APPLE INC. v. SAMSUNG ELECTRONICS CO., LTD., Appeal Nos. 2015-1171, -1195, and -1994 (Fed. Cir. February 26, 2016). Before Prost, Dyk, and Reyna. Appealed from N.D. Cal. (Judge Koh).

Background:

Apple sued Samsung for infringement of five patents directed to smartphone technologies. Samsung countersued for infringement of two patents also directed to smartphone technologies. The district court held that Apple's patent directed to the slide-to-unlock feature (the '721 patent), and two other patents, were valid and infringed. The district court awarded Apple $119,625,000 for infringement of the three patents, and awarded Samsung $158,400 for infringement of one of its patents. Samsung appealed, including as to the '721 patent.

Issues/Holdings:

Did the District Court err in holding that Apple's '721 patent was valid and infringed? Yes, reversed.

Discussion:

The Federal Circuit held that the '721 patent was invalid for obviousness over a combination of two references, Neonode and Plaisant. Neonode discloses an unlocking mechanism for a touchscreen phone where a user can unlock the phone by moving their finger while continuously touching the screen. However, Neonode does not disclose the claimed "unlock image," i.e., a visual depiction of an object tracking the finger movement. Plaisant discloses a touchscreen console for home appliances including a touchscreen slider toggle. Apple argued that Plaisant teaches away from the slider toggle, and that a person having ordinary skill would not have combined Neonode and Plaisant, because Plaisant is directed to wall-mounted devices rather than mobile phones. Apple also argued that the '721 patent was not obvious in view of secondary considerations of a long felt but unresolved need, industry praise, copying, and commercial success.

On the issue of whether Plaisant teaches away from a slider toggle, the Federal Circuit acknowledged Plaisant's statements that the slide toggle was a less-preferable embodiment and had disadvantages compared to other touch input devices. However, the Federal Circuit held that the mere disclosure of a particular technology as being somewhat inferior to alternatives is not sufficient to teach away from that technology.

On the issue of whether Plaisant is relevant prior art, the Federal Circuit held that Plaisant is in the same field of endeavor as the '721 patent because it discloses essentially the same structure and function. The Federal Circuit also noted that neither Plaisant nor the '721 patent's stated fields of endeavor were limited to mobile devices, and referred to the '721 patent's broadly stated field of endeavor of "user interfaces that employ touch-sensitive displays."

On the secondary considerations, the Federal Circuit held that Apple's evidence of long felt need, industry praise, and commercial success was insufficient to weigh in Apple's favor. The Federal Circuit held that the evidence of copying was sufficient, but that this alone could not overcome a finding of obviousness over prior art. Accordingly, the Federal Circuit held that no reasonable jury could have found the claims of the '721 patent valid.

