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US Edition

So, while I don't totally support Apple's approach and think time and money could have been better spent elsewhere, that doesn't mean there was no legal merit to their claims. In an international marketplace where intellectual property rights are often trampled upon with little legal or government intervention, I for one respect Apple for drawing a line in the dirt and fighting a fight they knew was an uphill battle.

I have no beef with the author's overall intention, but his clear bias and negativity towards Apple was unnecessary and only serves to undermine the valid points he does make.

REPLY / LIKE

Cmauro2 13 hours ago

Larry: not so fast. Your article on this matter lacks basic journalistic rigor.

Specifically, your references to the various amicus briefs filed in the case are not accurate. For starters the 27 Law Professors brief filed by Lemley is based on opinions of a group of academics with no experience in product design and it's related business impact. The Lemley brief fails entirely to provide any references or support for the role of design in consumer purchase decisions and related variables. Had you actually taken the time to read the Lemley brief you would have discovered such inconsistencies and lack of support running through the entire argument.

In your piece you also reference the recent post of Florian Foss stating that Apple's law firms submitted 2 of the opposing briefs. Again, had you actually read the Foss post you would have seen that Florian Foss had not read either opposing brief and based his opinion only on review the title pages.

Had Florian taken the time to actually read the opposing briefs he (and you) would have seen that while the firm's submitting each brief have worked with Apple the actual amici (those signing in support) included 54 distinguished design professionals from leading U.S. design firms, corporations and design schools. Most significantly, in the background section of those briefs it states that those who were in opposition to Lemley had, in the past consulted for BOTH Apple and Samsung and that those signing were taking no position in the case. Those signing included several past presidents of the Industrial Design Society of America (IDSA) and other highly regarded design professionals.

The opposing briefs described as "coming from Apple's law firms" provide extensive cited and referenced research documentation rebutting Lemley and all related arguments. That content provides the court with a detailed understanding of design as a variable of increasing, not decreasing value in a world of complex consumer products. The opposing brief addresses the fundamental value of design in the sale and use of modern high-technology products like smartphones. The opposing brief does not take sides and says so explicitly.

Finally, as a member of the group that actually wrote the opposing briefs I can say with confidence that the law firms aiding in the submission of the briefs did not at any time suggest changes which would be construed as leaning in the direction of Apple in this matter. Both firms simply provided the required legal support necessary for filing of such documents.

In the event that you wish to report a more accurate view of this matter below is a link the actual opposing amicus briefs which you conveniently omitted from your article. Perhaps readers would like to review the actual documents on which the appeal may be decided.

Link to all briefs: <http://www.mauronewmedia.com/blog/amicus-briefs-filed-in-opposition-to-samsunglemley-positions-for-the-recent-apple-v-samsung-matter/>

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