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

LODGED
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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 SPENCER
JONES

1 **DECLARATION OF SPENCER JONES**

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

3 1. I am employed by eBay, Inc. (“eBay”) as its Legal Counsel and Senior
4 Director for Americas Litigation and Global Asset Protection (“Legal Counsel”). I
5 have personal knowledge of the matters set forth below and, if called as a witness,
6 would testify to these facts under oath.

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

9 3. eBay is a global commerce leader, which includes our Marketplace,
10 StubHub and Classifieds platforms. Collectively, eBay connects millions of buyers
11 and sellers around the world.

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

17 5. In my capacity as Legal Counsel for eBay, I am required, periodically
18 and as needed, to become familiar with the entities with which eBay has contracts,
19 agreements, and/or other substantive business relationships including alliances and
20 partnerships. In addition, in my capacity as Legal Counsel for eBay, I share
21 responsibility with other members of the eBay’s Legal Department, intellectual
22 property counsel, and others to protect eBay’s trade name, trademarks, and service
23 marks from infringement and other unauthorized uses by third parties. In response to
24 the SEC’s request, and at my direction, eBay personnel reviewed the books, records,
25 files, and computer systems of the business units within eBay that might reasonably
26 be expected to have or to have had any type of business relationship with TBIS or
27 EHI or Stollaire including as a customer, client, vendor, employee, contractor,
28 consultant, or other type of business transaction.

1 6. eBay keeps and maintains business records in the course of its
2 transactions and regularly conducted activities as a regular practice. It is eBay's
3 practice to prepare such records at or near the time of the occurrence of the matters
4 set forth by, or from information transmitted by, a person with knowledge of those
5 matters. eBay maintains books and records of entities and persons with which it has
6 contracts, agreements, and/or other substantive business relationships, such the
7 purchase and sale of a product or service, making an investment, or entering into an
8 alliance or partnership, including authorized uses by third parties of its trade name,
9 trademarks, and service marks. eBay also maintains books and records of entities and
10 persons with which it has engaged as an employee, vendor, contractor, or consultant.
11 For the purposes of this declaration, as Legal Counsel for eBay, I am the custodian of
12 those records or am otherwise qualified to testify about them.

13 7. eBay's books and records are current as of the date of this declaration.
14 The search of these materials has not disclosed any current or past business
15 relationship of any kind between eBay and TBIS or EHI or Stollaire directly.

16 8. The search of these materials indicates that eBay used a third party
17 contractor to provide certain information technology ("IT") services for eBay and that
18 Stollaire was placed at eBay as an independent contractor in IT, specifically on
19 implementation of a monitoring system, from April 2009 through January 2010.
20 These materials indicate the scope of the IT services involved commercially available
21 IT products and services used by eBay, and did not include blockchain technology or
22 digital currency.

23 9. The SEC provided eBay with a purported testimonial attributed to
24 "Jason Butler, Director of Network Engineering, eBay" that appeared on the TBIS
25 website. The search of eBay's books and records has disclosed that Mr. Butler is
26 employed by eBay, but he has never held or used the title "Director of Network
27 Engineering" and he did not provide the purported testimonial that appears on the
28 TBIS website.

1 10. The SEC provided eBay with a purported testimonial attributed to
2 “David Rowley, Senior Unix Systems Administrator, The Walt Disney Company and
3 eBay” that appeared on the TBIS website. The search of eBay’s books and records
4 has disclosed that Mr. Rowley was employed by eBay, but is not a current employee.

5 11. The search of eBay’s books and records has not disclosed that the
6 publication of these purported testimonials on the TBIS website was authorized by
7 eBay. These materials indicate that eBay’s employment policies prohibit public
8 endorsements of contractors.

9 12. The search of these materials has not disclosed that eBay has authorized
10 TBIS, EHI, or Stollaire to use eBay’s name or logo in their marketing or advertising
11 or for any other purpose. The “eBay” name and logo are the intellectual property of
12 the company. eBay considers a third-party’s unauthorized use of the “eBay” name or
13 logo in marketing or advertising as an infringement of its intellectual property.

14 13. eBay sent Stollaire a cease and desist letter on March 13, 2018, a true
15 and correct copy of which is attached hereto as Exhibit 1.

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

18 Executed this 15th day of March, 2018 at San Jose, California.

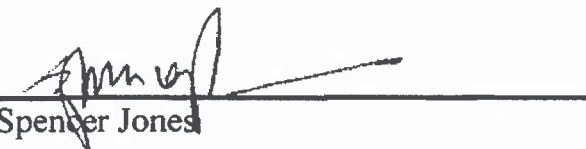
19
20  A handwritten signature in dark ink, appearing to read 'Spencer Jones', is written over a solid horizontal line. The signature is stylized with a prominent initial 'S' and a long horizontal stroke extending to the right.
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EXHIBIT 1



Valente Tolero
eBay Inc.
2065 Hamilton Avenue
San Jose, CA 95125
Tel : 408-376-8218
vtolero@ebay.com

EHI
15027 Dickens Street
Suite 4
North Hollywood, CA 91403

March 15, 2018

Dear Sirs,

I am writing to you from the legal department of eBay Inc. ("eBay"). As you know, eBay operates the ebay.com website and owns the EBAY trademarks ("marks"). The marks include pending applications and registrations in the US and across the globe for EBAY and the eBay Logo.

It has come to our attention that your website at www.ehiinsm.com is using the eBay Logo without authorization. Please see the enclosed screenshots of the ehiinsm.com site.

We kindly request that you remove the eBay Logo and any other marks from your site immediately.

This letter is sent without prejudice to the assertion of any and all rights and remedies of eBay Inc., all of which are expressly reserved. Nothing contained in this letter shall be deemed an admission by eBay of any facts or a waiver of any rights, remedies or defenses in connection with the subject matter hereof, all of which are expressly reserved.

We thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Valente Tolero", written over a horizontal line.

Valente Tolero
Senior Paralegal Specialist – Global IP
eBay Inc.

CC : Amber Leavitt

CC : Spencer Jones



