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What's Apple Planning to Fend Off iPhone's Rivals?

Will the iPhone maker turn to a new touchscreen patent or the addition of video features to its bestselling mobile phone?

February 5, 2009

By David Needle: [More stories by this author.](#)



What's Apple got up its sleeve for the iPhone? Per usual, the company has pressed the mute button when it comes to disclosing any future product plans. But a recently awarded Apple patent on touchscreen devices and persistent buzz around new video features both might shed some light on the next iPhone.

Late last month, the U.S. patent office awarded the company [Patent No. 7,479,949](#), "Touchscreen device, method, and graphical user interface for determining commands by applying heuristics." It's a complicated

description for a fairly simple concept: interacting with a touchscreen and moving through lists on it by using your fingers.

But it's unclear whether Apple (NASDAQ: AAPL) will wield its new patent to ward off a growing number of rivals who are seeking to capitalize on the iPhone's booming popularity with touchscreen features of their own. Instead, some industry observers say that Apple might be content to continue beating them in the marketplace -- a task that might be made easier thanks to a widely expected injection of videoconferencing and video-capture features into its bestselling device.

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Apple did not respond to a request for comment.

The scrutiny over Apple's next moves



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comes at a time when competitors in the mobile device market are scrambling to catch up to Apple's innovative iPhone. Palm drew a lot of buzz at last month's Consumer Electronics Show when it showed off the Pre, its next-generation

smartphone considered a likely iPhone challenger and due to ship in summer.

It's a closely watched debut, in part because like the iPhone, the Pre sports a touchscreen interface that supports "multitouch" -- the ability to simultaneously use more than one finger to manipulate images on the screen. That feature also happens to be a key component in Apple's recent patent, the latest of many it's been granted or has pending related to the iPhone.

Is a showdown brewing between Apple and rivals over multitouch? One patent attorney who's examined Apple's newest patent said it would give the company "unbelievable market power" if it stood up to a court challenge.

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"What they're really patenting is the concept of using your fingers on the touchscreen in a particular way," said Jerrold Spiegel, who heads the technology practice at New York law firm Frankfurt Kurnit Klein & Selz. "It could be a huge asset for them."

Yet Spiegel wasn't convinced Apple had a lock on the concept.

"I have concerns about whether it would stand up to a court challenge," Spiegel told *InternetNews.com*. "If something's too obvious, it's not patentable ... That's why there was such an uproar over One-Click," he said, referring to Amazon's controversial patent for single-click online purchasing.

It's unclear how Apple plans to use its new patent. During its recent first quarter earnings call, Apple's acting CEO, Tim Cook, said the company is ready to battle any competition through the marketplace. While not addressing Palm specifically, he also noted his company's patent arsenal, however.

"We will not stand for having our intellectual property ripped off, and we'll use whatever weapons we have at our disposal," he said.

Page 2: Palm's prospects, and will video come to the iPhone?

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By **Steve M** February 5 2009 4:10 PMPDT

Microsoft isn't the only tech company with killer instincts. Apple will wait until Palm has brought the Pre to market, or is just about to, then get a court ordered injunction to hold sales until the outcome of litigation is decided. Even if Apple loses (and they probably won't, the gestures aren't THAT obvious, they are merely intuitive once you have been shown how to do them), Palm will be hemorrhaging cash with all that inventory and nowhere to sell it. If Apple wins, this very will be Palm's last hurrah, and the death of a once great company. Time will tell, but if history is any guide, Apple has left a bloody trail of litigated companies in their wake (with one notable exception - Microsoft - and that was only lost on a sloppy contractual technicality.)

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Reply by **Domenic** February 7 2009 8:37 AMPDT

You might want to look up the "University of Delaware". They're actually the legal owner of key multitouch technologies. Do you see the potential problem that litigation now presents?


As for the iPhone being in a league of it's own, well apparently another team would like to play in that league and they have the firepower to potentially win.



By **PaulieDC** February 5 2009 9:54 PMPDT

And STILL the "overtake the iPhone" articles come forth. Amazing. Forget comparing it to anything else, it's in a league of its own. Even if other makers come out with the next iPhone killer, it WON'T be, because those phones don't run the Apple OS. It isn't just the hardware that makes the iPhone unique, it's the intuitive Apple-designed UI. Windows Mobile and Palm OS are, well, nice corporate OSs. The whole concept and UI and OS of the iPhone isn't even worth comparing.


No, I don't work for Apple. ;-)

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By **Dave Needle** February 6 2009 3:04 PMPDT

Paulie, yup, Apple does have some unique advantages. No one's really matched the App store yet either.

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