

1 DAVID J. VAN HAVERMAAT (Cal. Bar No. 175761)
Email: vanhavermaatd@sec.gov
2 DAVID S. BROWN (Cal. Bar No. 134569)
Email: browndav@sec.gov

3 Attorneys for Plaintiff
4 Securities and Exchange Commission

5 Joseph G. Sansone, Unit Chief (Market Abuse Unit)
New York Regional Office
6 200 Vesey Street, Suite 400
New York, New York 10281

7 Robert A. Cohen, Unit Chief (Cyber Unit)
8 Headquarters
100 F Street, N.E.
9 Washington, District of Columbia 20549

10 Michele Wein Layne, Regional Director
Amy Jane Longo, Regional Trial Counsel
11 444 S. Flower Street, Suite 900
Los Angeles, California 90071
12 Telephone: (323) 965-3998
Facsimile: (213) 443-1904

FILED
CLERK, U.S. DISTRICT COURT
5/22/18
CENTRAL DISTRICT OF CALIFORNIA
BY: CS DEPUTY

LODGED
CLERK, U.S. DISTRICT COURT
5/22/18
CENTRAL DISTRICT OF CALIFORNIA
BY: CS DEPUTY

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION**

17 **SECURITIES AND EXCHANGE**
18 **COMMISSION,**

19 **Plaintiff,**

20 **vs.**

21 **TITANIUM BLOCKCHAIN**
22 **INFRASTRUCTURE SERVICES,**
23 **INC.; EHI INTERNETWORK AND**
24 **SYSTEMS MANAGEMENT, INC.**
25 **aka EHI-INSM, INC.; and MICHAEL**
26 **ALAN STOLLERY aka MICHAEL**
27 **STOLLAIRE,**

28 **Defendants.**

Case No. **CV18-4315-DSF(JPRx)**
DECLARATION OF KAY L. LACKEY

1 and other business relationships, such as entities or individuals that have been
2 authorized to use the “Royal Bank of Scotland” name or logo. In response to the
3 SEC’s request, and at my direction, personnel at RBSSI and RBSSI’s parents and
4 affiliates reviewed books, records, and computer systems of the business units within
5 RBS that might reasonably be expected to have or to have had a business relationship
6 with TBIS or EHI or Stollaire including as a customer, vendor, employee (or
7 contractor or consultant), or as an authorized user of the “Royal Bank of Scotland”
8 name or logo.

9 7. RBSSI keeps and maintains business records in the course of its
10 transactions and regularly conducted activities, as do other RBS entities. For
11 example:

- 12 • RBS entities, such as RBSSI, maintain business records reflecting
13 entities and persons that have or had customer accounts.
- 14 • RBS entities, such as RBSSI, maintain business records of
15 individuals with whom they had an employment, contractor or
16 consultant relationship.
- 17 • RBS entities, such as RBSSI, maintain business records reflecting
18 individuals and entities that have or had vendor relationships.
- 19 • RBS maintains business records of certain individuals and entities
20 with whom it enters into a licensing relationship including
21 mainstream authorized uses by third parties of its trade name,
22 trademarks and service marks.

23 8. The books and records that we searched, and believed would have any
24 relevant record, did not disclose any current or past business relationship with TBIS
25 or EHI.

26 9. The books and records that we searched indicated that an individual
27 named “Michael Stollery” was a contractor or consultant for an RBS entity from
28 December 29, 2005 through January 6, 2009.

EXHIBIT 1

Lackey, Kay (Legal, NatWest Markets)

From: Sharples, Jonathan (RBS Legal)
Sent: Wednesday, March 14, 2018 6:08 PM
To: 'support@tbis.io'; 'michael.stollaire@tbis.io'; 'richard.silver@tbis.io'
Cc: Cruickshank, Mark (RBS Legal)
Subject: FAO of Legal: Your unauthorised use of The Royal Bank of Scotland Group plc's trade marks

WITHOUT PREJUDICE SAVE AS TO COSTS

Dear Sirs

We are writing to you to set out our concerns regarding your unauthorised use of trade marks owned by The Royal Bank of Scotland Group plc ("RBS"). RBS is referred to in this email as "us" and "we".

Trade mark infringement

We have recently become aware that you are using the following combination of RBS's ROYAL BANK OF SCOTLAND word mark and the RBS daisy wheel device (together the "RBS Marks") on both your website at tbis.io and your White Paper. We attach a screenshot of the website and a copy of the White Paper.



The RBS Marks have a substantial reputation and have accrued a significant amount of goodwill around the world and as such are protected by unregistered rights in several jurisdictions, including in the US. In addition to this, we benefit from a range of registered trade marks consisting of the RBS Marks either in combination or separately, registered for a wide variety of goods and services, in jurisdictions including but not limited to the UK, the European Union and the US.

You have deliberately used the RBS Marks to create a misleading impression that you are endorsed or connected to RBS when that is not the case.

Accordingly, we are entitled to bring proceedings against you in the courts in member states of the European Union and/or in the US. A successful action by us for infringement of our trade mark rights and similar unregistered rights would result in your being liable to an injunction prohibiting your continued use of the RBS Marks. You are also likely to have to pay damages or an account of profits resulting from your conduct and to reimburse our legal costs, which may be significant.

Proposed resolution

Notwithstanding everything that we say above, on a fully without prejudice (save as to costs) basis, we hope that this matter can be resolved swiftly with your cooperation. We are prepared to draw a line under this matter if you agree to and adhere to the following undertakings:

1. You will remove all references to the RBS Marks from your website at tbis.io and the white paper published on the same by 28 March 2018.
2. You will cease all other use of the RBS Marks by 28 March 2018.

3. You will procure that any companies in the Titanium Blockchain Infrastructure Services group, including EHI-INSM Inc., cease all use of the RBS Marks by 28 March 2018.
4. You shall refrain from any future infringement of any of our trade marks or passing off any of our rights in them.

Way forward

We hope that you are prepared to resolve this matter by providing these undertakings and we look forward to hearing from you by Wednesday 21 March 2018.

If you wish to discuss this matter directly, please contact me either by e-mail or telephone using the contact details below.

Yours faithfully

Jon Sharples

Jon Sharples
Legal Seconded
RBS Legal, Intellectual Property
The Royal Bank of Scotland Group
1st floor, House G, Gogarburn, PO Box 1000, Edinburgh EH12 1HQ

Telephone +44 (0)207 825 4048

Mobile +44 (0)7711 187979

Jonathan.Sharples@rbs.co.uk

This e-mail is classified as Confidential

EXHIBIT 2

Lackey, Kay (Legal, NatWest Markets)

From: michael.stollaire <michael.stollaire@tbis.io>
Sent: Thursday, March 15, 2018 8:14 AM
To: Sharples, Jonathan (RBS Legal); 'support@tbis.io'; 'richard.silver@tbis.io'
Cc: Cruickshank, Mark (RBS Legal)
Subject: Re: FAO of Legal: Your unauthorised use of The Royal Bank of Scotland Group plc's trade marks

" This message originates from outside our organisation. Consider carefully whether you should click on any links, open any attachments or reply. If in doubt, forward to ~ Phishing"

Our sincere apologies as we were not aware that this constituted infringement, and they will be removed today.

Best Regards,

Michael Stollaire, CEO

Titanium

Michael.Stollaire@tbis.io

www.tbis.io

1.833.DIAL.TITANIUM

----- Original message -----

From: "Sharples, Jonathan (RBS Legal)" <Jonathan.Sharples@rbs.co.uk>
Date: 3/14/18 15:08 (GMT-08:00)
To: "support@tbis.io" <support@tbis.io>, "michael.stollaire@tbis.io" <michael.stollaire@tbis.io>, "richard.silver@tbis.io" <richard.silver@tbis.io>
Cc: "Cruickshank, Mark (RBS Legal)" <Mark.Cruickshank@rbs.co.uk>
Subject: FAO of Legal: Your unauthorised use of The Royal Bank of Scotland Group plc's trade marks

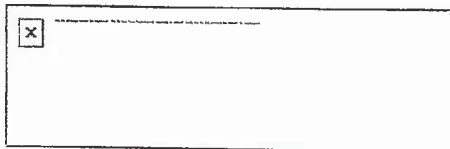
WITHOUT PREJUDICE SAVE AS TO COSTS

Dear Sirs

We are writing to you to set out our concerns regarding your unauthorised use of trade marks owned by The Royal Bank of Scotland Group plc ("RBS"). RBS is referred to in this email as "us" and "we".

Trade mark infringement

We have recently become aware that you are using the following combination of RBS's ROYAL BANK OF SCOTLAND word mark and the RBS daisy wheel device (together the "RBS Marks") on both your website at tbis.io and your White Paper. We attach a screenshot of the website and a copy of the White Paper.



The RBS Marks have a substantial reputation and have accrued a significant amount of goodwill around the world and as such are protected by unregistered rights in several jurisdictions, including in the US. In addition to this, we benefit from a range of registered trade marks consisting of the RBS Marks either in combination or separately, registered for a wide variety of goods and services, in jurisdictions including but not limited to the UK, the European Union and the US.

You have deliberately used the RBS Marks to create a misleading impression that you are endorsed or connected to RBS when that is not the case.

Accordingly, we are entitled to bring proceedings against you in the courts in member states of the European Union and/or in the US. A successful action by us for infringement of our trade mark rights and similar unregistered rights would result in your being liable to an injunction prohibiting your continued use of the RBS Marks. You are also likely to have to pay damages or an account of profits resulting from your conduct and to reimburse our legal costs, which may be significant.

Proposed resolution

Notwithstanding everything that we say above, on a fully without prejudice (save as to costs) basis, we hope that this matter can be resolved swiftly with your cooperation. We are prepared to draw a line under this matter if you agree to and adhere to the following undertakings:

1. You will remove all references to the RBS Marks from your website at tbis.io and the white paper published on the same by 28 March 2018.
2. You will cease all other use of the RBS Marks by 28 March 2018.
3. You will procure that any companies in the Titanium Blockchain Infrastructure Services group, including EHI-INSM Inc., cease all use of the RBS Marks by 28 March 2018.