

Are you Siri-ous?

By Reg P. Wydeven
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The last few weeks, I've written about my infatuation with my new smart phone. Now that I've got one, I pay closer attention to legal developments affecting smart phones. It seems that mobile technology advances so quickly, the law has a hard time keeping up. As I've written, this is particularly true in the area of privacy.

Sometimes, though, mobile technology may advance too quickly for itself. Take, for example, Siri, the popular personal digital assistant accompanying the Apple iPhone 4S. The feature responds to voice commands and even answers users' questions.

Apple has produced several commercials touting Siri's capabilities. One such ad shows a couple driving from the East Coast to Santa Cruz, California. Siri provides answers when the couple asks for directions, their present location and where to fill their gas tank. Another features Siri helping a teenager find local restaurants, learn to play the guitar and schedule appointments.

Frank M. Fazio, however, doesn't believe Siri delivers what Apple promises. The Brooklyn resident launched a class-action lawsuit against Apple in the U.S. District Court of Northern California claiming the company violated the Consumer Legal Remedies Act and Unfair Competition Law.

Fazio's suit alleges "that the company's commercials convey a 'misleading and deceptive message' about Siri's capabilities." Fazio points out that Apple's commercials show that Siri can easily "make appointments, find restaurants, and even learn the guitar chords to classic rock songs." His complaint, however, asserts that "the iPhone 4S's Siri feature does not perform as advertised," and it was that advertising that caused "consumers to purchase the iPhone 4S over other smart phones because of its Siri feature."

Fazio says the only reason he paid \$299 for his iPhone 4S was because of Apple's commercials. Fazio is not alone. There are over 100 members of the class action lawsuit, which is seeking \$5 million in damages. The biggest complaint about Siri is that it requires an Internet connection to work because most of the feature's processing is done on Apple's servers and not the iPhone itself. Without a connection, Siri won't function.

This issue was really exposed last November when Apple suffered an outage that knocked Siri service offline for about a day. Because there is no backup to Siri, with no Internet connection, basic functions like voice dialing will not work.

Due to its spotty performance, Fazio's suit states that "Siri is, at best, a work in progress." On that point, Apple agrees. The company insists that Siri is a beta feature. Fazio counters, though, that Apple's ads showcasing Siri fail to mention this.

Finally, overseas users claim Siri also has difficulty understanding non-U.S. English language accents. While frustrating for users, the results can be quite comical. On my favorite TV show, 'The Big Bang Theory,' the nerds' arch nemesis, Barry Kripke, has a hard time using Siri.

Kripke suffers from a severe speech impediment that causes him to speak like Elmer Fudd. He becomes enraged when he asks Siri a question and she says, "I'm sorry, Barr-we, I don't understand your request to 'wecommand a westauwant.'" Kripke replies, "You suck, Siwi."

Because of all the bugs, I'm glad I didn't buy an iPhone. After all, so far I'm pretty happy with my Android.

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