Google’s FTC agreement may bring help to Apple

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In the legal war to bolster their positions in the smartphone market, Google Inc. and Apple Inc. remain sworn enemies. So it may seem odd that a legal move by Google may bolster Apple’s chances in a separate legal fight the iPhone-maker currently faces with Samsung Electronics at the International Trade Commission (ITC).

A local patent lawyer and law professors said a settlement Google reached last week with the Federal Trade Commission (FTC) could do just that.

Google agreed with the FTC not to seek sales bans on competitors’ products that infringe the standard-essential patents it acquired through the purchase of Motorola Mobility last year. These patents become essential for companies in the same industry because they cover basic parts of a technology.

In a separate case at the ITC, Apple faces the threat of a potential sales ban on its iPod, iPhone and iPad products if the FTC finds Apple infringed Samsung’s standard-essential patents.

The FTC called this scenario a patent “hold-up.”

“This type of patent hold-up can lead to higher prices, as companies may pay higher royalties for the use of Google’s patents because of the threat of an injunction, and then pass those higher prices on to consumers,” the FTC said.

In a separate, ongoing case at the FTC, Apple faces the threat of a potential sales ban on its iPod, iPhone and iPad products if the ITC finds Apple infringed Samsung’s standard-essential patents.

David L. Newman, an intellectual property partner at Arnstein & Lehr LLP, said the ITC could rely on the FTC’s agreement with Google as a basis not to place an import ban on Apple’s products.

The FTC and district courts, while cognizant of the public interest factor of the FTC-Google agreement, will treat it similarly to a private settlement.”