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12 Attorneys for *Amicus Curiae*
 T-MOBILE USA, INC.

13 UNITED STATES DISTRICT COURT
 14
 15 NORTHERN DISTRICT OF CALIFORNIA
 16
 17 SAN JOSE DIVISION

18 APPLE INC., a California corporation,
 19
 Plaintiff,
 20
 vs.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 22 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 23 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 24
 Defendants.
 25
 26
 27
 28

CASE NO. 11-cv-01846-LHK

**DECLARATION OF IRENE YANG IN
 SUPPORT OF MOTION FOR ORDER
 SHORTENING TIME ON MOTION FOR
 LEAVE TO FILE BRIEF OF AMICUS
 CURIAE T-MOBILE REGARDING
 APPLE INC.'S MOTION FOR A
 PRELIMINARY INJUNCTION AND FOR
 LEAVE TO APPEAR AT PRELIMINARY
 INJUNCTION HEARING**

Judge: Hon. Lucy H. Koh
 Courtroom 8, 4th Floor

1 I, Irene Yang, declare as follows:

2 1. I am an attorney in the law firm of K&L Gates LLP, counsel for *amicus curiae* T-
3 Mobile USA, Inc. (“T-Mobile”), and a member of the Bar of this Court. I make each of the
4 statements below based on my personal knowledge, and if called as a witness, I could and would
5 testify as to their truthfulness.

6 2. T-Mobile is a nationwide wireless carrier that carries a variety of Samsung handheld
7 devices. It is not a party to the above-captioned litigation.

8 3. On July 1, 2011, Apple filed a Motion for a Preliminary Injunction against Samsung
9 devices, including the Galaxy S 4G smartphone and Galaxy Tab 10.1 tablet (“Samsung Galaxy
10 devices”). Dkt. No. 86. On July 18, 2011, this Court issued an expedited scheduling order setting the
11 hearing on Apple’s P.I. Motion for October 13, 2011. Dkt. No. 115.

12 4. T-Mobile would be directly and substantially affected should Apple’s P.I. Motion be
13 granted and the Samsung Galaxy devices be enjoined. T-Mobile has already prepared its 2011
14 holiday sales season advertising campaign, prominently featuring the Samsung Galaxy devices. T-
15 Mobile is in a position to describe the harms that would befall it, its business, and its U.S. customers
16 should the requested injunction issue during the holiday sales season.

17 5. Without a shortened briefing and hearing schedule to decide whether T-Mobile may
18 file its *amicus* brief, attached to T-Mobile’s concurrently-filed Motion for Leave to File Brief of
19 *Amicus Curiae* T-Mobile USA, Inc. Regarding Apple Inc.’s Motion for a Preliminary Injunction and
20 for Leave to Appear at the Preliminary Injunction Hearing (“Motion for Leave”), T-Mobile’s
21 interests in the outcome of Apple’s P.I. Motion are unlikely to be fully explained to the Court. This
22 would cause T-Mobile to be substantially harmed and prejudiced.

23 6. With K&L Gates LLP partner Shane Brun, I contacted counsel for Apple, Jason
24 Bartlett, on September 28, 2011, and counsel for Samsung, Victoria Maroulis, on September 27,
25 2011, in an effort to obtain agreement to a shortened schedule for the Motion for Leave and/or
26 agreement not to oppose T-Mobile’s Motion for Leave. Counsel for Apple indicated that Apple
27 opposes and referred T-Mobile to Apple’s Opposition to Cellco/Verizon Wireless’s Motion for Leave
28 to File Amicus Brief Regarding Apple’s Motion for a Preliminary Injunction (Dkt. No. 262).

1 Counsel for Samsung indicated that Samsung does not oppose T-Mobile's Motion for Leave or this
2 Motion for Order Shortening Time.


3 7. T-Mobile has not been involved in any previous modifications to the schedule in this
4 case.

5 8. Granting T-Mobile's Motion for an Order Shortening Time on the Motion for Leave
6 would not adversely affect any dates that are currently scheduled in this case.

7 9. Attached hereto as Exhibit A is a true and correct copy of a web page located at
8 <https://www.facebook.com/TMobile?sk=wall>, which I downloaded on September 28, 2011.

9
10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed on September 28, 2011, at San Francisco, California.

13
14 By: 
15 Irene Yang