

HTC Ramps UP Patent Claims Against Apple, Thanks to Google's IP

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If anyone still hadn't noticed the proxy war between Apple and Google over their rival mobile operating systems, which has largely been driving the escalating smartphone patent litigation, Google and its Android partner HTC

have switched on the lights. On Tuesday HTC's lawyers at Finnegan, Henderson, Farabow, Garrett & Dunner filed an amended complaint against Apple before the U.S. International Trade Commission, and amended one complaint and filed a new one against Apple in Delaware federal district court. All three complaints allege that Apple's most popular products infringe on HTC patents relating to mobile technology, and as Bloomberg first reported [<http://www.bloomberg.com/news/2011-09-07/htc-sues-apple-alleging-infringement-of-four-u-s-patents.html>], the new allegations relate to nine patents HTC obtained from Google just last week.

As we've reported [<http://www.law.com/jsp/tal/digestTAL.jsp?id=1202502862658>], Apple kicked off its infringement litigation with HTC back in March 2010. In a crucial ruling for Apple in July, ITC administrative law judge Carl Charneski determined that HTC infringed two of the ten Apple patents at issue in the case. That ruling, if affirmed by a panel of ITC judges later this year, could result in a devastating import ban for the Taiwanese company.

Counsel for HTC, Finnegan Henderson partner Thomas Winland, declined to comment. HTC sent us this statement from its general counsel: "HTC will continue to protect its patented inventions against infringement from Apple until such infringement stops. We believe that we have an obligation to protect our business, our industry partners and our customers, who love using our products." A Google spokesperson declined to comment on the HTC filings.

Meanwhile, a remarkable allegation by Apple in the ITC case has some speculating that Apple and Google may soon square off over their IP directly. As first reported by FOSS Patents blogger Florian Mueller [<http://fosspatents.blogspot.com/2011/09/apple-to-itc-andy-rubin-got-inspiration.html>], Apple claims that one of the patents HTC accuses it of infringing was originally developed by a team of Apple engineers. That team is said to have included Android co-founder Andy Rubin, now a Google executive. Apple is represented by Kirkland & Ellis in its ITC case against HTC.

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