



BEN 19 – The Patent Wars

Discussion Questions

1. Should patents be protected or shared? Explain your position.
2. Do you think Samsung copied Apple's design? Explain.
3. Should companies be allowed to patent product appearance, such as shapes and colors? Why or why not?
4. What do you think will happen with the 'Patent Wars' in the future?

Transcript

In what some have **dubbed** "The **Patent** Trial of the Century", Apple and Samsung have been **fighting tooth and nail** in recent weeks. Samsung was found to have **infringed on** 7 of Apple's patents, in what became a \$1B **levy**; but as GMA Network explains, this could just be the beginning:

*"Despite its initial court victory against smartphone **rival** Samsung, Apple's legal battles are **by no means** over - especially with Motorola and Google still **in the mix**."*

The 'patent wars' began in October 2009 when Nokia sued Apple over **alleged infringement** of its wireless standards. Then, in March 2010, Apple **initiated** the next **round** when it sued HTC over 20 patents **dealing with** its user interface and Android operating system. In his **posthumous** biography, Steve Jobs **vowed to get even**, saying that:

*"I'm going to destroy Android, because it's a stolen product. I'm willing to go **thermonuclear** on this. I will spend my last dying breath if I need to, and I will spend every penny of Apple's money **to right this wrong**."*

With **scores** of legal proceedings **ongoing**, it's difficult to understand who is suing who. However, Apple's victory over Samsung could cause developers to **think twice** before they release their products. From Forbes magazine:

*"Apple's key rival here is Google, whose Android software Samsung used to build its phones. But Apple can only **go after** the handset makers that **implement** Android, not the creators themselves; even so, by winning, it will have nervous engineers, who are using Android in **ever-growing** numbers, **pausing** as they compare their latest products with the next iPhone. Is it too similar? Will this **trigger** a lawsuit? Should I change it?"*

Naturally, reactions have been mixed, with everyone hoping that in the end, **common sense** will **prevail**. As one Google executive explained to Bloomberg, they were **blindsided** by Apple's win:

*"We actually didn't invest in the patent **ecosystem**. We weren't patenting things as aggressively as we should have been. We didn't really believe rounded corners were **patentable**. We just didn't **buy into that notion** of protecting your IP, and it was **a wake-up call**."*

Even Apple **co-founder**, Steve Wozniak, was **stunned** by the **outcome** of the trial, claiming that the best way for the mobile industry to progress is for companies to stop the **bickering** and **get down to business**. As he commented to Bloomberg:

*"I hate it. I don't think the decision of California will **hold**. And I don't agree with it - very small things I don't really call that **innovative**. I wish everybody would just agree to **exchange** all the patents and everybody could build the best forms they want."*

With Apple currently **in the driver's seat**, the future remains **murky**. Google's Public Policy Director told CNET that the current patent system is **at fault** as it only serves to add another weapon to the **arsenal** of companies hoping to **squash** their competition:

*"One thing that we are very seriously **taking a look at** is the question of software patents, and whether in fact the patent system as it currently exists is the right system to **incent** innovation and promote **consumer-friendly** policies. We think that these patent wars are not helpful to consumers."*

But as Forbes magazine concludes, although Apple has won the first battle, the wars are likely far from over:

*"The 'Patent Wars' may **re-erupt** when armies of **device-laden insurgents** take their positions at Christmas. **Litigation** is a competitive **tactic** to reduce **threats**, and as such, Apple's legal team could remain **on the offensive** for a long time."*

Vocabulary

To dub: Give an unofficial name or nickname to (someone or something); "Mononucleosis, or Mono, is dubbed "the kissing disease" because it is easily spread to others through close contact."

Patent: A government grant to an inventor assuring him the sole right to make, use, and sell his invention for a limited period; "We are waiting for the patent to be approved before they can take their invention to the market."

To fight tooth and nail: To use a lot of effort to oppose someone or achieve something; "They vowed to fight the new legislation tooth and nail."

To infringe on: To interfere with the rights of someone or with someone's property rights; "Occupy Wall Street protesters have claimed that the police infringe on their First Amendment Rights."

Levy: A tax on someone or something; "The new education levy was too much for many families during the economic crisis."

Rival: Main competition or competitor; "Apple's main rival in the PC market is Microsoft."

By no means: Absolutely not, certainly not.

In the mix: involved or participating.

Alleged: Said, without proof, to have taken place or occurred; "He's alleged to have stolen the money, but no one can prove it."

Infringement: An act of violating an agreement, law, or regulation; "Copyright infringement has become a serious problem around the world with people illegally copying and selling movies."

To initiate: To start or begin; "Police were trying to determine who initiated the fight."

To deal with: To have to do with, associated with, or concern; "I can't remember all of the details, but the email had something to do with the new company retirement plans."

Posthumous: After someone has died.

To vow: To promise; "During a wedding, the couple vows to love, honor, and cherish one another for all of their life."

To get even (with): To punish someone who has done something bad to you, retaliate.

(To go) thermonuclear: A type of nuclear weapon; to become extremely angry or upset; "My mom is going to go thermonuclear on me if I don't pass my math exam tomorrow!"

To right a wrong: To correct a mistake or error; "I forgot my wife's birthday, so to right this wrong, I'm going to take her on a second honeymoon."

Score: A unit of measurement meaning 20; "Four score and seven years ago..." is the opening of the Gettysburg Address by Abraham Lincoln."

Ongoing: Continuing or constant; "The great thing about the company she works for is their ongoing training in languages and business skills."

To think twice: Consider carefully or cautiously; "You should think twice before you quit your job; it's not easy to find work in this economy!"

To go after: To chase someone or something in an attempt to catch; "After working for nearly 40 years with the bank, Jack decided to go after his dream and get a university degree."

To implement: To put into action, carry out, or perform; "Many European countries have implemented deep spending cuts in order to save money."

Ever-growing: Something that grows continuously, with no indication of stopping; "There are an ever-growing number of students in Canada who want to learn Mandarin Chinese."

To pause: To stop temporarily; "Great presenters often pause at the right moments in order to allow the audience some time to understand what they mean."

To trigger: To cause to start; "Climate change experts believe that the melting Arctic ice may trigger more serious weather events in the coming years."

Common sense will prevail: Logic will be the factor in reaching a conclusion.

To be blindsided: To be surprised or unaware; "The new tax law blindsided about half of the population; nobody was expecting it!"

Ecosystem: A network of interactions or relationships within a certain environment; "Although our ecosystem in the IT department is quite limited, our purpose in the company is extremely important."

Patentable: Having the ability to be patented.

To buy into the notion (that): To understand or accept; "I've bought in to the notion that paying rent is the same as throwing my money away every month. I need to buy a house!"

Wake-up call: A sign or warning that alerts one to negative or dangerous behavior or circumstances; "Nearly losing his job was the wake-up call that he needed to work harder."

Co-founder: a person who founds or establishes something with another.

To stun: To be shocked or surprised; "It stuns me that after such a disgraceful exit, people are still prepared to vote for him."

Outcome: Result, effect, or consequence; "Whatever the outcome of your job interview, it's great to know that you were even considered."

To bicker: To argue or disagree; "If you kids don't quit bickering, I'm going to turn this car around and we're not going to Disneyland!"

To get down to business: To start or begin a business activity; "All right everyone, let's get down to business and begin with the sales figures from Q1."

To hold: To stay in effect or not change; "The bank put a hold on all of my transactions after I reported my credit card as stolen."

Innovative: Featuring new methods which are advanced and original; "In the last 5 years, innovative translation software has made it much easier for speakers of all languages to travel the world."

Exchange: To share with another person or party; "The monthly meetings are a great time for everyone to exchange ideas about any problems that they are having."

To be in the driver's seat: To be in control.

Murky: Uncertain or unclear; "The river water is very murky after the big storm last night."

To be at fault: To be wrong, guilty, or responsible; "Many people are still debating as to who was at fault for the Lehman Brother's collapse."

Arsenal: A stock or supply of weapons; "Politicians are always trying to develop their arsenals so they can raise more money for their party."

To squash: To defeat or suppress; "The board of directors squashed Liam's proposal for more R&D funding."

To take a look at: Examine or investigate.

To incent: To motivate or encourage; "The goal of offering more holiday time is to incent the staff in reaching their sales targets."

Consumer-friendly: Easy or logical for the consumer to use and understand.

To re-erupt: To erupt again; "Mt. Etna has re-erupted many times over the years, but people still live very close to the volcano."

Device-laden: To have, own, or possess a device.

Insurgents: Fierce competitors or competition.

Litigation: Lawsuit, trial, or legal process; "Litigation in the OJ Simpson trial lasted for several months."

Tactic: Plan or strategy; "A fear tactic is something that politicians use to stop people from voting for their opponent."

Threat: An expression of an intention to cause pain, injury, or punishment; "His threat to quit the team was taken very seriously."

To go on the offensive: To be in a position where one is attacking or controlling the battle or argument.

Language Review

A. Collocations

Match words from each column to make collocations found in the article.

1. Patent	a. Sense	
2. Common	b. Maker	
3. Consumer	c. Rival	
4. Handset	d. Fault	
5. At	e. Infringement	
6. Key	f. Friendly	

B. Review Quiz

1. Which of the following is not a synonym of 'levy'?

- a. Tax
- b. Penalty
- c. Tariff
- d. Bonus

2. Which of the following verbs is **NOT** correct:

"The only way for us to win this lawsuit is for our lawyers to _____ on the offensive until the verdict is made."

- a. Go
- b. Take
- c. Stay
- d. Be

3. The CEO went '_____' when he learned that the company was being investigated for insider trading.

- a. Off
- b. Thermonuclear
- c. Ballistic
- d. All of the above

4. Which of the following best fits the expression, "Don't _____, get even"?

- a. Get mad
- b. Get down
- c. Threat
- d. Pause

5. " _____ has it that the production plant must cut more than 30% of its staff."
- a. Tactic
 - b. Threat
 - c. Rumor
 - d. Salvage
6. He got the job because he always carries himself with a lot of _____ and confidence.
- a. Pause
 - b. Poise
 - c. Rival
 - d. Arsenal
7. "My boss _____ my report, and there are just a few things that he thinks I should change."
- a. Has gone after
 - b. Has got down to
 - c. Gotten even at
 - d. Took a look at
8. Which of the following would likely **NOT** be found in a hotel?
- a. Wake-up call
 - b. Bicker
 - c. Levy
 - d. Exchange
9. "I don't like swimming in this lake... The water is always so _____."
- a. Murky
 - b. Arsenal
 - c. Eco-friendly
 - d. Stunning
10. "I wouldn't _____ about taking that position in Paris. The salary is great, and it's a fantastic place to live!"
- a. Get down to
 - b. Fight tooth and nail
 - c. Fault you
 - d. Think twice

Answers

A. Collocations

1. Patent infringement, 2. Common sense, 3. Consumer friendly,
4. Handset maker, 5. At fault, 6. Key rival.

B. Review Quiz

1. d, 2. b, 3. d, 4. a, 5. c, 6. b, 7. d, 8. b, 9. a, 10. d

Online Practice

Click the "Launch" button to open the **online practice:**

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