

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

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

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

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9 Washington, District of Columbia 20549

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Facsimile: (213) 443-1904

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 DAVID A.
COHEN

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DECLARATION OF DAVID A. COHEN

I, David A. Cohen, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am employed by Honeywell International Inc. (“Honeywell”) as Assistant General Counsel and Chief Trademark Counsel. I have personal knowledge of the matters set forth below and, if called as a witness, would testify to these facts under oath.

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

3. Honeywell is a leading software-industrial company that delivers industry specific solutions globally that includes aerospace and automotive products and services, control technologies for buildings, homes and industry, and performance materials.

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

5. In my capacity as Assistant General Counsel and Chief Trademark Counsel of Honeywell, I am required, periodically and as needed, to become familiar with the entities with which Honeywell has contracts, agreements, and/or other substantive business relationships including alliances and partnerships. In addition, in my capacity as Assistant General Counsel and Chief Trademark Counsel of Honeywell, I share responsibility with other members of the Honeywell legal department, intellectual property counsel, and others to protect Honeywell’s trade name, trademarks, and service marks from infringement and other unauthorized uses by third parties. In response to the SEC’s request, the information contained in this declaration is based on my conversations with Honeywell personnel and my review of documents and information provided to me by Honeywell personnel. Because this

1 declaration is prepared for limited purposes, I have not set forth every fact that I have
2 learned in connection with these conversations or my review of documents and
3 information provided to me.

4 6. Based on that reasonable search of records, no current or past direct
5 business or relationship of any kind between Honeywell and TBIS has been
6 identified, and no current direct business or relationship of any kind between
7 Honeywell and EHI or Stollaire has been identified.

8 7. No record of any agreements between Honeywell and TBIS was found,
9 and no one contacted was familiar with TBIS in any manner.

10 8. My review of documents and information provided to me by Honeywell
11 personnel indicates that Stollaire, through EHI, worked on information technology
12 (“IT”) services for a period of time up to 2012 at which time Stollaire’s involvement,
13 through EHI, ceased. There is no indication in these materials that the scope of such
14 IT services included blockchain technology or digital currency.

15 9. The SEC provided Honeywell with a purported testimonial attributed to
16 “Dan Hiris, Enterprise Management Architect, Honeywell International” that
17 appeared on the TBIS website. My review of documents and information provided to
18 me by Honeywell personnel showed that Mr. Hiris was an employee of Honeywell
19 from approximately 1999 until 2013. Publication of this purported testimonial on the
20 TBIS website was not authorized by Honeywell.

21 10. The search of these materials has not disclosed that Honeywell has ever
22 authorized TBIS or EHI or Stollaire to use Honeywell’s name or logo in their
23 marketing or advertising. Honeywell’s name and logo are the intellectual property of
24 the company. Honeywell considers a third-party’s unauthorized use of the
25 “Honeywell” name or logo in marketing or advertising to promote the third party’s
26 products/services as an infringement of Honeywell’s intellectual property.

27 11. Honeywell sent Stollaire a cease and desist letter by email on April 11,
28 2018, a true and correct copy of which is attached hereto as Exhibit 1. True and

1 correct copies of my full email exchange with Stollaire are attached hereto as Exhibit

2 2.

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

5 Executed this 18th day of April, 2018 at Morris Plains, New Jersey.

6 
7 _____
8 David A. Cohen

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EXHIBIT 1



THE POWER OF **CONNECTED**

David A. Cohen
Assistant General Counsel & Chief
Trademark Counsel

Honeywell
115 Tabor Road
Morris Plains, NJ 07950

(973) 455-5686
David.Cohen@honeywell.com
www.honeywell.com

April 11, 2018

VIA OVERNIGHT MAIL AND EMAIL (michael.stollaire@tbis.io)

Michael Stollaire
CEO
Titanium Blockchain Infrastructure Services
15060 Ventura Blvd, Suite 200
North Hollywood, CA 91403

Re: Objection by Honeywell to unauthorized use of Honeywell
trademark and logo by Titanium Blockchain Infrastructure Services

Dear Mr. Stollaire:

I am Chief Trademark Counsel for Honeywell International Inc. ("Honeywell"). As you are aware, Honeywell is a Fortune 100 diversified technology and manufacturing leader, serving customers worldwide with aerospace products and services, control and safety technologies for buildings, homes and industry, automotive products, turbochargers and performance materials. Honeywell uses its well-known Honeywell trademark and logo across all of its business units. Through our extensive advertising and promotion, as well as a tremendous volume of sales throughout the decades since its introduction, the Honeywell trademark has become famous in our various industries on a worldwide basis as an indicator of source.

As you know, in commercializing its products, Honeywell has used the following distinctive design as its logo:



This logo design is displayed on Honeywell's various web sites as well as on products, packaging, advertising and promotional materials for our various Honeywell goods and services and used all over the world.

Honeywell has recently learned that, without its authorization, Titanium Blockchain Infrastructure Services ("TBIS") and its sister company EHI-INSM, Inc. ("EHI") have been using our distinctive Honeywell trademark and logo in various manners, such as in a TBIS white paper and on the TBIS and EHI web sites. TBIS has also referenced a purported testimonial attributed to "Dan Hiris, Enterprise Management Architect, Honeywell International." In addition, "Honeywell" is included within a list of clients "which [TBIS] will leverage immediately," as well as a list of "prominent EHI clients" and a list of "major EHI clients" in various materials. You also personally referred to the advantage of your existing client relationships in response to a question about a posted client list in the following video: <https://www.youtube.com/watch?v=LvtznzFpYpY>. Here are two other examples of this unauthorized use:

accenture



APPLIED MATERIALS

BOEING

Cargill

Citizens Bank

ebay

ercot

Exelon



Hewlett Packard Enterprise

Honeywell

IBM

intel

Microsoft

PayPal

SANTA BARBARA BANK & TRUST

synchrony FINANCIAL

BANK OF SCOTLAND



We Eliminate Chaos

Home About Services Products Partners Clients Demo Support Contact

We have had the pleasure of working with global leaders in various industries. Our ITIL approach to solving business problems with IT solutions is unique, which has allowed us to help our clients to become more successful in their efforts. Don't take our word for it. Just take a look at what some of our clients have said.



Honeywell



Technologies

The unauthorized use of and reference to the Honeywell trademark and logo falsely implies that TBIS and/or EHI are authorized partners of Honeywell or that Honeywell and its businesses have sponsored or approved the activities of these companies. This use of Honeywell's name and logo constitutes trademark infringement and unfair competition in violation of federal and state law.

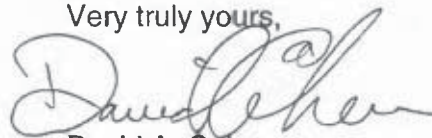
These activities misappropriate our valuable intellectual property and are confusing and misleading to the public. Therefore, these actions constitute trademark infringement, unfair competition and dilution in violation of Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125, as well as under state and common law. The remedies for such violations include not only injunctive relief, but also recovery of profits and the damages suffered by our company, which may be trebled. In addition, such relief includes recovery of attorney's fees and costs incurred in connection with litigating the matter where, as it appears here, the infringement is willful.

In light of the above, we demand that within one week from the date of this letter, both TBIS and EHI cease any and all improper use of the Honeywell trademark and logo, including any false or misleading statements of association with Honeywell, from all Internet web pages as well as any and all advertising, promotional or written materials used by these companies or related parties. We also require written confirmation of compliance with these demands and confirmation that such improper use of the Honeywell trademark and logo in violation of our rights will not reoccur in the future.

This letter is written in an attempt to amicably resolve this matter. If your companies promptly cease all infringing activities, we will consider waiving our right to any claim for damages resulting from past infringement. If your companies take no action or refuse to cooperate, we will be forced to consider taking all necessary steps to protect our valuable rights. We hope such action will not be required and look forward to receiving confirmation within one week that you have complied with these demands.

This letter is written without prejudice to the rights and remedies of Honeywell, all of which are expressly reserved. It is intended for settlement purposes only.

Very truly yours,

A handwritten signature in black ink, appearing to read "David A. Cohen". The signature is fluid and cursive, written over a light blue circular stamp.

David A. Cohen
Chief Trademark Counsel

EXHIBIT 2

Brown, David (LARO)

From: Michael Stollaire <michael.stollaire@tbis.io>
Sent: Wednesday, April 11, 2018 2:21 PM
To: Cohen, David A. (MP LAW)
Cc: info@tbis.io
Subject: [External] Re: Objection to unauthorized use of the Honeywell trademark and logo

We have already ceased use in all respects, weeks ago.

We can attempt to convince people to remove certain elements of videos on YouTube, such as this example, but these are independent people and companies that are not controlled by us.

I can instruct our legal firm to send a cease and desist letter to them after we ask them nicely to eliminate an element of the video, but that's the best we can do, unless you have other recommendations for us?

Best Regards,

Michael Stollaire, CEO

Titanium

Michael.Stollaire@tbis.io

www.tbis.io

1.833.DIAL.TITANIUM

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

From: "Cohen, David A. (MP LAW)" <David.Cohen2@Honeywell.com>
Date: 4/11/18 14:08 (GMT-08:00)
To: michael.stollaire@tbis.io
Cc: info@tbis.io
Subject: Objection to unauthorized use of the Honeywell trademark and logo

Honeywell Internal

VIA OVERNIGHT MAIL AND EMAIL (michael.stollaire@tbis.io)

Michael Stollaire

CEO

Titanium Blockchain Infrastructure Services

15060 Ventura Blvd, Suite 200

North Hollywood, CA 91403

Re: Objection by Honeywell to unauthorized use of Honeywell

trademark and logo by Titanium Blockchain Infrastructure Services

Dear Mr. Stollaire:

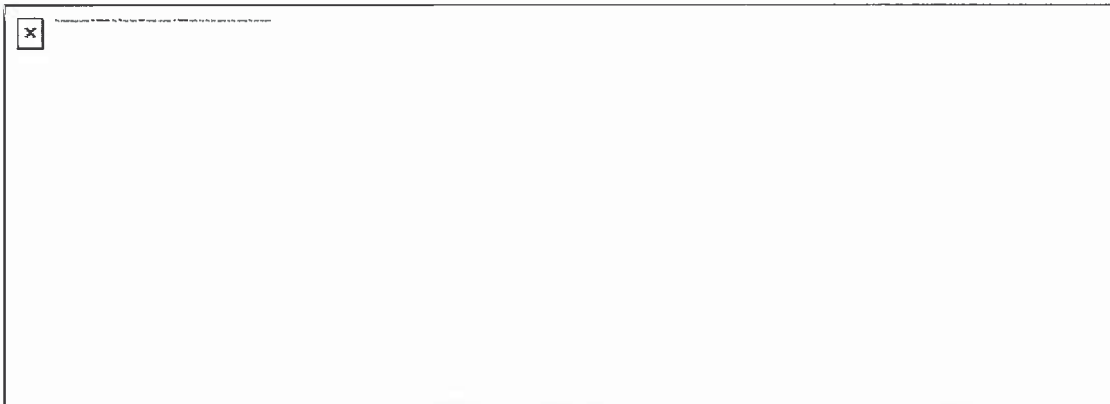
I am Chief Trademark Counsel for Honeywell International Inc. (“Honeywell”). As you are aware, Honeywell is a Fortune 100 diversified technology and manufacturing leader, serving customers worldwide with aerospace products and services, control and safety technologies for buildings, homes and industry, automotive products, turbochargers and performance materials. Honeywell uses its well-known Honeywell trademark and logo across all of its business units. Through our extensive advertising and promotion, as well as a tremendous volume of sales throughout the decades since its introduction, the Honeywell trademark has become famous in our various industries on a worldwide basis as an indicator of source.

As you know, in commercializing its products, Honeywell has used the following distinctive design as its logo:



This logo design is displayed on Honeywell’s various web sites as well as on products, packaging, advertising and promotional materials for our various Honeywell goods and services and used all over the world.

Honeywell has recently learned that, without its authorization, Titanium Blockchain Infrastructure Services (“TBIS”) and its sister company EHI-INSM, Inc. (“EHI”) have been using our distinctive Honeywell trademark and logo in various manners, such as in a TBIS white paper and on the TBIS and EHI web sites. TBIS has also referenced a purported testimonial attributed to “Dan Hiris, Enterprise Management Architect, Honeywell International.” In addition, “Honeywell” is included within a list of clients “which [TBIS] will leverage immediately,” as well as a list of “prominent EHI clients” and a list of “major EHI clients” in various materials. You also personally referred to the advantage of your existing client relationships in response to a question about a posted client list in the following video: <https://www.youtube.com/watch?v=LvtznzFpYPtY>. Here are two other examples of this unauthorized use:



The unauthorized use of and reference to the Honeywell trademark and logo falsely implies that TBIS and/or EHI are authorized partners of Honeywell or that Honeywell and its businesses have sponsored or approved the activities of these companies. This use of Honeywell's name and logo constitutes trademark infringement and unfair competition in violation of federal and state law.

These activities misappropriate our valuable intellectual property and are confusing and misleading to the public. Therefore, these actions constitute trademark infringement, unfair competition and dilution in violation of Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125, as well as under state and common law. The remedies for such violations include not only injunctive relief, but also recovery of profits and the damages suffered by our company,

which may be trebled. In addition, such relief includes recovery of attorney's fees and costs incurred in connection with litigating the matter where, as it appears here, the infringement is willful.

In light of the above, we demand that within **one week** from the date of this letter, both TBIS and EHI cease any and all improper use of the Honeywell trademark and logo, including any false or misleading statements of association with Honeywell, from all Internet web pages as well as any and all advertising, promotional or written materials used by these companies or related parties. We also require **written confirmation** of compliance with these demands and confirmation that such improper use of the Honeywell trademark and logo in violation of our rights will not reoccur in the future.

This letter is written in an attempt to amicably resolve this matter. If your companies promptly cease all infringing activities, we will consider waiving our right to any claim for damages resulting from past infringement. If your companies take no action or refuse to cooperate, we will be forced to consider taking all necessary steps to protect our valuable rights. We hope such action will not be required and look forward to receiving confirmation within **one week** that you have complied with these demands.

This letter is written without prejudice to the rights and remedies of Honeywell, all of which are expressly reserved. It is intended for settlement purposes only.

Very truly yours,

David A. Cohen

Assistant General Counsel & Chief Trademark Counsel

Honeywell International Inc.

115 Tabor Road

Morris Plains, NJ 07950

Tel: (973) 455-5686

Fax: (973) 455-2288

david.cohen@honeywell.com

Brown, David (LARO)

From: Michael Stollaire <michael.stollaire@tbis.io>
Sent: Wednesday, April 11, 2018 2:41 PM
To: Cohen, David A. (MP LAW)
Subject: Re: [External] Re: Objection to unauthorized use of the Honeywell trademark and logo

14? There were actually two, one for Aerospace in your area, and then in Tempe. I can have the LinkedIn profile updated, as yes, that's inaccurate, and yes, I can confirm that we've stopped use in all ways, unless you have more references to provide.

If so, please continue to provide any references, and we will remove them ASAP.

On Wed, Apr 11, 2018, 14:38 Cohen, David A. (MP LAW) <David.Cohen2@honeywell.com> wrote:

Honeywell Internal

Mr. Stollaire,

Thank you for your quick response. Just so I'm clear, by the below, are you confirming that your companies have removed all mention of the Honeywell name/trademark from all materials (online or otherwise)? I ask because I just want to confirm that any written materials which may have made these references have been changed or are no longer being used.

In addition, I just noticed that you mention "14 Projects" attributed to "Honeywell International" within the "Accomplishments" section of your LinkedIn page, and the timeline states "Dec 2010-Present" indicating that you are still working on such projects. Please let me know all "Present" projects you are working on for Honeywell. Please be aware that my inquiries within our company indicated that this work was part of a single improvement project, not 14 separate projects, and that work on these matters ended in 2012. If that is the case, then please update this listing so that it is accurate.

I appreciate your attention to these matters and willingness to agree to our requirements. I look forward to hearing from you further.

Regards,

David A. Cohen

Assistant General Counsel & Chief Trademark Counsel

Honeywell International Inc.

115 Tabor Road

Morris Plains, NJ 07950

Tel: (973) 455-5686

Fax: (973) 455-2288

david.cohen@honeywell.com

From: Michael Stollaire [mailto:michael.stollaire@tbis.io]

Sent: Wednesday, April 11, 2018 5:21 PM

To: Cohen, David A. (MP LAW) <David.Cohen2@Honeywell.com>

Cc: info@tbis.io

Subject: [External] Re: Objection to unauthorized use of the Honeywell trademark and logo

We have already ceased use in all respects, weeks ago.

We can attempt to convince people to remove certain elements of videos on YouTube, such as this example, but these are independent people and companies that are not controlled by us.

I can instruct our legal firm to send a cease and desist letter to them after we ask them nicely to eliminate an element of the video, but that's the best we can do, unless you have other recommendations for us?

Best Regards,

Michael Stollaire, CEO

Titanium

Michael.Stollaire@tbis.io

www.tbis.io

1.833.DIAL.TITANIUM

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

From: "Cohen, David A. (MP LAW)" <David.Cohen2@Honeywell.com>

Date: 4/11/18 14:08 (GMT-08:00)

To: michael.stollaire@tbis.io

Cc: info@tbis.io

Subject: Objection to unauthorized use of the Honeywell trademark and logo

Honeywell Internal

VIA OVERNIGHT MAIL AND EMAIL (michael.stollaire@tbis.io)

Michael Stollaire

CEO

Titanium Blockchain Infrastructure Services

15060 Ventura Blvd, Suite 200

North Hollywood, CA 91403

Re: Objection by Honeywell to unauthorized use of Honeywell

trademark and logo by Titanium Blockchain Infrastructure Services

Dear Mr. Stollaire:

I am Chief Trademark Counsel for Honeywell International Inc. (“Honeywell”). As you are aware, Honeywell is a Fortune 100 diversified technology and manufacturing leader, serving customers worldwide with aerospace products and services, control and safety technologies for buildings, homes and industry, automotive products, turbochargers and performance materials. Honeywell uses its well-known Honeywell trademark and logo across all of its business units. Through our extensive advertising and promotion, as well as a tremendous volume of sales throughout the decades since its introduction, the Honeywell trademark has become famous in our various industries on a worldwide basis as an indicator of source.

As you know, in commercializing its products, Honeywell has used the following distinctive design as its logo:

This logo design is displayed on Honeywell’s various web sites as well as on products, packaging, advertising and promotional materials for our various Honeywell goods and services and used all over the world.

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The unauthorized use of and reference to the Honeywell trademark and logo falsely implies that TBIS and/or EHI are authorized partners of Honeywell or that Honeywell and its businesses have sponsored or approved the activities of these companies. This use of Honeywell's name and logo constitutes trademark infringement and unfair competition in violation of federal and state law.

These activities misappropriate our valuable intellectual property and are confusing and misleading to the public. Therefore, these actions constitute trademark infringement, unfair competition and dilution in violation of Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125, as well as under state and common law. The remedies for such violations include not only injunctive relief, but also recovery of profits and the damages suffered by our company, which may be trebled. In addition, such relief includes recovery of attorney's fees and costs incurred in connection with litigating the matter where, as it appears here, the infringement is willful.

In light of the above, we demand that within **one week** from the date of this letter, both TBIS and EHI cease any and all improper use of the Honeywell trademark and logo, including any false or misleading statements of association with Honeywell, from all Internet web pages as well as any and all advertising, promotional or written materials used by these companies or related parties. We also require **written confirmation** of compliance with these demands and confirmation that such improper use of the Honeywell trademark and logo in violation of our rights will not reoccur in the future.

This letter is written in an attempt to amicably resolve this matter. If your companies promptly cease all infringing activities, we will consider waiving our right to any claim for damages resulting from past infringement. If your companies take no action or refuse to cooperate, we will be forced to consider taking all necessary steps to protect our valuable rights. We hope such action will not be required and look forward to receiving confirmation within **one week** that you have complied with these demands.

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Very truly yours,

David A. Cohen

Assistant General Counsel & Chief Trademark Counsel

Honeywell International Inc.

115 Tabor Road

Morris Plains, NJ 07950

Tel: (973) 455-5686

Fax: (973) 455-2288

david.cohen@honeywell.com

Brown, David (LARO)

From: Michael Stollaire <michael.stollaire@tbis.io>
Sent: Wednesday, April 11, 2018 2:42 PM
To: Cohen, David A. (MP LAW)
Subject: Re: [External] Re: Objection to unauthorized use of the Honeywell trademark and logo

Of course, we are willing to agree to any and all of your requirements. I have the utmost of respect for Honeywell, which was an excellent client.

Just tell me what needs to be done and I'll make that happen personally.

On Wed, Apr 11, 2018, 14:38 Cohen, David A. (MP LAW) <David.Cohen2@honeywell.com> wrote:

Honeywell Internal

Mr. Stollaire,

Thank you for your quick response. Just so I'm clear, by the below, are you confirming that your companies have removed all mention of the Honeywell name/trademark from all materials (online or otherwise)? I ask because I just want to confirm that any written materials which may have made these references have been changed or are no longer being used.

In addition, I just noticed that you mention "14 Projects" attributed to "Honeywell International" within the "Accomplishments" section of your LinkedIn page, and the timeline states "Dec 2010-Present" indicating that you are still working on such projects. Please let me know all "Present" projects you are working on for Honeywell. Please be aware that my inquiries within our company indicated that this work was part of a single improvement project, not 14 separate projects, and that work on these matters ended in 2012. If that is the case, then please update this listing so that it is accurate.

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Tel: (973) 455-5686

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david.cohen@honeywell.com

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Cc: info@tbis.io

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Best Regards,

Michael Stollaire, CEO

Titanium

Michael.Stollaire@tbis.io

www.tbis.io

1.833.DIAL.TITANIUM

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

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Date: 4/11/18 14:08 (GMT-08:00)

To: michael.stollaire@tbis.io

Cc: info@tbis.io

Subject: Objection to unauthorized use of the Honeywell trademark and logo

Honeywell Internal

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Michael Stollaire

CEO

Titanium Blockchain Infrastructure Services

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These activities misappropriate our valuable intellectual property and are confusing and misleading to the public. Therefore, these actions constitute trademark infringement, unfair competition and dilution in violation of Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125, as well as under state and common law. The remedies for such violations include not only injunctive relief, but also recovery of profits and the damages suffered by our company, which may be trebled. In addition, such relief includes recovery of attorney's fees and costs incurred in connection with litigating the matter where, as it appears here, the infringement is willful.

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Very truly yours,

David A. Cohen

Assistant General Counsel & Chief Trademark Counsel

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Morris Plains, NJ 07950

Tel: (973) 455-5686

Fax: (973) 455-2288

david.cohen@honeywell.com