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APPLE VS SAMSUNG

Ask Apple Vs Samsung Jury Foreman Velvin Hogan Whatever You Want

Mario Aguilar

A few weeks ago, Samsung got hit with [\\$1.05 billion penalty for violating Apple's patents and copyrights](#). It took the jury just a few days to decide on the massive penalty. Jury foreman Velvin Hogan probably had more to do with the speed of the decision-and its outcome-than anyone.

By now, you might have heard Hogan's name, but this is your first opportunity to ask him whatever you want about the Apple vs. Samsung case and its aftermath. What's it like serving at the helm of such an important case? Was there any one piece of evidence that pushed the jury over the edge? Hogan's here to answer your questions starting at 1PM, so let's hear what you've got!

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do not buy apple products nor Samsung. It was the evidence, I was not sure that Apple was going to win at the beginning. The evidence was clear.

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Do you think \$1.05 billion is an appropriate amount for a company to pay in royalties for such things as bounce back?

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This was not royalties this is a one time payment for damages. It is half what Apple wanted it would have been fair to give Apple a Monopoly.

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How come you guys decided not to read the jury instructions or thoroughly review the materials related to the case before issuing a verdict?

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The jury instructions were read to us by the Judge before the closing arguments. And we were given a copy of the by the judge to that back with in the jury room we used the every day of until we returned the verdict.

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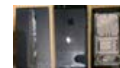
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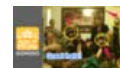
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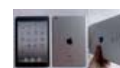
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Dreednought 15 days ago
How did you stay unbiased during the trial?

Velvin Hogan @Dreednought 15 days ago
I do not buy apple products nor Samsung. It was the evidence, I was not sure that Apple was going to win at the beginning. The evidence was clear.

Brian Richards @Velvin Hogan 15 days ago
The evidence or your opinion of the evidence? I find it incredulousto believe you carefully considered the details of each claim and the mountains of evidence in the time you spent deliberating. Did Apple simply "Wow" you so much in court that you went their way? Because that's not how it's supposed to work.

Matutina @Velvin Hogan 14 days ago
Then what's your phone?

danbara @Velvin Hogan 14 days ago
Nobody on the jury owned an iPhone, that is probably why nobody realized what an evil company Apple really is. This verdict is a joke, Samsung phones look nothing like an iphone... Did anyone even question the ridiculousness of patent laws in this day and age...? No other smartphones should have "screens", right!?!?

Dylan Collier @Brian Richards 14 days ago

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APPLE
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MARS

Is that what happened in the trial or your opinion of the trial?
You are making assumptions about what you are claiming Mr. Hogan assumed.
I'm aware that it's worded as question, however they are blatantly pre-conceived judgements of the case.

REPLY

DertMerchant @VelvinHogan 14 days ago

Which product would you purchase now?

REPLY

EyeHeartPie @DylanCollier 14 days ago

When hardened patent lawyers say they could not have gone through the 700+ question list in 3 days, and the entire case was deliberated by the (not patent lawyers) jury in less than that, you know something fishy happened. When the foreman relies on his "expertise" on patents (which is a single patent that relies on his own narrow reading of prior art to not be judged invalid) to ignore jury instructions and ignore a major portion of the jury questionnaire, there are a lot of questions (ironically) that need to be answered about how the jury decided what it did.

REPLY

Pope Nimensky @Matutina 14 days ago

yeah exactly. i'd like to know exactly what phones each of the jurors carry. anyone that has owned an Apple or Samsung phone should have been removed immediately.

REPLY

Hide discussion

jonmpls 15 days ago

Do you think \$1.05 billion is an appropriate amount for a company to pay in royalties for such things as 'bounce back'?

REPLY

Velvin Hogan @jonmpls 15 days ago

This was not royalties this is a one time payment for damages. It is half what Apple wanted it would have been fair to give Apple a Monopoly.

REPLY

Burner892346287 @VelvinHogan 15 days ago

It isn't about what Apple did or did not want. The award was meant to compensate Apple and make them whole. Do you honestly believe Apple has lost this much money due to Samsung's actions?

REPLY

20degrees @VelvinHogan 15 days ago

Giving Apple a monopoly is exactly what you tried to do allowing it to think it owns rectangles.

REPLY

jonmpls @VelvinHogan 15 days ago

The juror instructions specified that the amount should be considered as if it were a royalty payment. Pity you didn't bother to read that.

REPLY

HowardL. @VelvinHogan 14 days ago

what a tool. you're publicly admitting that you didn't follow the instructions. giving apple a monopoly is fair? LOL

REPLY

herbanwarrior @VelvinHogan 14 days ago

That imply's that it hurt apples business by said amount of money, which is complete bull.

REPLY

Tenacious221 @VelvinHogan 14 days ago

...that's disturbing...

REPLY

AnonymousServer @VelvinHogan 14 days ago

Some quotes were made along the lines that you didn't want the punishment for Samsung to be a "slap on the wrist." This makes it seem as if you weren't so much awarding Apple compensatory damages, but also attempting to award punitive damages when the jury instructions explicitly stated that you were not to do this.

How do you explain this?

REPLY

Dr.Nemmo and his... @VelvinHogan 14 days ago

That phrase is gold for Samsung. Thanks, Velvin!

REPLY

Hide discussion

Paul Pick-Abuse 15 days ago

Curiosity Took an 7,208

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REPLY

Velvin Hogan @Paul Pick-Aluas 15 days ago

The jury Instructions were read to us by the Judge before the closing arguments. And we were given a copy of the by the judge to that back with in the jury room we used the every day of until we returned the verdict.1

REPLY

EyeHeartPie @Velvin Hogan 14 days ago

Just because they were read to you and you had a copy does not mean you followed them. All evidence points to you not following all of the jury instructions, including quotes by other jurors.

REPLY

Alex Short @Velvin Hogan 14 days ago

Hearing them read and reading then yourself are two different things. To expand on this question: Why did you disregard the instructions and award damages based on teaching Samsung a lesson as similar quotes you have made to various news outlets have you saying?

REPLY

Piggypigs @Velvin Hogan 13 days ago

And yet obviously you held them in low regard since you did NOT even refer to it during your discussions.

REPLY

Hide discussion

The Unbiased Guy. 15 days ago

How much did apple pay you?

REPLY

Velvin Hogan @The Unbiased Guy. 15 days ago

Not a dime.

REPLY

CaNnoN1993 @Velvin Hogan 14 days ago

Most likely significantly more then this.

REPLY

Hide discussion

jonmpls 15 days ago

How is it that you and the other jurors came to such a quick decision in the case?

REPLY

Velvin Hogan @jonmpls 15 days ago

do a google search of the verdict form and you will how the questions are grouped together by the judge she made it easy for us.

REPLY

jonmpls @Velvin Hogan 14 days ago

So then you admit you didn't view each case of potential infringement individually?

REPLY

DssTrainerX @Velvin Hogan 14 days ago

So the judge as paid off.. I see

REPLY

Piggypigs @Velvin Hogan 13 days ago

Sigh even when grouped, there are so many points to consider it boggles the mind to know that you came to a decision after 2.5 working day.

REPLY

Hide discussion

The Unbiased Guy. 15 days ago

Do you think the patent system needs to be more strict about what you can and cant patent?

REPLY

Velvin Hogan @The Unbiased Guy. 14 days ago

The discussion needs to be debated among all of our peers. the majority view will win, as it should be. As for as my believe the System should be reviewed it my or may not need to be fixed.

REPLY

Gornack @Velvin Hogan 14 days ago

The views of the majority are not always correct.

REPLY

Hide discussion

mehman090 15 days ago [r](#) [p](#)
Do you regret your decision/ruling?

[REPLY](#)

Velvin Hogan @mehman090 14 days ago [r](#) [p](#)

I /we the jurors stand by our ruling.

[REPLY](#)

[Hide discussion](#) ^

MegaMasterX 15 days ago [r](#) [p](#)

Do you own any apple products yourself? Did any of the jury members?

[REPLY](#)

Velvin Hogan @MegaMasterX 14 days ago [r](#) [p](#)

I do not. And the other jurors did not as well.

[REPLY](#)

Echostar @Velvin Hogan 14 days ago [r](#) [p](#)

Statistically, shouldn't at least one juror have had an iPhone? That is if the jury was representative of the population.

[REPLY](#)

BigMike_Hamburg @Velvin Hogan 14 days ago [r](#) [p](#)

Don't you believe that this ruling will only lead to more insanely stupid cases? How can any small company hope to win against any of these big giants in the future?

[REPLY](#)

ZakMckracken @Echostar 14 days ago [r](#) [p](#)

An iPhone, iPod, or an iPad? It is an apparent statistical anomaly that none of the jury members owned any of these devices.

[REPLY](#)

kentskinner @Velvin Hogan 14 days ago [r](#) [p](#)

How do you find 12 people in Silicon Valley that don't have any Apple products?

[REPLY](#)

Chim @ZakMckracken 14 days ago [r](#) [p](#)

They Samsung lawyers may have had them thrown out for possible bias.

[REPLY](#)

Echostar @ZakMckracken 13 days ago [r](#) [p](#)

Totally.

And if Samsung's lawyers asked for them to be thrown out as jurors for owning Apple products I'm not sure if that's fair.

Should a Sammy TV, or Blu-Ray, or phone, or tablet, or camcorder owner have been excluded as well?

I don't feel that product ownership is indicative of what would be bias in the courtroom.

[REPLY](#)

[Hide discussion](#) ^

jonmpls 15 days ago [r](#) [p](#)

Given that you were specifically told not to use the judgement amount to punish, why did you and the other jurors do exactly that?

[REPLY](#)

Velvin Hogan @jonmpls 14 days ago [r](#) [p](#)

We did not punish, our judgement was fail and about half of what Apple was asking for. When willfully infringed and get caught you must pay the price. That is how our system works,

[REPLY](#)

Burner892346287 @Velvin Hogan 14 days ago [r](#) [p](#)

Yet you were quoted as saying you did just that.

[REPLY](#)

jonmpls @Velvin Hogan 14 days ago [r](#) [p](#)

Actually, an interview with one of the other jurors indicates otherwise.

[REPLY](#)

GrantDLittle @Velvin Hogan 14 days ago [r](#) [p](#)

Did or did you not say "We wanted to make sure it was sufficiently high to be painful, but not unreasonable." If you did, how is that not punishment?

[REPLY](#)

FveHeartPie @Velvin Hogan 14 days ago [r](#) [p](#)

Another juror was quoted as saying "we wanted to punish Samsung". That sounds like you personally were also quoted as saying you had reached a verdict without needing the jury instructions.

REPLY

KV1 @VelvinHogan 14 days ago

In a recent interview you clearly stated that "We wanted to make sure the message we sent was not just a slap on the wrist," Hogan said. "We wanted to make sure it was sufficiently high to be painful, but not unreasonable." That sounds like you wanted to punish Samsung to me.

REPLY

hilbil @Bumer892346287 14 days ago

Where? Source where he says "punish"?

REPLY

TMc51 @VelvinHogan 14 days ago

So very well put. Your judgement was indeed quite fail.

REPLY

delos3 @VelvinHogan 14 days ago

Despite quotes from you about punishing them?

REPLY

Jedibassist @TMc51 14 days ago

This is the first thing that crossed my mind. Complete fail.

REPLY

ZakMcCracken @VelvinHogan 14 days ago

Isn't it the judge's responsibility to increase the fine (after the jury's ruling) for willful infringement? Your determination was supposed to be to cover lost sales, not "to be painful."

REPLY

stiggity.stang @TMc51 14 days ago

damn... beat me to it. epic fail, indeed!

REPLY

TrojanZero @VelvinHogan 13 days ago

I would have to agree, your judgement's so far sure have been "fail".

REPLY

Hide discussion

Demon-Xanth 15 days ago

Did you have the opportunity to ask "Is this something that should be patentable?" during the trial?

REPLY

Velvin Hogan @Demon-Xanth 14 days ago

No, however it was not the function of this jury to ask that. We were bound to use the law as it is today. The patents were issued the judge instructed us not to second guess the current patent system.

REPLY

lwbt88 @VelvinHogan 14 days ago

But that was the whole point of the counter suit by Samsung, to dismiss the patents. Did you guys flat out ignore those arguments then?

REPLY

Urinnerchild87 @VelvinHogan 14 days ago

Were you made aware of "Jury Nullification?" You can do a google on it, but the jist of it is that the jury does not have to follow a law they find objectionable or unconstitutional.

REPLY

Urinnerchild87 @VelvinHogan 14 days ago

Here's a wiki link none the less [en.wikipedia.org]

REPLY

Lambda9 @VelvinHogan 14 days ago

no, its the jurors duty to question the law thats being put forth before the court. It was your job to know what your responsibilities are. To question whether or not a 'squircle' should be patentable.

REPLY

Groklawsvoice @VelvinHogan 14 days ago

The law is that the jurors are supposed to decide whether or not a patent is infringed, which *includes* whether or not the patent is valid, because if it is not valid, it can't be infringed.

You have a right to second guess anything and everything.

REPLY

Hide discussion

DBailey01 15 days ago

I am enjoying my Samsung S3. Never will switch to Iphone. Samsung designs are better. Did the Jury have a broad knowledge of Smartphone and Tablet devices. Could they also differentiate IOS and Android?

REPLY

Velvin Hogan @DBailey01 14 days ago

Yes

REPLY

hilbil @DBailey01 14 days ago

lol you sound like a twelve-year-old.

REPLY

Pepe Thunder @DBailey01 14 days ago

Well thats a good way to waste your question lol. Not that mine was any better.

REPLY

PiggyPigs @Velvin Hogan 13 days ago

mmm and yet in another post you said that you did not own a tablet to avoid the answer? And also that you do not own apple products?

REPLY

ZomgWtf @PiggyPigs 13 days ago

Noticed the same thing..

He also said that nobody in the Jury did own any Apple products. But here has no problem to claim that the Jury had broad knowledge about Smartphone/Tablet devices and is able to differentiate between iOS and Android.

How can one differentiate between iOS or Andriod if one has never actually used both? (Or in his case, claims to have used neither ever)

REPLY

Hide discussion

Lana, Lana,...LANA... 15 days ago

Some have called this one of the most important trials and decisions of the digital age. Did the jury members recognize the importance and impact their decision would have at the time or did it not really hit you until after?

REPLY

Velvin Hogan @Lana, Lana,...LANA... 14 days ago

Because of my back ground I did. It was an honor to serve. I spoke to the other jurors about this from the get-go in the Jury room.

REPLY

Brian Richards @Velvin Hogan 14 days ago

So you were aware of the impact. In what way did you allow it to impact you? You make a living in the AMERICAN electronics industry correct? Do you not see this as a conflict of interest when dealing with a company whose success potentially threatens your livelihood?

REPLY

Hide discussion

Rooceer 15 days ago

Can you briefly summarize why "Prior Art" was not applicable in this court case?

REPLY

Velvin Hogan @Rooceer 14 days ago

Prior art was presented, what you must understand it did not pass the legal test given us by the judge under the current statues in the patent law as it is today.

REPLY

Hide discussion

RyanGarfield1 15 days ago

Was there one piece of evidence that secured your decision? Or was it the culmination of everything

REPLY

Velvin Hogan @RyanGarfield1 14 days ago

it was really everything, I was very clear.

REPLY

Hide discussion

Steve01831 15 days ago

Looking back on the decisions you and the jury made in regards to Samsung's devices, do you worry about opening the flood gates for Apple to take any and every smartphone manufacturer to court over the shape of their hardware and arrangement of icons in today's smart phones? Also, was the screen shape the only consideration in the infringement, because the back of many galaxy devices is quite different than apples hardware?

REPLY

Velvin Hogan @Steve01831 14 days ago

No this does not open the gates nor does it close. Apple are any other company has the right to sue if their patents have been infringed. However Samsung has some of the most smartest talented Engineers on the globe they can be allowed to do the great job without infringing and if you look at the reports you will see they are doing just that.

REPLY

OneCleanSh0t @Velvin Hogan 14 days ago

I'm sorry but if they are doing just that, then wouldn't the verdict have been the other way around? I mean come on... You just said yourself they infringed and didn't at the same time.

REPLY

hilbil @OneCleanSh0t 14 days ago

You're overanalyzing or intentionally looking for something to create flaws where none exist. He's clearly saying Samsung has the ability to do their job without infringing since they have a good team but obviously in this instance they did since that's the verdict. So in other words, they shouldn't need to but they did, and that work beyond this infringement ought to be non-infringing as seen in "reports" that "they are doing just that."

REPLY

Hide discussion

troylop 15 days ago

Do you honestly believe that companies should be allowed to patent basic geometric forms? Are you familiar with the concept of prior art?

REPLY

Velvin Hogan @troylop 14 days ago

I am very familiar with prior art I had to defend the claims in my patents against prior art in order have my patents to be issued. As for as your first question is concerned the answer is yes under the current law. If you believe strongly otherwise the stir up debate I believe that is your right. Then write your Congressman and or the cabinet post for technology that reports to the President, or the PTO.

REPLY

AntJanus @Velvin Hogan 14 days ago

I think you've made profound statement there. You acted in accordance to the law (I'll assume this is true because it has not been proven otherwise) yet you are getting slammed for it while the law itself should be slammed.

It puts the Jury in an interesting position. If this escalates (which it will unless the appeal is denied) we may face overturning. It's a great question to ask if it was your place to disagree with the law and precedents or not. It's a bit funny that we put all this pressure on a small number of people that are not lawyers or professionals in the field.

REPLY

jonmpls @AntJanus 14 days ago

While I don't expect the wisdom of King Solomon, we should at very least expect some common sense and a damages award that is consistent and is related to the verdict.

REPLY

Piggypigs @AntJanus 13 days ago

And yet they took it up to judge the validity of such a case? It is not an excuse for them even though they are not an expert in the field. Perhaps all should have refused to be a jury in such a case and then it will be FORCED to be judge by someone who is actually competent.

REPLY

AntJanus @Piggypigs 12 days ago

I think the point of a jury is not to have biased professionals but to have people of clean slates being presented facts and both sides without a distinction.

However, that said, I don't believe it's the best way to approach things.

REPLY

Hide discussion

sahilm 15 days ago

If this case was against Motorola, and let's say there are no damaging emails like Samsung had, what would your verdict have been?

REPLY

Velvin Hogan @sahilm 14 days ago

What ever the evidence dictates

RCU Celaya 15 days ago

In your opinion, would it make sense to invalidate Apple's generic patent of a rectangular screen on a phone or tablet?

REPLY

Velvin Hogan @RCU Celaya 14 days ago

My opinion does not matter the current law is what it is today and I swore and oath to abide by it and I did just that. However the what if do change the current law do they there is a conduit for that and this jury was not that conduit.

REPLY

mullingitover @Velvin Hogan 14 days ago

This is wholly untrue. Jury nullification is a real thing and is arguably the entire point of laymen being appointed as jurors. In addition to judging the case, you are judging the law.

REPLY

Jedibassist @mullingitover 14 days ago

Bingo. Couldn't have said it better myself.

REPLY

soladoras @mullingitover 14 days ago

Ditto.

REPLY

ZakMcCracken @mullingitover 14 days ago

Thank you for bringing this up. If the foreman was unaware of this possibility/responsibility, and he was arguably the most educated when it comes to patents, did any of the jury members know about or consider this?

REPLY

Rv1096 @mullingitover 14 days ago

Jury nullification has only ever applied in the U.S. to criminal cases, and even then has been used only sparingly.

REPLY

mullingitover @Rv1096 5 days ago

Nullification can absolutely be used in civil cases. It's not clear when it's used, since the jury can just mysteriously come back with a finding of no liability. They aren't required to explain their reasoning, so there's no telling how often it's applied by juries in these cases.

REPLY

Hide discussion

foster318001 15 days ago

So, so you use Android or iOS?

REPLY

Velvin Hogan @foster318001 14 days ago

Android

REPLY

Hide discussion

ramcewan 15 days ago

do you think a patent on a rectangle with rounded edges should be valid and why would all the prior work showing the same obvious design not invalidate the patent?

REPLY

Velvin Hogan @ramcewan 14 days ago

Under current law they can if you disagree that is great. Work to change the law.

REPLY

EyeHeartPie @Velvin Hogan 14 days ago

You had an ideal opportunity to use jury nullification to help do just that, and you ignored it.

REPLY

jonmpls @Velvin Hogan 14 days ago

So the fact that Compaq released an almost identical product to the iPad before the iPad means nothing to you? You can patent something after someone else has created and innovated that same thing?

REPLY

EyeHeartPie @jonmpls 14 days ago

He's basically said that his reasoning was "since the Compaq product couldn't run Apple software, it was not prior art". As if that makes any sense.

REPLY

+1 to this! court cases are the best way to change faulty laws.

REPLY

 **EyeHeartPie** @appleiswhack 14 days ago r

Correction: court cases judged by unbiased jurors (which Hogan clearly is not) are a great way to change faulty laws. Hogan's own patent relies on his specific reading of prior art.

REPLY

 **pekosROB** @EyeHeartPie 14 days ago r

Since the Samsung phones "couldn't run Apple software," shouldn't that mean they don't infringe? Based off of that statement that is.

REPLY

 **EyeHeartPie** @pekosROB 14 days ago r

That's exactly right. Hogan used a very specific reading of prior art to argue there was none when it came to Apple's devices, but then ignored that same argument when deciding that Samsung infringed on Apple's patents, likely because he didn't know, or intentionally ignored, that they run on different base coding languages (Java vs. ObjC).

REPLY

 **pekosROB** @EyeHeartPie 14 days ago r

And how the hell did the Samsung lawyers miss the Lotus v. Borland court cases?? It should have been used to nullify at least a couple of Apple's issues! [en.wikipedia.org]l_Inc.

REPLY

 **Justin** @EyeHeartPie 14 days ago r

Jury nullification is a pretty grey area. The judge will not give the jury information about nullification, the defense is not allowed to bring it up, and the jury could be thrown out for trying to invoke it. Furthermore, jury nullification is usually reserved for criminal law. A jury is not the proper vessel to nullify a patent.

REPLY

 **EyeHeartPie** @Justin 14 days ago r

I agree that nullification should not be used for individual patents. However, jury nullification is for any law, not just criminal law. They could have used this opportunity to take issue with the patent law system in its current implementation, a system that allows for the patenting of such things as "rectangle with rounded corners".

REPLY

 **Justin** @EyeHeartPie 14 days ago r

That was not even an option for the jury in this case. What are you even suggesting they should nullify? The particular patent? The entire patents system in its current implementation (how do they nullify the entire patent system exactly!?!?) This is not the place for that. And either way, like I said, it is not part of their instructions and it is really a questionable practice and could have easily caused the whole jury to be thrown out.

REPLY

 **EyeHeartPie** @Justin 14 days ago r

Not the entire patent system, but the part that allows for the patenting of such things like "rectangular device with rounded edges". Instructions won't include anything about jury nullification, but if they had actually discussed it, they may have come to the conclusion of "they were allowed to patent *that*!?!?", and that line of reasoning could lead to the nullification of broad patent laws, and clarification of patenting a process or a shape in general forms.

REPLY

 **d-avid** @EyeHeartPie 14 days ago r

Maybe... Velvin Hogan didn't think the patent system was broken. You're projecting your views on him.

REPLY

 **EyeHeartPie** @d-avid 14 days ago r

Of course he doesn't think it's broken. He was granted a patent in 2008 for a DVR with removable storage, as if that doesn't exist already. His own patent relies on his skewed reading of prior art, and that is the skewed reading that he used to influence his fellow jurors against even talking about prior art as an issue.

Read some of the post-deliberation interviews with some of the jurors. They claimed they skipped over the issues dealing with prior art because it was hanging them up, and they took the foreman's word that there was no prior art in regards to Apple being granted those patents.

I don't care what your views are about the patent system, but even you must admit that there was something not quite kosher about completely skipping over talking about prior art and taking the foreman's word for it that there was no issue, when the foreman himself had a vested interest in prior art not being an issue.

REPLY

 **bham** @Velvin Hogan 14 days ago r

"Jury nullification is a constitutional doctrine which allows juries to acquit criminal defendants who are technically guilty, but who do not deserve punishment. It occurs in a trial when a jury reaches a verdict contrary to the judge's instructions as to the law." -[en.wikipedia.org]

That our legal system is issuing patents on a basic geometric shape is a perfect example of how the patent system has lost all touch with reality. We started out with this: "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." And we now have a monstrosity of a patent system that rewards huge multinational companies with their squadrons of lawyers with vast abilities to exploit petty technicalities for massive financial gain. This is exactly the kind of thing a jury needs to call bullshit on.

REPLY

bham @ramcewan 14 days ago

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REPLY

Piggypigs @EyeHeartPie 13 days ago

And if this argument applies, then Samsung DID not infringe since Android and iOS is not inter-operable. Shows the flaws and fatal inconsistency in his argument.

REPLY

EyeHeartPie @Piggypigs 13 days ago

Exactly. He selectively applied interoperability. This whole trial was a cluster, and this foreman was one who was at best inept, and at worst actively biased against Samsung (or for Apple) for some reason. Whichever it was, it's clear he had a vested interest in a broad reading of prior art that was in Apple's favor, due to his own patent which would be nullified if there was a stricter reading of prior art.

REPLY

Hide discussion

Thorin78 15 days ago

Should Apple have been granted a patent for a rectangular phone?

REPLY

Velvin Hogan @Thorin78 14 days ago

Under the current law they can be granted a patent. If you think not start a debate work to change the law.

REPLY

M00p @Velvin Hogan 14 days ago

And this is where the current law fails. A patentable item should be: Novel, Useful, and Not Obvious. Rectangles are useful, but you'd be hard pressed to find consider them novel and not obvious.

REPLY

ZomgWtf @Velvin Hogan 13 days ago

Maybe you haven't noticed, but that debate is already going on for years, this case would have presented an perfect opportunity to bring some substance to it.

Instead you chose to ignore your responsibility and by that basically affirmed the believe that geometrical shapes are patent-worthy, not to mention other questionable patents like genes or plant seeds.

REPLY

Hide discussion

foster318001 15 days ago

How technologically inclined would you say the Jury was? I've read everywhere that it seemed like the decision was quick.

REPLY

Velvin Hogan @foster318001 14 days ago

I am an EE for 40+ yrs I own patents, this is my industry. There were two other with experience in this industry they did not own patents.

REPLY

Brian Richards @Velvin Hogan 14 days ago

Do you believe that you may have inadvertently acted as an "expert witness" when dealing with the other jurors during deliberation? You seem to be very attached to using the argument that you are an EE with 40+ years of experience as well as mentioning your own patents in defending yourself in these discussions. Is it possible that your opinion and the opinion of other

REPLY

ZakMcCracken @VelvinHogan 14 days ago

Not to offend you, but I wonder if your zeal for defending patents (as a patent owner) may have influenced you to empathize with the patent holder in this case. With several of the patents, there are "clear" cases of prior art, but you seem to not view them as valid or material to this case.

REPLY

haloguy628 @VelvinHogan 14 days ago

You mean you own ONE patent that you did not even bother to pay the maintenance fees after 3 & 1/2 years as is required by USPTO? Why don't you try to be honest and tell us how your ego really feels?

REPLY

Hide discussion

Wanhang 15 days ago

Why did you choose to ignore prior art despite it being a legitimate claim?

REPLY

Velvin Hogan @Wanhang 14 days ago

I is not ignore prior art yes it was legitimate, however it was not interchangeable therefore it did not invalidate Apples patents.

REPLY

mullingitover @VelvinHogan 14 days ago

This is a very hand-wavey response, can you elaborate in detail? The dismissal of prior art by the jury is one of the fishiest parts of this story.

REPLY

EyeHeartPie @VelvinHogan 14 days ago

So because the PREVIOUS rectangle phones could not run the same software as the current ones, prior art did not apply?

REPLY

AntJanus @EyeHeartPie 14 days ago

'twas my first question when I saw that claim.

REPLY

EyeHeartPie @AntJanus 14 days ago

Yeah, it just doesn't make sense. By that claim, Samsung would not be infringing because THEIR rectangular phones can't run Apple software.

REPLY

AntJanus @EyeHeartPie 14 days ago

the guys at xda-developers would disagree with you ;) jk jk

REPLY

EyeHeartPie @AntJanus 14 days ago

Hah. I wouldn't put it past them, except they wouldn't try because Apple hardware is out of date the day it hits the streets.

REPLY

ZakMcCracken @VelvinHogan 14 days ago

Could you clarify this response? What do you mean when you say the prior art was legitimate but not interchangeable?

REPLY

Hide discussion

Ineedmorcowbell 15 days ago

How much of the did you, and the jury get from Apple to reach the verdict and penalty pricetag that was put on Samsung?

REPLY

Lana, Lana,...LANA... @Ineedmorcowbell 15 days ago

Rude



REPLY

Ineedmorcowbell @Lana, Lana,...LANA... 15 days ago

Rude? Just because I was the first to ask, doesn't mean I was the only to one be thinking it.

REPLY

Velvin Hogan @Ineedmorcowbell 14 days ago

 **tylerpoppe** @Ineedmorcowbell 14 days ago 

Actually you weren't the first to ask, you were just the first to ask with that specific wording. Many of the questions have been about how much the jury got from Apple.

 REPLY

 **Velvin Hogan** @Lana, Lana...LANA... 14 days ago 

This way no one can say I am biased one way or another.

 REPLY

 **hilbil** @tylerpoppe 14 days ago 



And they're all disgraceful. Since the jury didn't find in favor of your personal bias and favorite smartphone company, out come the baseless accusations and pitchforks? Messed up.

 REPLY

 **tylerpoppe** @Velvin Hogan 14 days ago 

I can't figure out the new comment system. My response was not directed towards Velvin Hogan, but to Ineedmorcowbell. Hopefully that makes sense. And hopefully Hilbil was not responding to me but to cowbell as well.

 REPLY

 **wesFX** @Ineedmorcowbell 14 days ago 

You're an ass and YES its rude.

 REPLY

 **appleiswhack** @Ineedmorcowbell 14 days ago 

you were probably the 5th (if not further down) person to ask this.... kinda ironic actually, just the way apple was not the first to do what they do either (yet they "won" the case)

 REPLY

 **Ineedmorcowbell** @tylerpoppe 14 days ago 

Yes this new comment system is very poorly constructed, especially when they change it again for these Q & A sessions. I received your comment, and I believe hilbil was responding to you in a fashion that agrees with your statement regarding my statement. The way the comments are set up for this Q & A sessions are newer comments are on top, with older comments get pushed down. I have looked over the questions that were asked before my post and none of them really ask " how much the judge and jury get for they favorable apple verdict," in any form. If you would like to look over the few questions before mine, please go ahead, and I will retract my statement about saying I said it first. Which was not meant to be a "OMG FIRST" matter but merely pointing out I was not the only to ask such a crass question, just the first in line.

 REPLY

 **Ineedmorcowbell** @wesFX 14 days ago 

Oh I am sorry, did I hurt your feelings with my question? Jury Foremen Hogan answered it very professionally. Also mentioning that he does not get payment for his interviews he has been doing. Which I appreciated, as others asked that but he put the answer to my stupid question.

 REPLY

 **Ineedmorcowbell** @appleiswhack 14 days ago 

You are correct. I was fifth from the top that asked the question. But the way the comments are set up for this Q&A session are that new comments are on top, while older comments get pushed down. If you look at the time stamps (by simply hoving your cursor over "X hours ago".) You will notice that I posted at 9:59:08, [The Unbiased Guy](#) posted at 10:03:01, [snoopers](#) posted at 10:04:32, and again [snoopers](#) asked at 10:05:12, [ENLIL](#) asked at 10:06:07, [nhang256](#) asked at 10:09:00, and finally as a bonus [Hinder](#) asked how much did Apple pay him to say he didn't get paid a dime, at 10:20:57. Yes you are correct about how Apple were not first in many of the things they claimed. [GVSUMAN](#) posted a [9gag link](#) showing all the things Apple claimed to be first to, with a comparison of the those who were actually first. I will also agree with your name, in the fact that "apple is whack"

 REPLY

 **Ineedmorcowbell** @hilbil 14 days ago 

I am assuming your question is being directed towards me, even though you replied to tylerpoppe. My personal bias in the case would have been if the judge threw it out of court because of the ridiculous claims Apple was making the whole time. Not that Apple won, or that Samsung won.

 REPLY

 **tylerpoppe** @Ineedmorcowbell 13 days ago 

Oh interesting. If this ins't proof how royally screwed up the commenting system is and how badly it needs to be changed (sigh) again (sigh), then I don't know what is.

Didn't realize you were before them all. Thanks for clearing it up and not being an ass about it. Many could have gone that way.

 REPLY

tylerpoppe @milbil 13 days ago

I'm not towards me. How did I use it? I have no care towards the trial nor did I post anything about the trial in this particular article/chat. I was just pointing out that he wasn't the first. He later cleared it up that he was in fact the first to ask that question.

REPLY

Ineedmorcowbell @tylerpoppe 13 days ago

It's no big deal, I knew it had to be a misunderstanding because I literally went through all the replies, made my stupid it post and then refreshed it to see what other real questions people asked. Only to see others trickle in with the same question as I. So I knew when I came back a few hours later and others started attacking me on my statement of when I said it, I knew it was just a simple mistake based on how Gawker constantly screws up their commenting system.

REPLY

Hide discussion

The Unbiased Guy. 15 days ago

Can you HONESTLY say that you can't tell the difference between a samsung tablet made of cheap plastic materials and the aluminum body of an IPAD?

REPLY

Velvin Hogan @The Unbiased Guy. 14 days ago

You missed the point look at the verdict two of the Samsung tablets did not infringe. They did not met the patent description.

REPLY

EyeHeartPie @Velvin Hogan 14 days ago

And yet, somehow, the jury awarded damages for phones that were found to not be infringing. Can you explain that?

REPLY

Marc Brenner @Velvin Hogan 14 days ago

Why is your English so bad?

REPLY

sclark1138 @Velvin Hogan 14 days ago

I think he hit the point on the head he just said iPad instead of iPhone. A lot of Apple's arguments are based around the fact that customer's were duped into buying a Samsung device because they couldn't tell the difference, and that hurt Apple's sales of iPhone/iPad.

So to re-ask the question:

Can you HONESTLY say that you can't tell the difference between a samsung phone made of cheaper materials and the aluminum body of an iPhone?

REPLY

Brian Richards @sclark1138 14 days ago

Especially with SAMSUNG stamped on the front of them.

REPLY

Chase Drifter @Marc Brenner 14 days ago

I think Samsung should take this whole Q&A as evidence that the jury foreman was basically retarded. Holy Christ what a disaster.

REPLY

Brian Richards @Chase Drifter 14 days ago

I agree with you on the point, but it's not necessary to throw around insults.

REPLY

Chase Drifter @Brian Richards 14 days ago

Fair enough, in lieu of "retarded" I would like to substitute, "Velvin Hogan appears to have only the slightest understanding of the English language, using phrases such as "I is not ignore prior art yes it was legitimate" and "payed" or this gem "However the what if do change the current law do they there is a conduit for that and this jury was not that conduit." Based on this I think Samsung has a solid case that the jury foreman, or Jury QB may have misunderstood some if not all that was being told to him, and did not read the instructions given because he is unable to read at a proficient level." This is a worst case scenario for an apple win.

REPLY

yurts19 @Chase Drifter 14 days ago

Cut him some slack -- he's typing on his new comp'd ipad :)

REPLY

Chase Drifter @yurts19 14 days ago

+1

REPLY

pekosROB @Chase Drifter 14 days ago

 **Dr.Nemmo and his...** @Chase Drifter 14 days ago

+1, it surprises me, and I wasn't even born in an english-speaking country.

REPLY

 **Dr.Nemmo and his...** @Chase Drifter 14 days ago

Not retarded, but they had no idea what they were talking about.

"Here, have a knife, remove this tumour. Oh, you can't? Well, I'll bring some people who claim they had tumours removed. They will explain you the process."

REPLY

 **JACrazy** @sclerk1138 14 days ago

Many people are just that ignorant. Some people confuse a Galaxy Note as being the next iPhone...


REPLY

Hide discussion

 **Rida** 15 days ago


what do you think about the galaxy nexus?

REPLY

 **Velvin Hogan** @Rida 14 days ago

I do not use tablets.

REPLY

 **Arggh! there goes...** @Velvin Hogan 14 days ago

The Nexus 7 is a tablet, the Galaxy Nexus is a phone.

REPLY

 **Marc Brenner** @Velvin Hogan 14 days ago

Thank you. You should not have been on the jury. You have proven you arent familiar with technology. The nexus is a phone...

REPLY

 **EyeHeartPie** @Marc Brenner 14 days ago

Agreed. It's shameful that the foreman of the jury on such a landmark case was so technologically inept, and apparently not that great at English.

REPLY

 **Odin** @EyeHeartPie 14 days ago

I've been reading his replies and his grammar and spelling is awful. It's a shame that on such an important case they can't even find jury members with a solid grasp of the English language.

REPLY

 **pekosROB** @Odin 14 days ago

They were apparently looking for EEs, because being an EE for decades gives you the experience and knowledge you need for smartphones.

The EEs I know are smart, but that doesn't mean all of them know anything and everything there is to know about coding/programming.

REPLY

 **Bootstrap** @pekosROB 14 days ago

I'd rather have a software engineer than an EE. And I don't know about other engineering schools, but at the one I attend, if you don't have impeccable spelling and grammar, you'll get terrible grades.

REPLY

 **pekosROB** @Bootstrap 14 days ago

Haha, maybe Hogan just doesn't know what the red squiggly line is when typing... or he's using IE (do the newest/newer versions of IE have spell checker? It's been awhile).

REPLY

 **Bootstrap** @pekosROB 14 days ago

I don't know - I usually forget IE exists. But maybe he should just type everything into Word and watch for the green squiggles...

REPLY

 **muwenk** @Velvin Hogan 14 days ago

Thank you, that explains it.

REPLY

 **Odin** @Bootstrap 14 days ago

I'm a software engineer! Albeit I work on jet engines, not smartphones.

 Bootstrap @Odin 14 days ago

Bingo! You fit anyway! :)

As a bonus, you can actually use proper spelling and grammar! I vote you for the next horrendously outdrawn tech lawsuit.

I know, I know, it's a terrible fate. But I'll buy you a beer after.

REPLY

 pekosROB @Bootstrap 14 days ago

+1

REPLY

 li0nh3art @Velvin Hogan 13 days ago

OMG! You don't even know about the phone which was involved in the case?

REPLY

Hide discussion

 DianaC 15 days ago

How much tech experience/knowledge did jurors have before trial? How many have mobile phones and what type?

REPLY

 Velvin Hogan @DianaC 14 days ago

Three of us had tech experience/knowledge before the I had 40+ years. we all had mobile phones.

REPLY

 ZakMcCracken @Velvin Hogan 14 days ago

But not one of you had an iPhone? Isn't that a statistic anomaly?

REPLY

 Dr.Nemmo and his... @ZakMcCracken 14 days ago

Zak, the jury was chosen to be as unbiased as possible, and the idea was to choose people who didn't use Samsung or Apple products. Amish or cavemen, in other words.

REPLY

Hide discussion

 sciwizam1 15 days ago

Soo...prior art.

REPLY

 Velvin Hogan @sciwizam1 14 days ago

Under the current law the prior art must be among other things interchangeable. the prior art sighted even Samsung does not currently use. Read the law and the statues covering Prior art.

REPLY

 Firewheels @Velvin Hogan 14 days ago

You're suggesting, then, that the patent is on the particular implementation, not the overall concept? In that case, isn't it clear that in many of the patents no infringement is possible, as clearly an implementation in Java (Android) is distinct from an implementation in Objective-C (iOS)?

If, however, you're suggesting the patent is on the concept, then clearly there IS prior art, and therefore the patents are invalid.

Either way, Samsung should not have been charged the exorbitant punitive damages you clearly believed were due.

REPLY

 jonmpls @Firewheels 14 days ago

Well said, @Firewheels!

REPLY

 snowburnt @EyeHeartPie 14 days ago

That's the problem with having a "jury of peers" on a relatively complex technical issue.

REPLY

 EyeHeartPie @snowburnt 14 days ago

I have a very strong feeling that many jurors deferred to Mr. Hogan because he said "I have a patent, I know how the system works", even though it's clear he has no idea what he was doing either.

REPLY

 Brian Richards @EyeHeartPie 14 days ago

I never got the idea that jurors of any kind should be involved in a case like this. Especially a

 EyeHeartPie @FDor 14 days ago 

I have figured out why Hogan seemed so hell bent on ignoring prior art. His own patent is basically for a DVR with removable storage, and using a normal person's reading of prior art, his patent would be invalid, since there have been DVRs with removable storage capability for years. He likely defended his own patent using the interchangeability argument he seems to be using here, and since it's a stupid argument that would not fly with most normal people, he pressured the jury into glossing over the entire prior art discussion during jury deliberations.

 REPLY

 snowburnt @EyeHeartPie 14 days ago 

Of course, that's my feeling as well. Based on his statements after the verdict it was clear he was trying to legislate from the jury box.

But at least he had some technical knowledge. Imagine a group of people that has to consume all the knowledge and design documents that went into these products as well as understand the law enough to be able to make a decision on these topics. I feel like we need specialized judges groomed from computer engineering schools to make these sorts of decisions.

 REPLY

 Bazzatoyou @EyeHeartPie 14 days ago 

Agree totally with EyeHeartPie.

IMHO the best decision came from the Korean courts, classic Salomon's justice. Squares; rounded corners; I saw it in Space Odyssey 2000; Stop this nonsense, pay each other damages of \$20-35k 'cause that's all it's worth. Both parties stop messing around and compete on merits, and may the best man/woman win. Great artists steal and he who lives by the sword dies by the sword.

If Apple are so honourable about patents and inventions, pay Xerox what they are due, pay the guy who really invented the iPod what he is due, then you will have earned our respect.

 REPLY

 tillman2009 @Firewheels 14 days ago 

By your logic, a boat is a prior art to a car because both move horizontally and are used to transport people.


 REPLY

 Bazzatoyou @Bazzatoyou 14 days ago 

Sorry about the rant... here's a real question.

How did you evaluate the damages, which are supposed to compensate for losses and not as punishment. Were you given accounts and figures verified by both sides/independent accountants?

 REPLY

 EyeHeartPie @snowburnt 14 days ago 

I have a feeling a completely technically inept jury would have done better. Hogan had an agenda. A technically inept jury would not. Sure, deliberations might have taken a month or two, but that's better than having a biased foreman pressuring jurors into deciding a way beneficial to himself in the first day of the trial.

 REPLY

 EyeHeartPie @tillman2009 14 days ago 



One travels on water, one on land. That's enough a difference to invalidate prior art.

 REPLY

 Brian Richards @EyeHeartPie 14 days ago 


Solid point. Having to actually read everything because you KNOW you don't understand it all would have been superior to jumpin gto conclusions based on an intended or unintended arrogance about what you know. I think it wasn't just his technical knowldege either. Some of his comments make him seem as if he believes he inherently KNOWS the technical side, AND the legal side. Having had one patent issued to him causes him to seeminlgy believe his as qualified as a lawyer on the issue. I will admit that having been through and won several custody fights, that I would make a TERRIBLE juror in a family law case, because I think I know things that I don't. It's human nature.

 REPLY

 Bazzatoyou @EyeHeartPie 14 days ago 

Looks like The Hogan has left the room ...!

 REPLY

 Lexicant2386 @Bazzatoyou 14 days ago 

yea he clearly said fuck it when the entire page basically called him a douchbag defending his shitty dvr patent firewheels said it best. He's basically backed himself into a corner. I hope to god this comment thread it used in court for the appeals process. That would be too sweet.

 REPLY

 EyeHeartPie @Bazzatoyou 14 days ago 

Not surprised. He probably thought he could explain himself and his viewpoint, but all he's done

 **snowburnt** @EyeHeartPie 14 days ago 



You're probably right, I failed to consider that 3 days is a ridiculously short amount of time and a diligent jury probably would have taken months to reason it all out.

 REPLY

 **ZakMckracken** @Firewheels 14 days ago 

Thank you for explaining this better than I ever could have. The implementation obviously had to be different.

 REPLY

 **Agentdark45** @Lexicant2386 14 days ago 

So much this!!!

 REPLY

 **DeweyCheatum** @ZakMckracken 14 days ago 

So how does a guy like this magically appear on the jury list & unless he was in someones back pocket how does he get thru voir dire for either side.

 REPLY

 **Hammerfest** @Firewheels 14 days ago 

Sir, stop using an industrial sized hammer to hit the commercial sized nail on the head...

Im getting the feeling that people like Velvin just dont think these things through, and in his case, GREED is the deciding factor.

Whats this called? The pot calling the kettle black? I really hope they use this thread in the appeal process, as I said above, you NAILED it.

 REPLY

 **KevinfromAustin** @Firewheels 14 days ago 

I think its becoming a little clear the Velvin didn't understand "prior art". The patent process clearly states that all patents must be. 1. New/Novel, 2. Useful and 3. Non-Obvious. Stretching and compressing objects is a matter of physics that predates this case by billions of years. These patents are neither new nor non-obvious.

 REPLY

 **nataliefenton** @Firewheels 14 days ago 



damn you made hogan quit! very good finding sir. *applause*

 REPLY

 **ricethief** @nataliefenton 14 days ago 

Wow Hogan is not just a tool he is a toolbox. If I was him I would keep my mouth shut because he is looking like the douche of the century at this point. I can't believe Apple hasn't stepped in and payed him to keep his mouth shut.

 REPLY

 **Leo** @snowburnt 14 days ago 

But unfortunately it wasn't a jury of "peers"! Well, not the technologically familiar and working in the industry type of "peer", which actually doesn't fall into the "peer" group in relations to a technical case such as this!

 REPLY

 **snowburnt** @Leo 14 days ago 

b-b-b-but 6th amendment!

 REPLY

 **RSMRXB** @Velvin Hogan 14 days ago 

Groklaw has taken on itself a detailed analysis of the many ways Mr. Hogan got it wrong. There's no way this decision stands, because Mr. Hogan doesn't seem to really seem to understand 'prior art' as well as he claims.

[www.groklaw.net]

 REPLY

 **Leo** @snowburnt 14 days ago 

We don't have amendment where I come from, so...ha! :D

 REPLY

 **Piggypigs** @tillman2009 13 days ago 

well, if the car looks and work exactly like a boat .. using propellers and sail, then yes I think it would :P.

However, did you see anyone trying to patent the shape of the generic car. :P perhaps a particular model with very clear specifications, but I think not a "general box shaped device with the capacity for 4 person".

 REPLY

No he wasn't saying that at all.

It is the process that is patentable, not the actual underlying code... that is protected by copyright.

In the case of Samsung's '460 patent (which was the subject of the infamous "software on the Apple side could not be placed into the processor on the prior art and vice versa" quote), Samsung tried to argue that the use of physical buttons on a phone to perform a specific function (browsing images) were the same as using a finger swipe gesture to do a similar thing.

REPLY

Hide discussion ^



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