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## [Smartphone Mania Has Resulted in IP Activity](#)

Posted on March 30, 2011 by [Tiffany Blofield](#)

The smartphone market is very litigious. Taiwanese company HTC Corporation (“HTC”) filed a declaratory judgment action against Samsung in Washington last week. The lawsuit came on the heels of receiving a cease and desist letter from Samsung regarding [HTC’s “Inspire” line 4G android cell phones](#). In its lawsuit, HTC seeks a judgment that it can use the “Inspire” trademark and such use will not infringe Samsung’s “Inspiration” trademark and will not cause a likelihood of confusion for consumers.

HTC initially unveiled the “Inspire” trademark in January 2011. Samsung did not attempt to challenge HTC’s registration of the “Inspire” trademark. It had not used its “Inspiration” trademark for four years. Accordingly, HTC likely thought it was in the clear. [HTC’s certificate of registration for “Inspire”](#) issued from the United States Patent and Trademark Office earlier this month.

This is not the first intellectual property issue these two companies have dealt with. To ward off patent litigation with respect to their respective android phones, HTC and Samsung entered into a strategic partnership with Intellectual Ventures. Specifically, both companies entered into license agreements wherein they could use 30,000 intellectual property assets owned by Intellectual Ventures.

HTC and Apple have also been at odds about intellectual property. Apple sued HTC for patent infringement last year in connection with its patents for the [iPhone’s](#) user interface, underlying architecture and hardware. The lawsuit was filed in the U.S. International Trade Commission (ITC) and in U.S. District Court in Delaware in March 2010. The case is still pending.

HTC may have had the last laugh. HTC beat Apple to win the 2011 Device Manufacturer of the year on February 15, 2011. HTC was praised for its excellent marketing and creating a clear brand image and product combinations that work with various platforms. Moreover, the year before, HTC won the “Best Mobile Device” award. These accolades in the court of public opinion may have made HTC a target for the current trademark dispute with Samsung in the court of law.

