U.S. Trade Judge Calls for Import Ban on Certain iPhones



The initial ruling from the U.S. International Trade Commission found that Apple had infringed on a Qualcomm patent. However, the ruling could be reversed by the commission, appealed by Apple, and even vetoed by President Donald Trump.

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A U.S. trade judge is recommending an import ban on certain iPhones for infringing a Qualcomm patent.

On Tuesday, judge MaryJoan McNamara of the U.S. International Trade Commission issued the ruling, which found that Apple had infringed on a Qualcomm patent, No. 8,063,674, which involves a power-saving feature for mobile devices.

Qualcomm claims the import ban will forbid imports of iPhone 7 models up to the current iPhone XS products. That's because the devices' A10, A11 and A12 processors all infringe on the Qualcomm patent.

In the same ruling, the judge rejected Qualcomm's claims that Apple had infringed on two other company patents. Nevertheless, McNamara settled on a "limited exclusion order" against Apple for violating Qualcomm's remaining patent.

Whether the judgment stands is another matter. The ITC will review McNamara's "initial" finding, and can choose to reverse it. President Donald Trump also has the power to veto the import ban.

"It's too early to tell what the fallout from this will be," wrote Florian Mueller, a patent analyst, who noted that Apple could also appeal the decision.

Qualcomm initially brought the case to the ITC back in Nov. 2017, claiming thatApple was illegally using patent no. 8,063,674 in at least the company's iPhone 7 and 7 Plus products.

The same complaint also emphasized that the infringing iPhone products were using modems from non-Qualcomm suppliers. "Apple rose to dominance relying heavily on Qualcomm's technology that enables numerous important features on the iPhone, including providing better battery life," Qualcomm went on to claim.

So far, Apple hasn't commented on the ruling. But the company's attorneys previously told the International Trade Commission that Qualcomm's original patent complaint was actually a monopolistic attempt to ban Apple iPhones that contained Intel's modem chips.

"With even more control over the chip market through the elimination of its rival Intel, Qualcomm will have unbridled

power to threaten OEMs' (original equipment manufacturers') supply chains to leverage exorbitant royalty rates or require exclusivity from mobile device companies," Apple said in Dec. 2017.

The two companies have been waging a patent battle across the globe with Qualcomm attempting to ban iPhones in major markets for the alleged infringement. In Germany, Qualcomm successfully forced Apple to temporarily stop selling older Intel-powered iPhones after a local court found the company had infringed on one of Qualcomm's patents. To work around the ban, Apple had to begin selling iPhones only with Qualcomm chips.

"We appreciate Judge McNamara's recognition of Apple's infringement of our hardware patent and that she will be recommending an import ban and cease and desist order." Qualcomm's general counsel Don Rosenberg said in a statement after today's ruling.

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