

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

TURKCELL İLETİŞİM HİZMETLERİ A.Ş.	)	
AND EAST ASIAN CONSORTIUM B.V. ,	)	
	)	
Plaintiffs,	)	Civil Action No. 12-00479 (RBW)
v.	)	
	)	
MTN GROUP, LTD. AND MTN	)	
INTERNATIONAL (MAURITIUS) LTD.,	)	
	)	
Defendants.	)	

**DECLARATION OF TIMOTHY P. HARKNESS IN SUPPORT OF  
DEFENDANTS' RESPONSE STATEMENT OF POINTS AND AUTHORITIES IN  
OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO CONDUCT  
JURISDICTIONAL DISCOVERY**

**TIMOTHY P. HARKNESS** declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted *pro hac vice* before this Court and a member of the law firm of Freshfields Bruckhaus Deringer US LLP. I respectfully submit this declaration in further support of Defendants' Response Statement of Points and Authorities in Opposition to Plaintiffs' Motion for Leave to Conduct Jurisdictional Discovery filed in Civil Action Number 12-00479 (RBW).

**Christian Kilowan's Deposition**

2. On April 6, 2012, Defendants' counsel received from Plaintiffs' counsel a Notice of Deposition of Unavailable Witness and Rule 30(a)(2)(A)(iii) Certification for the *de bene esse* deposition of Christian Kilowan. A true and correct copy of the Notice of Deposition of Unavailable Witness and Rule 30(a)(2)(A)(iii) Certification received by Defendants' counsel is attached hereto as Exhibit A.

3. Christian Kilowan's deposition was conducted on April 30, May 1, and May 2, 2012. A copy of the relevant portion of Mr. Kilowan's deposition testimony is attached hereto as Exhibit B.

**Top-Up Services**

4. According to the website [mntopup.com](http://mntopup.com), the website is "powered by" Sochitel. Sochitel UK, Ltd., <http://mntopup.com/about.php> (last accessed Aug. 13, 2012). On the website's "About Us" page, the website states that "Sochitel (<http://www.sochitel.com>) is a global remittance and value transfer company focused on the opportunities of the Global Top-Up and remittance industries. . . Since November 2007, Sochitel UK Ltd has been an MTN distribution partner selling airtime PINs around the world." *Id.* A true and correct printout of the website's "About Us" page is attached hereto as Exhibit C.

5. A true and correct printout of MTN.com's home page, available at <http://www.mtn.com>, (last accessed August 13, 2012), is attached hereto as Exhibit D. A true and correct printout of MTN.com's "Company Profile" page, available at <http://www.mtn.com/MTNGROUP/Pages/CompanyProfile.aspx> (last accessed August 14, 2012), is attached hereto as Exhibit E.

6. According to 7-Eleven, Inc.'s website, "7-Eleven, Inc., its parent company, Seven-Eleven Japan, master franchisees, licensees and affiliates operate more than 39,300 7-Eleven and other convenience stores in countries including Japan, Taiwan, Thailand, South Korea, China, Malaysia, Mexico, Canada, Singapore, Australia, Philippines, Indonesia, Norway, Sweden, and Denmark." 7-Eleven, Inc., <http://corp.7->

eleven.com/AboutUs/InternationalLicensing/tabid/115/Default.aspx (last accessed August 13, 2012). A true and correct printout of the website's "International Licensing" page is attached hereto as Exhibit F.

7. Ezetop's website claims that it has "partnerships with 200 mobile phone operators/countries across Asia Pacifica, Africa, the Caribbean, Latin American and Eastern Europe and is adding operators on a regular basis." Ezetop UK Ltd., <http://www.ezetop.com/about/company-profile> (last accessed August 13, 2012). A true and correct printout of Ezetop's "Company Profile" website page is attached hereto as Exhibit G.

*[Remainder of this page intentionally left blank.]*

8. Our review of the Ezetop website indicates that U.S. consumers can purchase “top-up services” for Ezetop’s telecommunications operator providers. A true and correct printout of Ezetop.com’s “Countries” page, which claims to show the countries that U.S. consumers can purchase “top-up services” for, is attached hereto as Exhibit H. Ezetop UK Ltd., <http://www.ezetop.com/countries> (last accessed August 13, 2012). Also by way of example, a true and correct printout of Senegal’s “country” page, which claims to show two foreign telecommunications operators in Senegal that U.S. consumers can purchase “top-up services” for, is attached hereto as Exhibit I.

Dated: New York, NY  
August 15, 2012

By: /s/ Timothy P. Harkness  
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