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 T-MOBILE USA, INC.
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION
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12 DAVIS WRIGHT TREMAINE LLP
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MARY MCKINNEY, Individually and on
 behalf of all others similarly situated,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation;
 HTC CORP., a Delaware corporation; and
 T-MOBILE USA, INC., a Delaware
 corporation,

Defendants.

Case No. CV 10-01177 JW

**DECLARATION OF JAMES C. GRANT
 IN SUPPORT OF T-MOBILE'S
 MOTIONS TO COMPEL
 ARBITRATION AND TO DISMISS**

Date: November 1, 2010
 Time: 9:00 a.m.
 Dept.: 8

The Honorable James S. Ware

21 James C. Grant declares and states as follows:

22 1. I am an attorney with the law firm of Davis Wright Tremaine LLP, counsel for
 23 Defendant T-Mobile USA, Inc. ("T-Mobile") in this action.

24 2. I make this declaration on the basis of personal knowledge and I am competent
 25 to testify to the matters stated herein. I provide this declaration in support of T-Mobile's
 26 Motion to Compel Arbitration and Stay Claims and T-Mobile's Motion to Dismiss Plaintiff's
 27 Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), both of which are being filed
 28 along with this declaration.

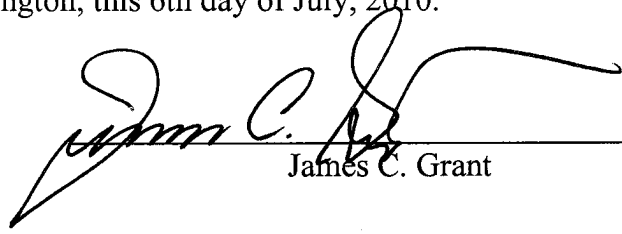
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3. Attached hereto as *Exhibit A* is a true and correct copy of an article that appeared in the online web magazine WIRED, entitled “Google Debuts Android-Powered Nexus One ‘Superphone’” and dated January 5, 2010. I accessed this article on July 6, 2010, at <http://www.wired.com/gadgetlab/2010/01/google-debuts-android-powered-nexus-one-superphone>. I have attached the full article as it appears on the website, although I have not included comments that also appeared on the website.

4. The article is quoted in Plaintiff’s First Amended Complaint in this action, at paragraph 26, although Plaintiff did not attach a copy of the article to her complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED at Seattle, Washington, this 6th day of July, 2010.




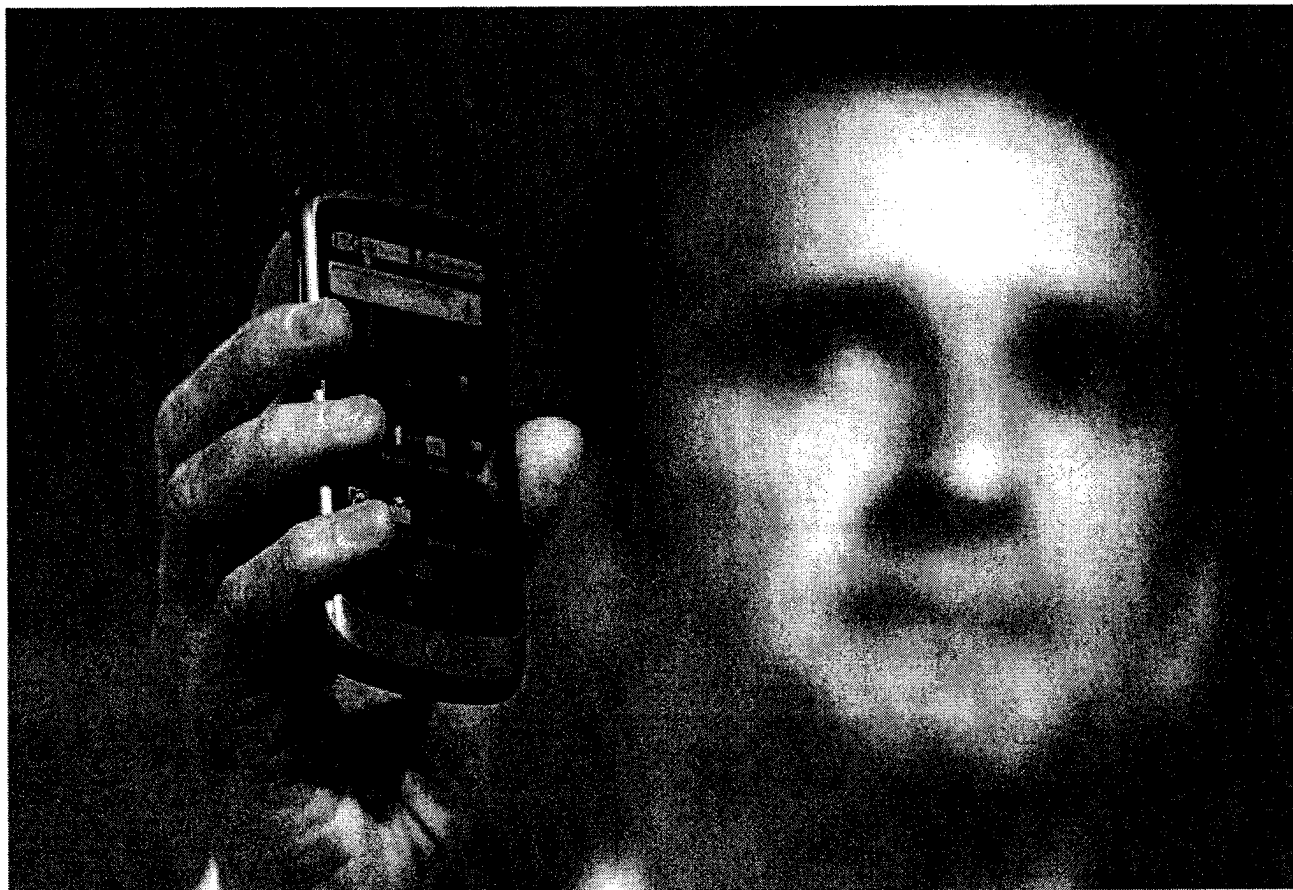
James C. Grant

EXHIBIT A

[Gadget Lab](#)[Hardware News and Reviews](#)[Previous post](#)[Next post](#)

Google Debuts Android-Powered Nexus One 'Superphone'

By [Mathew Honan](#)  January 5, 2010 | 2:58 pm | Categories: [Phones](#), [Wireless Tech](#)



MOUNTAIN VIEW, California — Apple may have the Jesus phone, but today Google rolled out its own “superphone.”

Google unveiled its Nexus One touchscreen handset during a private press-only event at its headquarters here Tuesday. Developed in partnership with hardware manufacturer HTC, the Nexus One is Google's first branded entry into the smartphone market.

The Nexus One runs the latest version of Google's Android mobile operating system, allowing for several forward-thinking features. Nexus One users can rely on speech anywhere on the phone where text can be input — users can speak their e-mails, text messages, tweets and web searches. The phone also uses dual-microphone noise cancellation for improved voice quality and speech recognition, and has a vastly improved user interface which incorporates widgets that can pull in live data feeds from web services like Facebook.

“The Nexus One is where web meets phone,” says Google vice president of Android project management Mario Queiroz, pictured above. “It’s an exemplar of what’s possible on mobile phones. It belongs in an emerging category of devices which we call superphones.”

The phone will retail for \$180 with a 2-year contract with T-Mobile, but will also be available for \$530 unlocked (spot on with [the latest speculation](#)). It ships today and is available for purchase immediately at [Google’s new online store](#). The Nexus One will be available on Verizon and Vodaphone networks this spring, Google says.

Google’s Nexus One will not only have to compete against other web-enabled handheld devices like the iPhone and Palm Pre, but also other Android phones such as the Motorola Droid. By releasing its own phone, Google puts itself in direct competition with other members of the [Open Handset Alliance](#) (OHA), a consortium of mobile hardware and software developers and carriers, all of whom have been working on Google’s Linux-based Android operating system. It could represent a tricky balance for the company to maintain.

The handset itself is sleek and gorgeous. It’s housed in a thin exterior case less than half an inch (11.5 mm) thick, and it weighs only 4.5 ounces (130 grams). The Nexus One also boasts some impressive hardware. It features a zippy 1-GHz Qualcomm Snapdragon processor, which Google says enables the phone to seamlessly run multiple applications at once. A trackball allows users to navigate the interface, and also uses different colored lights to send various alerts — such as a new call or e-mail message. It also sports a 3.7-inch touchscreen AMOLED display with a native resolution of 480 x 800 pixels, a 5-megapixel camera, 512 MB of RAM and ROM, and a microSD slot that’s expandable up to 32 GB of storage (it ships with a 4-GB card). It has a compass and an accelerometer, and light and proximity sensors allow the device to save power by dimming or shutting off the screen. A metal plate on back is designed for personal engraving. There is no hardware keyboard.

Although the Nexus One was only officially unveiled Tuesday, the debut has been [highly anticipated](#) for weeks, as Google had all but announced it was on the way. The company gave a pre-release version of the phone to all of its employees just before the holidays, and [posted a message to its mobile blog](#) about the “dogfooding” process of testing a new mobile device.

The Nexus One runs Android 2.1, the latest version of Google’s free mobile operating system, and the phone relies on the new software for several key enhancements. For example, every single text field on the device is voice-enabled.

“The evolution we’ve seen around voice recognition in the past year or two has just been phenomenal,” says Google senior product manager Erick Tseng, referring to the company’s Google Voice app and the voice commands on the Google Droid.

“We wanted to take it to the next level.”

Tseng demoed the voice applications, which were impressive. And while the speech-to-text translation was quite zippy, Tseng noted it will continue to learn more and continue to improve with every spoken command.

Other new Android apps demoed on the Nexus One including a weather app that lets you see weather predictions minute-by-minute throughout the day, and a new photo gallery application that re-sizes photos as you scroll through them, or skews the photos when phone is tilted to give the illusion of depth. Google’s Queiroz noted that all members of the OHA will have access to the 2.1 software once it is

released in a matter of days.

Google's new online store is, in some ways, bigger news than the phone itself. It allows the company to interact directly with consumers, just as Apple does. It lets users buy phones with or without service, which also lets Google do an end-run around carriers.

In an ironic twist, Motorola had been invited to the event, but CEO Sanjay Jha got stuck in traffic and arrived nearly an hour and a half late. Jha claimed Motorola was not concerned about Google putting its weight behind a competitor's product.

"This expansion of the ecosystem is healthy for both of us," Jha says.

The phone seems pointedly designed to move the United States towards a more European-style model, where consumers buy unlocked phones at a higher, unsubsidized price. The company made point to note this repeatedly during the Q&A session with journalists that followed the demos.

In a move perhaps designed to appease other members of the OHA, the company noted it will link to the Droid and other devices from its web store, and will add Google branding to "any great product." However, it noted that it's only going to look at products that succeed both in terms of simplicity and performance.

"It's not our intention to flood the web store," said Queiroz.

Google vice president of engineering for mobile Andy Rubin, who has headed up Google's Android project since its inception, joined the team for the Q&A session.

Rubin left the door open to releasing a free, ad-supported version in the future.

"The first baby step here is: Let's get an online story going," he says, "and let's figure out what they best way to enhance it in the future."

In response to questions about his previous assertions that Google was not building its own phone, Rubin slyly asked the press to look closely at his previous comments.

"I said Google won't build hardware," he says.

Photo: Robert Galbraith/Reuters

See also

[Gadget Lab's Google Nexus One Preview](#)

[Rumor: Google Nexus One \\$530 Unlocked, \\$180 With Plan](#)

[Android Gets a Better Browser: Now With More HTML5](#)

[Meet Android, the Google Phone's Robot Brain](#)

Tags: [android](#), [Google](#), [HTC](#), [Verizon](#)

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