

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

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

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

13
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**
STOLLAIRE,

26 **Defendants.**

Case No. **CV18-4315-DSF(JPRx)**

DECLARATION OF ROXANNE
KAMIN

27
28

1 **DECLARATION OF ROXANNE KAMIN**

2 I, Roxanne Kamin, declare, pursuant to 28 U.S.C. § 1746, as follows:

3 1. I am employed by International Business Machines Corporation (“IBM”
4 or the “Company”) as a Senior Legal Specialist, Corporate Litigation.

5 2. The facts set forth herein are true and correct to the best of my personal
6 knowledge, information, and belief. If called as a witness, I would testify to the
7 information included in this Declaration under oath.

8 3. I make this declaration at the request of the United States Securities and
9 Exchange Commission (“SEC”).

10 4. IBM is a US based global enterprise technology company.

11 5. On or about February 8, 2018, the SEC requested that IBM provide it
12 with certain information concerning companies called Titanium Blockchain
13 Infrastructure Services, Inc. (“TBIS”) and EHI Internetwork and Systems
14 Management, Inc. (“EHI”), and an individual named Michael Stollaire aka Michael
15 Stollery or Michael Stoller (“Stollaire”).

16 6. IBM keeps and maintains business records in the course of its
17 transactions and regularly conducted activities as a regular practice. IBM also
18 maintains records of entities and persons with which it has engaged as an employee.
19 For the purposes of this declaration, I am qualified to testify about the
20 aforementioned records I searched and the manner in which I searched them.

21 7. In response to the SEC’s request, I searched data repositories of the
22 business units within IBM that might reasonably be expected to have or to have had
23 any type of business relationship with TBIS or EHI or Stollaire including as a
24 customer, client, vendor, employee, contractor, consultant, or other type of business
25 transaction.

26 8. After conducting these searches, to the best of my knowledge, there is
27 not a current or past business relationship of any kind between IBM and TBIS or EHI
28

1 or Stollaire directly other than Stollaire has worked on certain IBM projects as a
2 contractor through a third party.

3 9. IBM's Intellectual Property Law group also searched IBM's records, and
4 those searches have not evidenced that IBM has authorized TBIS or EHI or Stollaire
5 to use IBM's name or logo for marketing or advertising or for any other purpose.

6 10. IBM's Intellectual Property Law group sent Stollaire a cease and desist
7 letter on March 5, 2018, a true and correct copy of which is attached hereto as Exhibit
8 1. On March 13, 2018, IBM's Intellectual Property Law Group sent Digital
9 Millennium Copyright Act (DMCA) Takedown notices to two hosting companies
10 (RACKSPACE - Rackspace Hosting, US for EHI and Choopa, LLC, US for TBIS)
11 asking them to remove the IBM 8-bar logo. On March 14, 2018, IBM's Intellectual
12 Property Law group was alerted that the IBM logos had been removed.

13 11. At the time of this declaration, I have been informed that IBM has not
14 received a response from Stollaire directly.

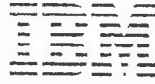
15 I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct.

17 Executed this 15th day of March, 2018 at Camp Hill, Pennsylvania.

18
19 

20 Roxanne Kamin

EXHIBIT 1



*North Castle Drive
Armonk, NY 10501*

VIA PDF EMAIL AND U.S. CERTIFIED MAIL

March 5, 2018

Michael Stollaire
CEO
EHI & Titanium Blockchain Infrastructure Services Inc.
15027 Dickens Street, Suite 4
North Hollywood, CA, 91403
Phone: 1.833.3425.84826486
info@tbis.io

Re: Misuse of IBM Trademarks

Dear Mr. Stollaire,

It has recently come to our attention that your companies EHI and Titanium Blockchain Infrastructure Services Inc. (hereinafter "Titanium") have been using the IBM logo and the Tivoli and Netcool trademarks on their websites without permission.

Specifically, IBM's famous eight-bar logo is copied and presented along with other companies under the title "Trusted by some of the World's Best Brands" on EHI's home webpage at <http://www.ehiinsm.com/>. In addition, the IBM logo is copied and displayed among other company logos on EHI's webpages at <http://www.ehiinsm.com/index.php/partners/> and <http://www.ehiinsm.com/index.php/clients/> presenting IBM as EHI's business partner and client. Lastly, IBM's well-known product names and trademarks Tivoli and Netcool are listed under the title "PRODUCTS" throughout EHI's website at <http://www.ehiinsm.com/>.

On Titanium's website at <https://tbis.io/about-us/>, the IBM logo is displayed along with other company logos in a scroll-through list of clients of EHI. Titanium claims that as EHI's sister company, it will "simply inherit EHI's clientele," and it will leverage EHI's client immediately. Similar statement and reference to IBM can also be found at page 9 of Titanium's "White Paper" published at <https://tbis.io/titanium-infrastructure-services-white-paper-v2-6-2/> and <https://tbis.io/wp-content/uploads/2018/03/Titanium-Infrastructure-Services-White-Paper-v2.6.pdf>, as well as in several media articles (see below a list of such articles) shared by Titanium at its website at <https://tbis.io/> and <https://tbis.io/media/>:

<https://cointelegraph.com/news/when-iaas-meets-blockchain>

<https://thebitcoinnews.com/titanium-blockchain-enterprise-network-infrastructure-services-solution/>

<https://techama.amafeed.com/ama-how-to-successfully-transition-from-cloud-computing-clientserver-465291>

We checked our records and did not find any agreement between your companies and IBM granting you permission to use any IBM trademarks or indicating IBM is a client or business partner of your companies. If such an agreement exists, please provide us with a copy.

As you are undoubtedly aware, IBM is our corporate name, and the IBM logo, the Tivoli and Netcool marks are trademarks owned by IBM, registered in the United States and many other jurisdictions throughout the world. Use of the IBM logo and the Tivoli and Netcool marks in the manner described above is likely to mislead the consuming public into erroneously believing that IBM is a client and/or business partner of your companies, or sponsors or endorses your websites or products/services when in fact no such relationship exists. Such misuses of the IBM trademarks and referencing IBM as your companies' client/partner thus create a false connection or association between your companies and IBM which is unacceptable to IBM.

Accordingly, we demand that you immediately remove the IBM logo and the Tivoli and Netcool trademarks from your websites. You must also stop referencing IBM as your client or business partner, remove any inaccurate or untruthful IBM references from the media articles listed above and stop sharing those articles from your websites. We appreciate your attention in this matter and look forward to receiving written confirmation that you have taken all these actions within 5 business days.

Very truly yours,



Jenny Greisman
Attorney
IBM Intellectual Property Law