products" and thus, did not prove irreparable harm. For this reason, the district court denied Apple's motion for permanent injunction. Apple then appealed.

Issue/Holding:

Did the district court err in failing to grant Apple's motion for a permanent injunction? Yes, vacated and remanded.

Discussion:

On appeal, the Federal Circuit disagreed with the district court's requirement that Apple show that the patented features "drive consumer demand for Samsung's infringing products." Instead, the Federal Circuit stated that Apple only needed to show "some connection" between the patented features and the demand for the infringing products.

The Federal Court explained that "some connection" between the patented features and the demand for the infringing products can be shown with evidence that a "patented feature is one of several features that cause consumers to make their purchasing decisions." That is, the Federal Circuit stated that Apple does not need to establish that the patented features are the *sole* reason consumers buy Samsung phones; instead, it is enough that Apple has shown that the patented features were important to customers when examining their phone choices.

Thus, the Federal Circuit stated that "it was clear error in the face of this evidence" for the district court to conclude that Apple failed to establish irreparable harm. The district court's denial of the permanent injunction motion was improper and reversed and remanded the district court's decision.