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Apple faces new suit over patent claim

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Man says FaceTime infringes on his IPR in latest action against IT giant

Within weeks of Apple settling a high-profile dispute over its iPad trademark, the US tech giant now faces a lawsuit by a man in Taiwan over FaceTime.

The plaintiff, identified only as Lee, claims technology used in the video-calling application violates his patent.

A spokesman for Zhenjiang Intermediate People's Court in Jiangsu province on Tuesday confirmed it has accepted the case.

The suit calls for Apple to cease the violation but does not specify compensation, said a publicity official at the court who gave her name only as Shen.

She said the plaintiff discovered the violation after purchasing an iPhone in Zhenjiang, and decided to file the case with a local court.

Apple has been notified of the case, Shen added.

Calls to the Zhenjiang Zhufang Law Firm, which is representing Lee, went unanswered on Tuesday.

According to the indictment, Lee claims authorities on the mainland granted his utility model patent on "voice network personal digital assistant" technology on April 28, 2004, with a valid period of 10 years, Yangtze Evening News reported.

The indictment said his patent includes a wireless communication module, a flash memory that stores codes of network voice service, as well as a personal digital assistant that connects the communication module and memory technologies very similar to those used by FaceTime.

Apple's spokeswoman in Beijing could not be reached for comment on Tuesday.

FaceTime, which was released by Apple in 2010, is available on the company's iPad, iPhone, iPod touch, iMac and MacBook.

Meanwhile, the legal teams that helped Proview Shenzhen secure \$60 million from its iPad dispute with Apple in June are now suing their former employers.

Guanghe and Grandall law firms have both filed suits in Shenzhen, Guangdong province, in an attempt to join the technology company's long list of creditors.

Proview is about \$400 million in debt and has been teetering on the brink of bankruptcy.

"Both the company and our firm had high expectations for the amount we'd receive (from the transfer of the iPad name to Apple)," said Xiao Caiyuan, senior partner at Guanghe, who conceded that the final sum was "disappointing".

Guanghe claims it signed a contract in exchange for 8 percent of the Apple payout, roughly \$4.8 million, Xiao said. Grandall claims it was promised 4 percent of the final settlement.

The money from the iPad dispute heard by Guangdong High People's Court has been frozen, while distribution of the money is being handled by Shenzhen's Yantian district court, which is where the law firms have filed their suits.

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Li Yi, head of the district court's enforcement office, declined to comment on Tuesday.

However, Yang Rongshan, the founder of Proview, which makes computer screens and LED lights, responded to the news by saying that the law firms knew about his company's financial situation and the risks when they were hired.

"Everyone knows Proview does not have the power to direct how to distribute Apple's money," he said, as well as dismissing claims by Grandall that the tech company had refused to pay its legal teams.

"Proview has never refused to pay the lawyers," Yang said, before accusing Grandall of trying "to attract media exposure and public support".

"If Apple's settlement had covered our debts, then paying lawyers would not be a problem. But that's not the situation. We have to strive to protect the interests of our creditors first."

According to Mo Shaolin, a partner at Deheng Law Offices who specializes in bankruptcy law, the law firms' actions are aimed at raising them up the list of creditors in terms of priority.

However, he said the money will be distributed on a first-come, first-served basis.

"If the law firms want to get paid, they need to apply to have the money frozen," Mo said, although he added that other creditors will already be rushing to do whatever they can to guarantee they get their shares first.

Ultimately, he said, the law firms will have measured the risks of a default when signing contracts with Proview in 2010, so they should bear the responsibilities for this scenario.

In the original dispute, Apple said it acquired the iPad name in the Chinese mainland in 2009 when it bought rights from a Proview affiliate in Taiwan for about \$55,000. However, a court ruled in December that Proview Shenzhen, which registered the iPad trademark on the mainland in 2001, was not bound by that sale, even though it was part of the same company.

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