THE STATE OF NEW YORK COURT OF APPEALS

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IN THE MATTER OF COMPLAINTS	)
AGAINST ATTORNEYS AND COUNSELORS-	)
AT-LAW; STEVEN C. KRANE – FIRST	)
DEPARTMENT DOCKET 2004.1883, SECOND	)
DEPARTMENT DOCKET T1689-04;	)
KENNETH RUBENSTEIN - FIRST	)
DEPARTMENT DOCKET 2003.0531, SECOND	)
DEPARTMENT DOCKET; RAYMOND A.	)
JOAO - FIRST DEPARTMENT DOCKET	)
2003.0532, SECOND DEPARTMENT	)
DOCKET; THOMAS J. CAHILL - FIRST	)
DEPARTMENT INQUIRY 2004-1122;	)
THE LAW FIRM OF PROSKAUER ROSE	)
LLP. AND ALL PARTNERS AND ALL	)
PARTNERS INDIVIDUALLY	)
THE LAW FIRM OF MELTZER LIPPE	)
GOLDSTEIN WOLFE AND SCHLISSEL LLP.	)
AND ALL PARTNERS AND INDIVIDUALLY	)
MPEGLA LLC. – ALL OFFICERS AND	)
DIRECTORS AND INDIVIDUALLY	)
MPEGLA LLC. – KENNETH RUBENSTEIN,	)
COUNSEL	)

ARTICLE 1, SECTION 8, CLAUSE 8 OF THE UNITED STATES CONSTITUTION PROVIDES:
"CONGRESS SHALL HAVE THE POWER ... TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHT TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."

Respondents	)
	) **Notice of Appeal**
ELIOT I. BERNSTEIN, P. STEPHEN	)
LAMONT, AND IVIEWIT HOLDINGS, INC.	)
BOTH INDIVIDUALLY AND ON BEHALF OF	)
SHAREHOLDERS OF:	)
IVIEWIT CORPORATION; IVIEWIT, INC. –	)
FLORIDA; IVIEWIT.COM, INC. – FLORIDA;	)
IVIEWIT.COM LLC – DELAWARE;	)
IVIEWIT LLC – DELAWARE;	)
UVIEW.COM, INC. – DELAWARE;	)
IVIEWIT.COM, INC. – DELAWARE;	)
IVIEWIT HOLDINGS, INC. (fka)	)
UVIEW.COM, INC. DELAWARE;	)
IVIEWIT TECHNOLOGIES, INC. (fka)	)
IVIEWIT HOLDINGS, INC. – DELAWARE	)
I.C., INC. – FLORIDA	)
	)
Appellants.	)

APPEAL RULINGS OF NEW YORK STATE SUPREME COURT APPELLATE DIVISION: FIRST DEPARTMENT IN THE MATTERS OF ATTORNEY COMPLAINTS AGAINST STEVEN C. KRANE, PROSKAUER ROSE LLP. (INCLUDING STEPHEN KAYE), KENNETH RUBENSTEIN, RAYMOND A. JOAO, MELTZER LIPPE GOLDSTEIN WOLFE & SCHLISSEL, THOMAS CAHILL; GRANT SUPPLEMENTARY RELIEF TO ENSURE CONSTITUTIONALLY PROTECTED RIGHTS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS; ENSURE CONSTITUTIONALLY PROTECTED

RIGHTS OF INVENTORS UNDER ARTICLE I, SECTION 8, CLAUSE 8 OF THE UNITED STATES;

COME NOW, Eliot I. Bernstein, P. Stephen Lamont, and Iviewit Holdings, Inc. (collectively, "Appellants") to overturn and the following decisions;

1. the rulings of The New York State Supreme Court, Appellate Division: First Judicial Department (First Department), the ruling attached herein as Exhibit "" – First Department Ruling;

2. the decisions of First Department in regard to Appellants motions:

a. Exhibit "" – Appellants Motion Krane, Rubenstein and Joao

b. Exhibit "" – Appellants Motion – Thomas Cahill Motion

3. the decisions of First Department in regard to motions submitted by Thomas J. Cahill ("Cahill"), as attached herein as;

a. Exhibit "" – Cahill motion Rubenstein and Joao

b. Exhibit ""- Cahill motion Krane

4. the decision by the First Department DDC to continue to handle the Cahill complaint – Exhibit "" – Cahill Complaint and response, Exhibit "" – First Department Cahill Response.

5. the decision of the First Department to hear Cahill's motions when they were identified as tendered in conflict, with false and misleading information.

6. the decision of the First Department to deny relief contained in motions filed by Appellants, in favor of relief requested by Cahill acting in conflict and identified via a formal filed complaint naming him directly of violating both the Rules and Regulations of the First Department but the Professional Rules of Conduct governing New York attorneys and perhaps state criminal laws and grant all relief contained in the original Appellant motions, striking the Cahill motions entirely.

7. the decision of The New York State Supreme Court, Appellate Division: Second Judicial Department - State of New York Grievance Committee for the Second and Eleventh Judicial Districts – ("Second Department"), attached herein as Exhibit "" – Second Department Letter,

8. strike the Cahill Cover Letter to Second Department, to be proven to contain materially false and misleading information to a tribunal where Cahill knows of First Department orders for "investigation".

9. in overruling such decisions and in consideration of damage already caused Appellants by agents of the this Court, grant further supplementary relief.

GENERAL COUNTS

1. That Appellants challenge the following rulings and decisions based in part, on newly unearthed conflicts of interest that permeate to the Chief Judge of this Court and therefore may be so deep rooted as to cause this Court to recluse itself entirely from the matters, so as to remove all possible further conflicts and the overwhelming appearances of impropriety from continuing, enshrouded in further and further conflicts. That prior conflicts already cast a specter over the entire court system and its self-regulating disciplinary bodies and constitute a major threat to the public confidence in the New York court system and the United States Patent and Trademark Office ("USPTO").

2. That such a threat to public confidence stems from the New York law firm of Proskauer, involving themselves in the theft of intellectual properties from a former client and then using their legal clout at this Court and it's disciplinary departments, in conflict of their public offices, to cover-up and deny due-process from occurring so as to skirt the law and not face the charges against them.

3. That these conflicts now elevate to Chief Judge, Judith S. Kaye ("Kaye"), her Proskauer partner husband Stephen R. Kaye ("S. Kaye"), her former law clerk Steven C. Krane ("Krane") and the law firm of Proskauer

Rose LLP ("Proskauer"), of which each one directly and illegally inure benefits from Appellants' technologies, with direct adverse and competing interests to those of Appellants.

4. That Proskauer and its partners stand accused as the key players in an elaborate conspiratorial scheme to deprive Appellants of their constitutional rights to inventions and subterfuge such theft of intellectual properties by abusing public offices and manipulations of state supreme court disciplinary systems. Where such abuse is by members of this Court's disciplinary agencies The Supreme Court of New York Appellate Division: First Judicial Department, Departmental Disciplinary Committee ("DDC") and now the Second Department.

5. That conflicted members of DDC and Second Department have been using First Department and Second Department to act as a shield to prevent prosecution from attorney complaints against Proskauer and their partners. Where at every level of the complaint process Appellants have found evidence of conflicted Proskauer partners handling complaints whereby they have conflicting public office positions with the disciplinary departments in both New York and Florida.

6. That once conflicts were discovered, a further elaborate scheme to avoid prosecution and cover-up has unfolded, now not only of avoid

prosecution of the complaints but to further avoid prosecution of the conflicts. Again, Appellants have now found evidence, that shows that this layer of the scheme rises to members of this Court, who nobody disclosed Kaye as having an interest in Iviewit and Proskauer, when her relationship with Krane as a former clerk was identified in the motions filed by Appellants against Krane and Cahill. Where at the time the motions were filed, that such relationship between Kaye and Krane was thought to be a more minuscule item (a former clerking relationship) and where Kaye's interests in Proskauer and Iviewit were unknown to Appellants. That had Appellants known the real relationship of Kaye to Proskauer and Iviewit through her marriage to S. Kaye and thereby her direct interest in the stock of both entities, the motions to the First Department would have more forcefully demanded that the attorney complaints rise far from the conflicted reach and influence of Kaye and Krane. Where Appellants did in fact state in the motions to First Department to move the complaints to the next highest level of review, void of conflicts of interest and appearances of impropriety and Kaye was mentioned. That such mention, should have forced disclosure by the Justices and at this point Kaye herself, as certainly she is not going to try and claim that she is not fully apprised of every single aspect of these matters, either via pillow talk, or conversations with Krane

and other Proskauer partners, where Exhibit “” shows Kaye’s closeness to Proskauer as she advertises from the bench, that her husbands firm Proskauer is the “in” firm in New York, forgetting to state that it is her husbands firm and that she has vested interests in the “in” firm.

7. That such conflicts and denials of due process have deprived Appellants further of their constitutionally protected rights to due process and further cause inventors loss of constitutionally protected rights to their inventions as defined herein. At stake, technologies valued in the billions of dollars which have been absconded with by Proskauer to the detriment of Appellants.

8. That Appellants claim that Proskauer now controls intellectual property pools (“Patent Pools”), that directly derive revenue for Proskauer, a former real estate firm with no intellectual property department and whereby such pools have derived most of their revenue and success from the proliferation of Appellant and inventors technologies. In other words, Proskauer had become not only a law firm, but also a business operating and controlling patents pools as a side business. A business that began after learning of revolutionary imaging and video techniques of Appellants where Proskauer acted as intellectual property counsel to Appellants in handling patents, trade secrets, copyrights and trademarks. In fact, Proskauers Patent

Pools are now the single largest infringers of Appellants' technologies, with thousands of licensees and licensors as illustrated in Exhibit "" – Patent Pool Infringers and Exhibit "" Non-Disclosure Agreement Violators,

9. That in certain instances, Proskauer attempted in various ways, to abscond with the patents entirely through a multiplicity of state, federal and international crimes, as listed in Exhibit "" – List of Table of Crimes and Exhibit "" – Full Text Table of Crimes. That this Court should take a thorough review of all federal and state crimes being alleged with federal and state authorities and fully understand that in committing these atrocities, Proskauer and accomplices have broken hundreds of federal, state and international laws, and to further attempt to aid and abet the cover-up of such crimes makes any individual caught culpable of all such crimes.

10. That Appellants filed complaints against Proskauer the firm and individual Proskauer represented attorneys from the intellectual property department, attorney's Kenneth Rubenstein ("Rubenstein") and Raymond A. Joao ("Joao") that were filed with the New York State Supreme Court Appellate Division: First Department - Departmental Disciplinary Committee ("DDC") citing ethical misconduct of the attorneys.

11. That certain conflicts and appearances of impropriety were later discovered by Appellants as explained within the original motions, Exhibits

“” and Exhibit “” submitted to the First Department against Respondents, Krane (“Krane Complaint”), Kenneth Rubenstein ("Rubenstein Complaint"), Proskauer Rose LLP (“Proskauer Complaint”), Raymond A. Joao ("Joao Complaint"), Meltzer Lippe Goldstein Wolfe & Schlissel LLP (“MLGWS”) (“MLGWS Complaint”) and Thomas J. Cahill, Chief Counsel of DDC (“Cahill”) (“Cahill Complaint”). That it was not until such conflicts were discovered that the complaints were given any consideration under procedural rules of the First Department, as the conflicts were effective at denying due process through a number of delays that caused the complaints to become railroaded.

12. That the Krane Complaint, Rubenstein Complaint, Proskauer Complaint, MLGWS Complaint and Joao Complaint were ordered by the First Department to be moved due to the conflicts discovered, in an order that was improperly influenced by Cahill, acting in conflict, and whereby Cahill made false and misleading statements in his motion to First Department in attempts to hide the gravity of the situation, hide the conflicts and further the subterfuge of the complaints upon transferring them. Instead of citing the First Department order for an “investigation”, Cahill transfers the files but states that they are being transferred for a disposition of whatever the Second Department deems fit. This leads to further subterfuge

by the Second Department, that ignores the First Department ordered "investigation" and disposes of the Krane Complaint without investigation and whereby Kearse cites that the cases were transferred by Cahill for whatever disposition the Second Department deemed. When confronted with the First Department order for an "investigation", again Kearse states that she did not see the order and was not bound by First Department orders; again Krane slips through a crack and does not even have to answer confirmed conflicts of interest and abuse of public office.

13. That a complaint was filed against Cahill for his role in aiding and abetting the Krane conflicts at the DDC, and where five justices; the Honorable, Angela M. Mazzarelli, Richard T. Andrias, David B. Saxe, David Friedman and Luis A. Ginzalez, collectively hereinafter the ("Justices"), received separate motions from Cahill and Appellants regarding the conflicts, where the conflicts and the situation surrounding them were presented by Cahill to such Justices with materially false and misleading information regarding the circumstances and events leading up to the conflicts and Cahill attempts to state that he is attempting to avoid conflict when the conflicts were already confirmed.

14. That Appellants were advised by Catherine O'Hagan Wolfe ("Wolfe") to file a motion to move the attorney complaints, after being

advised by Wolfe that Krane had acted in conflict and abuse of public office in his role as Referee at DDC, while simultaneously and inapposite his public office rules, acting as legal counsel for the Rubenstein Complaint, the Proskauer Complaint and pro-se for himself in the Krane Complaint. Wolfe further pointed to the fact that Cahill was aware at the time of Krane's positions with DDC, as they all sat on a common board at the time and where Cahill had feigned ignorance of Krane conflicts and pointed to his NYSBA roles, concealing his First Department roles, prior to Appellants discovery via Wolfe. Cahill, when confronted with Krane's conflicts further refused to reveal Krane's roles with First Department over the prior decade, and where Krane began immediately altering his biography that he published on his website. When asked to provide written verification of all Krane's roles with DDC or other disciplinary agencies, First Department denied declaratory relief, a pure denial of due process by First Department and in violation of Appellants constitutionally protected rights under the IV and XV Amendments of The Constitution of the United States of America.

15. That Wolfe stated that Krane and his involvement with First Department, NYSBA, ABA, the rule creation and enforcement policies for a decade and his prior clerking for Kaye, all were conflicts. That the complaints would have to elevate beyond those conflicts that penetrated

most of New York's disciplinary departments with Kaye and Krane embedded at every level. At this point, Appellants were still unaware that Kaye was married to S. Kaye at Proskauer and the enormous and irrefutable conflict this now presents, and that this posed even greater risk of conflict than Krane's former relationship as clerk for Kaye alone would have had. Exhibit "" – New York Conflicts.

16. That Appellants called Cahill, who again denied any conflicts, and whereby Appellants notified Cahill of the Wolfe conversations and that Wolfe had disclosed that Cahill and Krane were on a panel together which represented conflict, and where Cahill suddenly acknowledges the conflict.

17. That Cahill, at all times knew of the conflicts of Krane representing his partner Rubenstein, his firm Proskauer and himself in complaints at DDC, while Krane simultaneously held a variety of DDC and NYSBA positions that put Krane with adverse vested interests inapposite Appellants and representing even himself while holding office positions, and where Cahill hid and further covered-up such conflicts.

18. That such conflict was further an abuse of public office position by Cahill, whereby he then violates all rules of procedure at DDC where a member is caught in a conflict and fails to file formal charges against Krane. In fact, Krane is still acting as legal counsel representing the following

complaints; Krane Complaint, Rubenstein Complaint, Proskauer Complaint, MLGWS Complaint and the Proskauer Complaint, representing clear violations of First Department Rules and NYSBA rules of professional conduct. Further, that Krane still has failed to address the charges against him and further has evaded due process using his clout and connections.

19. That Krane has avoided prosecution at First Department due to Cahill's involvement. That such conflict's were not coincidental or accidental and acted as a method to further crimes alleged against Proskauer by denying due process. Where it is presumed that Krane did not act solo in the decision to abuse public office but that such orders came from the highest levels of Proskauer and across to the highest levels of First Department and this Court, where Proskauer conflicted partners and their spouses have been controlling the matters at the First Department and this Court. The conflicts continue and the facts remain that complaints are lodged against Proskauer and Porksauer partners, that Proskauer partners are then defending themselves and other Proskauer partners while in clear conflict with public office positions, and then Proskauer partner spouses who control this Court are pointed to in conflict and whom further has been concealing vested interests inapposite Appellants. So the alleged criminals are acting as defenders of the law, in complaints against themselves, and

then judging such cases against themselves, all concealing their relations in a further commissioning of multitudes of federal and state crimes.

20.That upon learning of the conflict, additional complaints were filed by Appellants against Krane, Proskauer and later Cahill. After the Krane Complaint was originally filed with Cahill, Cahill took a series of steps to further stymie due process, that revealed his involvement, his continued involvement and his conspiratorial role in aiding and abetting the crimes alleged against Proskauer, MLGWS, Rubenstein, Krane and Joao, including charges of fraud upon the United States Patent and Trademark Offices ("USPTO") by Proskauer and others, fraud upon the federally backed Small Business Administration ("SBA") and now charges of abuse of two Supreme Court attorney disciplinary agencies to cover-up such crimes, causing this Court to have the appearance of impropriety that will be proven irrefutable and still to be in full effect.

21.That once the conflicts and abuse of office were discovered, Appellants were requested to file a motion to First Department by Wolfe. Where Cahill in an attempt to usurp Appellants motion, after receiving a complaint against himself and receiving notice that Appellants were filing a motion naming him accomplice, Cahill hurried to file a motion, in which he tells a story far from the truth as to the exact reasons he was motioning the

Krane Complaint, Joao Complaint and Rubenstein Complaint out of the First Department; due to the appearance of impropriety and conflicts of interest discovered. That Cahill's motion contains false and misleading statements which will be evidenced herein to continue the subterfuge when he forwards the complaints against Krane, Rubenstein, Proskauer, Joao and MLGWS to the Second Department through more misleading statements. Where such subterfuge attempts to skirt a First Department order for "investigation".

22. That Appellants claim that Kaye has been aware of the issues of Krane and certainly her husbands firm Proskauers involvement in these matters, and has allowed all of these conflicts to succeed using her influence. Where Kaye acts as a Proskauer spokesperson, stating it is the "in" firm to work for and where she fails on her biography at this Courts website to name Proskauer as the firm her husband is a partner with, an opts to refer to him as working at a prominent New York firm.

23. That Kaye is such a prominent figurehead in the New York courts and it's disciplinary agencies and where Kaye has proven adverse, vested interests inapposite Appellants, in the outcome of the attorney complaints, should have caused all reviewing the matters at First Department, DDC and Second Department, to expose such potential adverse interests of Proskauer, Kaye, S. Kaye and Krane. Instead, Proskauer

controlled the complaints and concealed their conflicts with all involved, quite sneaky, which was essential for evading due process of the complaints.

24. That such influence certainly would have caused the First Department to move the matters, from the start, to the next highest level of review void of these conflicted relationships and forced Krane to recluse. Where had full disclosure of the relationship's been preformed as ethically required by Krane, it may have elevated the complaints outside of New York and Kaye's influence then or required all Proskauer and Proskauer related department members to recluse themselves and turn the complaints over to a disinterested, non-conflicted, third-party court or oversight. That all along the way, over a two-year period, not a single person involved in the disciplinary process mentioned to Appellants any of the Kaye conflicts, the Krane conflicts and abuse of public office positions, the interests Kaye and Krane held inapposite of their duties to the courts and their adverse interests with Appellants.

25. That such failure to disclose and further to become involved in the cover-up is a crime, and all those who had any part must be removed from influencing the future outcome. That all such conflicts must be fully exposed, charged with violations as procedure would have it and investigated. Where all such individuals caught in these matters be charged

by this Court for failure to perform their duties and abuse of public office positions, positions in departments of this Court. It is not, as if Kaye's and Krane's interests in Proskauer were not known to all those involved in the disciplinary process or that Krane's conflicts and abuse of public office positions at the First Department were not obvious to all but Appellants, it was that the controlling individuals were manipulating the fate of the complaints and therefore everyone involved knew the players and turned a blind eye to the conflicts. Such individuals were enticed or bribed or threatened, all to be revealed as the threads of the conflicts are exposed.

26. That this Court should be aware that extreme measures have been taken against Appellants by Proskauer and their cohorts in attempts to force Appellants out of business, harassing them with a frivolous billing lawsuit, a frivolous and fraudulent involuntary bankruptcy based on false and fraudulent information submitted to a federal bankruptcy court by Proskauer referred management and a Proskauer referred partner of Iviewit Real 3D Inc.\RYJO (formerly a company owned by Intel, Silicon Graphics, Inc. and Lockheed Martin and now owned by Intel), and other dubious methods have been employed to block due process, in state courts and two supreme courts of this country. Where threats have been levied by former Proskauer planted management against the life of the principal inventor, if

he continued to expose the crimes and report the thefts of the intellectual properties.

I. APPEAL THE RULING OF THE FIRST DEPARTMENT

27. That both Appellants motions and the Cahill motions are heard simultaneously by First Department and where the Justices ruled on the issues in both motions to move the complaints to the next highest level void of conflict and the appearance of impropriety. Yet, First Department denied Appellants such relief as declaratory relief, relief to have conflicted individuals such as Cahill removed from conflicted positions in the matters, relief for full disclosure of the conflicted individuals positions and relief that charges be filed against those involved. First Department refused all such other Appellants relief requests. This refusal constitutes further denial of due process that must be overturned by this Court.

28. That First Department ordered an "investigation" into the complaints upon transfer to the Second Department, where regarding the Krane Complaint, the court ordered "investigation" has already been skirted. Whereby, Appellants ask that this Court overturn the transfer to the Second Department and transfer the complaints to the next highest level of review, void of Kaye, Krane and Proskauer conflicts and ceasing the impropriety for an immediate and thorough "investigation" as ordered by First Department.

29. That First Department failed to take disciplinary actions against those involved in the conflicts, in measures to protect their own from facing charges, measures that further deny due process to Appellants and enable the theft of intellectual properties to continue. That such failure to file charges against members in conflict, such actions as disbarment of those involved, could have prevented further loss of constitutionally protected due process rights and prevent further the continued loss of constitutionally protected inventor rights and global intellectual property rights.

30. That such denial of due process by First Department and DDC to file immediate charges against those involved in the conflicts, and to further deny Appellant the right to disclosure to further follow the threads of the conflict, has caused Appellants further loss of constitutionally protected rights to their inventions, as recently as the last thirty days. Rights that due to the nature of patents, may now be permanently lost both nationally and internationally for a twenty-year period and where such loss may be partially attributable to the denial of due process against the complained of attorneys.

31. That First Department, in reviewing the Appellant and Cahill motions, failed to move the complaints from conflict, failed to strike Cahill's motions as tendered in conflict and with materially false and misleading statements, and in fact did a lateral move, moving the complaints to the

Second Department. That this Court should overrule such failure by First Department to remove Cahill, strike his motions, file charges and move the complaint against Cahill to avoid further impropriety.

32. That Kaye has vested interest in Appellants technologies through her marriage to S. Kaye and presumably ownership through his interest in Appellants technologies through Proskauers stock ownership in Iviewit and her interest through marriage in the Proskauer partnership. Where Kaye has vested interest in denying due process of the allegations in the complaints because of her vested interest in Proskauer, where her husband is a partner, which per Judith Kaye "Proskauer is the in firm" and where such interest in the partnership causes Kaye conflict. Not only does Kaye have a vested interest in Proskauer through marriage, but she also has an interest in not seeing Appellants complaints come to fruition due to the fact that it could put S. Kaye, his firm Proskauer and all partners, including her former law clerk Krane, in prison for lengthy federal sentences for the theft of intellectual properties.

33. That these crimes if uncovered would have catastrophic financial loss on the Kaye's and Krane's financial net worth and where such adverse interests cause so much conflict and are irrefutable facts. Further, the amount at stake to Proskauer partners and Kaye both financially and

personally, acts to confirm how and why all these manipulations of Supreme Courts have been occurring. Whereby judicial robes and their ties have skirted due process for crimes alleged against them, abusing their public office positions with this Court and its disciplinary agencies and which now tears at the very fabric of this Court.

34. That S. Kaye suddenly is a partner in the newly formed Proskauer intellectual property department, and where S. Kaye has extensive ties to First Department through his former membership on the Policy Committee of the First Department Disciplinary Committee and past Hearing Panel Chair for that Committee; past membership in the New York State Judicial Institute on Professionalism in the Law; past Chair of the Committee on Professional Discipline and past Chair of the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York. That Cahill and the Justices knew of these threads between S. Kaye and Kaye, Proskauer and Krane and not one person has disclosed these issues for over two years.

35. That such conflict began with Krane's representation of Rubenstein and Proskauer in violation of his public office positions at First Department and the NYSBA, that would have forced First Department to recluse Krane from the complaints because of his directed vested interests

and because he was indirectly implicated in the complaint against Proskauer with further conflicted interests. Finally, since uncovering the conflicts of interest of Krane, Krane has been constantly updating his website to change his roles at First Department and trying to further cover-up his past at First Department and whereby First Department in denying declaratory relief of all Krane positions at First Department, further aids and abets, denying further due process, causing further loss of inventor rights.

36. That despite such attempts to distance himself from the department and sidestep the glaring conflicts through altering his biography, Krane irrefutably has vested interests in the Iviewit matters, both in his shareholdings of Iviewit and his shareholdings of Proskauer. Since the Rubenstein Complaint and Proskauer Complaint were filed together, being a member of Proskauer should have precluded Krane with over a decade of First Department roles to either fully disclose his conflicts from the start, or completely recluse himself from the matters, Krane chooses concealment until caught two years later.

37. That even after the conflicts and abuse of public office of Krane were confirmed, the conflicts were then perpetuated in further attempts to cover-up not only the past crimes but now the conflicts as well. Further concealing the myriad of incestuous conflicts that now elevate to Kaye and

her vested ownership interests in Proskauer and Iviewit. That the conflicts of Kaye would continue today, if not for being discovered by Appellants, as nobody in the review process has revealed any of these conflicts, although it is presumed that all were cognizant of just who Kaye is and her relationship to Proskauer via her marriage to S. Kaye and her relationship to Krane via his former service as a clerk and a member she has endorsed and worked with on numerous occasions. In fact, in speaking with Wolfe, such closeness of these members and their longstanding relationships was confirmed, therefore everyone who handled these complaints is presumed to have known of the obvious relationships and conflicts they presented and therefore are equally culpable, excluding Wolfe.

38. That prior to being caught in the conflict by Appellants and Wolfe, Krane conceals his conflicts and First Department in Exhibit “” – Krane Pro-Se Response, and further in the letter hides his First Department roles that would have precluded him from responding pro-se in the complaint filed against him and again for Rubenstein and tries to distance himself by claiming he is a member of the NYSBA. At the time of being caught representing Rubenstein and himself in conflict, Krane prominently displayed on his biography, current positions with both First Department and NYSBA that clearly conflicted him. That so confident was Krane that

anything he said or did was going to be covered-up at the top, that he pens such letter knowingly concealing his First Department roles and attempts a response whereby he ridicules Appellants for their ignorance in understanding New York disciplinary processes. That similar to his ridicule in his response for Rubenstein tendered in conflict, Krane again hides from the issues in an attempt to cast doubt on Appellants claims through mockery, an attempt that again defies ethics.

39. That First Department was requested to move the complaints to the next highest level of review void of conflict and fails this task, and further fails to identify to Appellants that there is further conflict in that Krane and Kaye have longstanding relationships and both have vested interest in the outcome of the proceedings. That despite Appellants request via the motion to the First Department to elevate the complaints to next highest level of review void of conflict, First Department does not elevate the complaints beyond the influences of Krane and the Kaye's. Where such elevation ultimately involves removal of the matters from the entire New York courts to elevate beyond the influence of Kaye, Proskauer and Krane. That First Department instead, knowingly moved the complaints to the Second Department, already identified by Appellants in the motion as a conflicted department for an earlier move of the Joao Complaint from the

Second Department to the First Department, and where it is now found that Kaye and Krane have influence at the Second Department. Therefore, the Second Department fares no better than First Department or any other disciplinary departments in New York where Kaye and Krane have similar influences.

40. That the Cahill complaint similar to the attorney complaints is caught in the same nexus of events which forced the complaints to be transferred due to conflicts of interest and the appearance of impropriety discovered. Where Appellants have repeatedly requested Martin Gold ("Gold") to transfer the matters due to conflict and the appearance of impropriety and where Gold has failed to acknowledge if he is conflicted or if he is moving the Cahill matter due to the obvious conflict with First Department. Where the status of the Cahill complaint has languished with no correspondence.

II. APPEAL SECOND DEPARTMENT DECISIONS

41. That First Department ordered the Second Department to begin "investigation" into the Proskauer, Krane, Rubenstein, MLGWS and Joao complaints and that Second Department, Chief Counsel, Diana Maxfield Kearse, ("Kearse") instead choose to defy court ordered "investigation" by the First Department in the Krane Complaint and dismiss it without

investigation or even evidentiary review. That upon receiving the dismissal without investigation letter, Exhibit “” of Kearse, it was apparent that Kearse had bias with Krane. After speaking with Kearse regarding her failure to follow the court order, she feigned that she was unaware of the court order and stated that First Department orders did not apply to her at the Second Department.

42. That revealed by Kearse was a relationship with Krane that was not disclosed in her review letter or even mentioned as possible further appearance of impropriety, where Appellants had spoke with Honorable James Pelzer (“Pelzer”) the Clerk of the Second Department, whereby he stated that he would take precaution to avoid such conflicts in deciding what committee to place the matter with. Pelzer did no conflict check, and upon Appellants confronting Kearse, such disclosure of conflict with Krane was hesitatingly made by Kearse leading to, Exhibit “” – Iviewit to Kearse letter. That the discovery of Kearses conflicts with Krane, undisclosed in her review, immediately cast a specter on this lateral move.

43. That Appellants due to such lateral move and further delays caused by more conflicts and appearances of impropriety, have lost more time and further have been caused denial of due process, that such loss has cost inventors loss of constitutionally protected rights to intellectual

properties, that could have been prevented had adequate due process been applied to the complaints, free of bias and conflict, measures such as attorney disbarments and moving the matters out of the conflict. Instead, the subterfuge of the complaints enabled Respondents and others to profit from Appellants' technologies and deny Appellants the ability to pursue complaints against the attorneys who had stolen the technologies. Influence peddling in the New York courts whereby Supreme Court agencies designed to protect consumers actually became involved, through aiding and abetting in covering up the criminal theft of intellectual properties. Whereby, agents of the courts, abused their public offices and concealed conflicts to further the crimes and where this Court is now fully entangled in the mess.

44. That further Appellants state that First Department is so caught in conflict, as to now attempt to move the matters to the Second Department, which only allows for further conflicts, as Kearse has proved, and only further causes loss of rights to due-process free of conflict and loss of inventor constitutionally protected rights. This Court should be aware that in recent weeks, certain US and International patent rights have been lost, again, which could have been prevented had these matters not been further hamstrung with conflicts and the appearance of impropriety that have the

accused in control of the disciplinary process against them, talk about conflict.

45. That this Court take note, that conflicts at the First Department, have caused the First Department to order "investigation" of the Krane Complaint, the Rubenstein Complaint and Joao Complaint, of which court orders have been usurped by Kearse in favor of dismissal without investigation to shield Proskauer, S. Kaye, Krane, Rubenstein MLGWS and Joao. That Kearse stands in defiance of a court ordered "investigation" and that this Court acknowledge Kearse's defiance of a court order, and remove entirely the Second Department from the investigation, in favor of a non-conflicted third-party investigatory agency, that truly and without question leaves no conflict to the accused.

46. That Cahill in transferring the cases to the Second Department, makes statements inapposite the First Department orders, in another move made while in conflict, in yet another attempt to skirt due-process. Cahill, in his transferring the file from the First Department to the Second Department, writes, "As a result, I am forwarding herein copies of the Orders, complaints and related documents, and respectfully request that you submit the matters to a grievance committee in your Department for whatever action they deem fit and proper." Where this statement attempts to cause Second Department

to handle the matters as they see fit, which is not what the First Department ordered, where the order states, "Ordered that the motion is granted and the complaint under Docket Number 1883/04 is transferred to the Appellate Division, Second Judicial Department, for investigation and disposition." Where the court order clearly demands "investigation" and where Cahill attempts to state for "whatever action they deem fit and proper" as if the court order did not exist. Where Kearse further relied on Cahill's statements and when Appellants confronted her regarding her decision, she was unaware that a court ordered investigation had been mandated and further stated that such order was non-obligatory to her or the Second Department. That this has caused Appellants to ask Kearse to move the matters to next highest level of review, but again, this time lost costs further loss of inventors constitutionally protected rights to their inventions and further acts as a barrier to due-process, exposing that the conflicts continue and the cover-up continues, further involving more third-parties in the process.

47. Whereby the Second Department should recluse itself from investigation as Krane and Kaye have similar influences as the Second Department. Where investigation should be ordered by this Court to be at so high a level of ethics, free of even the mention of impropriety, that one

wonders if this Court must not recluse, as Kaye is synonymous with conflict at every level and with every member of this Court.

III. SUPPLEMENTARY RELIEF – INVENTOR RIGHTS

48. That Appellants state that weeding out New York conflicted individuals appears to be almost impossible due to Proskauers influences in New York with the Kaye's having vested conflicted interests inapposite Appellants. Where the disciplinary agencies are all influenced by Kaye and Krane, who have conflicted vested interests inapposite their former client Iviewit. That further, the conflicts have been planted long in advance and until recently have remained undisclosed and shrouded in silence by all reviewers of the matters and that these conflicts and the attempts to cover-up the conflicts must be met with immediate discipline, as further loss of inventor rights occurs daily.

49. That this Court take note, that Appellants patent applications have been suspended by the USPTO pending investigations into attorney misconduct of alleged charges with the Commissioner of Patents of Fraud Upon the USPTO, Exhibit "", whereby Proskauer stands at the center of a conspiracy against Appellants. That such charges of fraud upon the USPTO were further confirmed by Iviewit's largest investor, Crossbow Ventures of West Palm Beach Florida, where former CEO to the fund, Stephen Warner

signed that fraud had been committed in the filing of the patents. Not merely fraud against Iviewit but a fraud that involved deliberate fraud on the USPTO and international patent authorities by patent attorneys.

IV. SUPPLEMENTARY RELIEF – DUE PROCESS

50. Loss of constitutionally protected inventor rights, due to loss of due process by agencies of this Court, where such blocking of due process must be stopped to prevent further losses, if possible. Further, this Court must do everything within its powers to have the inventions returned to the rightful and proper inventors, as demanded in The Constitution of the United States which in Article 1, Section 8, Clause 8 states:

> "Congress shall have the power ... to promote the Progress of Science and Useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their Respective Writings and Discoveries."

51. That Appellants state that since constitutional rights are at stake, and loss has further been caused by agencies of this Court, that this Court must take immediate steps to ensure no further loss of rights to inventions occur and that constitutionally protected due process is allowed entirely free of conflicts.

52. That this Court see that no New York lower courts or tribunals can partake in the matters due to Kaye and Krane influences and that the internal disciplinary departments are fraught with conflicted individuals and that this Court take all necessary steps to recluse all conflicted individuals from partaking further in these matters. That further this Court takes all necessary steps to provide all relief and disclosures requested by Appellants throughout the disciplinary processes and in the Appellants motions to the First Department. Disclosure and relief that will allow Appellants to discover the threads to the conflicts, to further preclude shrouded secret conflicts, undisclosed conflicts that now tear at the fabric of the judicial robes of this Court.

53. That Krane and the Kaye's have long standing and far reaching impact on the New York attorney disciplinary processes, that have tentacles into rule creation at the New York State Bar Association ("NYSBA") and then enforcement of the rules through ancillary disciplinary departments throughout New York (i.e. the First Department and Second Department) and ultimately with this Court itself. That one wonders how Krane, an ethics professor, did not see the glaring conflicts that resulted from his roles as; past President of the NYSBA, an officer of First Department in multiple roles of rule creation and enforcement, multiple roles in rule enforcement

and creation throughout various regulatory bodies in New York and nationally through the American Bar Association ("ABA"), serving alongside Kaye in many of these regulatory roles and in fact chosen by Kaye in certain instances to fill such regulatory creation and enforcement roles, acting in conflict as counselor to Rubenstein and pro-se for himself in the complaints at First Department.

54. That even had Krane been blind to these conflicts; proof that he was cognizant is shown in his purposeful attempt to conceal the conflicts and have Cahill cover up his conflicts once exposed, which reveal intent. Intent that could only have resulted from intense pressure to cover-up Proskauer's crimes through using Krane's influence at First Department to directly impact the complaints. Pressure which Appellants claim emanates from the highest levels of Proskauer through First Department and ultimately to this Court with Kaye, whereby Proskauer risked it all on planting conflicted individuals at every level or through payola and other bribe inducing methodologies to subterfuge the complaints, by having those most conflicted, handle them. The obvious failure to deny due process would have led to the uncovering of the crimes that most certainly would have bid Proskauer farewell to the legal community with a welcoming at the other end of the legal process, whereby judicial and legal robes turn into

prison rags. That the state, federal and international crimes Proskauer is alleged to have committed, are high crimes of fraud against; the USPTO, the United States Copyright Office, the federally backed SBA, the European Patent Organization ("EPO"), the Japanese Patent Office ("JPO"), the New York state courts, the Florida Supreme Court and Appellants and their shareholders.

55. That Appellants state that if Proskauer were not guilty as charged, than certainly these conflicted individuals would have stayed clear of the matters, allowed due process to proceed as guaranteed by The Constitution and recluse themselves from the process, openly disclosing their conflicts. If Proskauer has nothing to hide, Appellants ask why they are trying to have the matters dismissed without investigation, acting in conflicts in complaints whereby they have conflicted vested interests and are named complainants in violation of public offices positions. Why all the conflicts, why not just confront the evidence and witnesses that have been presented against them.

56. That once Krane was busted in conflict, that Proskauer and their partners now attempt to further cover-up the conflicts through further manipulation of the situation and further entangling this Court and its members in the process. That this new level of cover-up leads to Kaye and

where Appellants demand that Kaye, S. Kaye, Rubenstein and Krane immediately come clean of their moral turpitudes twisted in undisclosed and further concealed conflicts, admit and disclose their vested interests inapposite Appellants which have caused loss of inventors constitutionally protected rights through these crimes and admit that such crimes have been covered-up through their actions inapposite their duties to this Court and the state of New York.

57. That if the conflicts are allowed to continue, this Court could be looked at as a co-conspirator in the very crimes alleged against Proskauer, and that this could cause a loss in public confidence in this Court if it knowingly allows further deprivation of constitutional rights that this Court's purpose is to protect, to shield members of the Court from prosecution of crimes.

58. That this Court should be aware that similar conflicts by Proskauer partners have been unearthed at the Florida Supreme Court with The Florida Bar. That The Florida Bar is now involved in the matter of Florida Supreme Court Case SC04-1078 ("SC04-1078"). These abuses of public office display a pattern whereby Proskauer has planted individuals throughout the disciplinary departments in New York and Florida and where the New York conflicts are almost identical to the efforts to deny Appellants

due process and block the attorney complaint process through conflicts and abuse of public offices in Florida.

Wherefore, Petitioners requests that this Court;

1. reverse the decision of the First Department to move the Rubenstein Complaint, Krane Complaint, Proskauer Complaint, MLGWS Complaint and the Joao Complaint to the Second Department and move such complaints to a third-party, non-conflicted oversight or to the next highest level of review or court (including the United States Supreme Court), whereby the complaints may be given immediate, fair and impartial due process, void of conflicts of interests and the appearance of impropriety.

2. Appellants further request that this Court hear the entirety of the Appellants motions and relief be granted as initially requested and immediate declaratory relief be granted so as to prevent further denial of due process as guaranteed under the Fifth Amendment:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the

> same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Emphasis of this Court should be put on the phrase, “nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”, and where relief should be immediate to stop such loss of property, without due process of law and where private property has been taken for public use, without just compensation. Where this Court need look no further than its own website at http://www.nycourts.gov/ctapps/ whereby prominently displayed on the homepage are links to video’s created by Iviewit processes. That such videos would in fact not be possible with any quality without utilizing such inventions and would be in postage stamp sized frames, streaming at 5-6 frames of out of synch video that would make it worthless for this Court to attempt to broadcast. This is one of the many thousands, perhaps millions, of unauthorized uses of the original inventors video technologies.

3. That this Court move to protect inventors from further denial of due process and rights to their inventions (intellectual properties) under Article 1, Section 8, Clause 8 are guaranteed (even before this Courts creation in Article 1, Section 8, Clause 9) and where such constitutionally protected property has been stolen and used without compensation to the rightful owners and where further that such theft has been denied due process and where such denial is directly attributable to the actions of individuals of the New York courts and its attorney disciplinary agencies that have aided and abetted the crimes through such denial of due process.

4. Where Appellants pray this Court grant immediate relief to stop the unauthorized use of Appellants properties through the issuing of cease and desist orders to all patent pool licensees and licensors formed by Proskauer (several thousand) and all Non-Disclosure Agreement Violators (approximately 500), until such time that these matters have been given due process.

5. That this Court due to the actions of a few has inadvertently become used as a tool to deny inventors rights to their constitutionally protected inventions and become entangled even causatively, causes Appellants to appeal to sensibility that these matters, after being given consideration and relief by this Court in any way it deems just and equitable,

need to recluse itself further and move the matter to next highest level of review, The United States Supreme Court, where patent issues and other matters will ultimately lead. To answer remaining questions such as; how to return stolen inventions and other intellectual properties to their proper owners both nationally and internationally, how to remove the matters from conflict, administer fair and impartial justice on those involved who represent justice and have conflicting adverse interest to inventors inventions and are currently still in control of the legal process handling even their own complaints while professing ethics.

6. Where now it has been evidenced that two state supreme courts have become entangled, where the disciplinary agencies have been penetrated to perpetrate crime and where all of these crimes have been exposed and with convincing evidence and are currently under review by a number of state and federal authorities, where inventors patents are in a historically novel suspended state of animation commissioned by the Director Patents pending charges of fraud upon the USPTO and with similar charges pending at the European Patent Office ("EPO"), the Japanese Patent Office ("JPO"), which have highly time-sensitive deadlines before further loss of inventor rights occur and this Court be found of further languishing on the matters and furthering the infinite loop of conflict and furthering the

number of individuals that are already caught up in the failed matter of Proskauer attempting to steal patents from their clients, and form anti-competitive pools patent pools for themselves that directly inure benefit to them and where if all patent rights are lost, the estimated damages over the twenty-year life of the patents is twenty-three billion dollars (US $23,000,000,000.00), see attached Exhibit “” - Lamont Projections. Note that prior revenue was estimated at seventeen billion dollars and that such new projections now include inventors’ inventions creating markets impossible without inventors’ technologies, such as video cell phones and zoom television sets recently announced by Sony.

7. That Appellants be granted relief by any form of insurance that the State of New York has over its court members, members of the disciplinary departments and attorneys and firms licensed with it. That such relief include full disclosure of the conflicts and reporting of the claim with full disclosure of the amount of damages estimated that have been caused and could be further caused by further denial of due process and further loss of constitutionally protected inventor rights.

8. That Appellants further pray this Court to recognize the irrefutable facts that; Proskauer has interests in Appellants technologies, that Proskauer represented Appellant companies (all sixteen or so that were

formed for the technologies by Proskauer), that Proskauer and their newly formed or acquired patent pools now are directly infringing upon technologies known not to be theirs and to be Appellants, that Proskauer partners have penetrated and abused public offices of the highest courts of New York with undisclosed interests and in violation of state and federal laws.

9. That this Court grant relief so as to cause the proper authorities both state and federally to be notified of the conflicts found and abuses of public offices and this Courts actions may include any relief under codes both state and/or federal that deal with any of the following, see attached Exhibit "" – List of Crimes, including but not limited to RICO, conspiracy and antitrust, all encompassing the crimes alleged against members of this Court and members of its disciplinary agencies. That this Court immediately recluse and file charges against any members or departments that have controlled these matters in conflict, for example; Kaye, S. Kaye, Krane, Cahill, First Department Justices, Kearse or other unknowns at this time.

10. Enter an order granting supplementary relief to compel Second Department to turn over the Krane, and all other complaints to the next highest level of review void of conflict to begin the court ordered immediate "investigation" of the First Department.

11.Enter an order granting supplementary relief to compel First Department to turn over the Cahill complaint to the next highest level of review void of conflict.

12.Enter an order granting immediate supplementary relief to declare the positions and dates held by Krane, Kaye, S. Kaye, Cahill, Kearse at any New York State attorney review or disciplinary or any other body concerned with the ethical rules, ethical regulations, or any other form of attorney regulation from 1998 to present listing, including but not limited to, position, dates held, title, major position duties, and major position powers.

13.That this court enter an order that all conflicted parties including but not limited to Proskauer, Kaye, S. Kaye, Krane, Rubenstein, Joao, MLGWS, turn over financial records that disclose all vested interests in any property rights that may inure benefit from stolen constitutionally protected inventors intellectual properties. That such financial information is necessary considering for example the following;

14.Kaye's interest in Iviewit stock, calculated by taking Proskauers interest of two and one half percent (2.5%) founders shares in Iviewit companies, and where certain allegations have Proskauer owning up to 100% of other companies which appear to have stolen core inventions and

where formed as part of a complex corporate and patent shell game to steal the patents.

a. At 2.5% divided by approximately 200 partners the Kaye's interests are calculated to be X% with a value based on $23,000,000,000.00 equal to $143,750,000.00 with additionally Stephen Krane's equal interest for a total Kaye interest of $287,500,000.00.
b. At 100% of companies containing core inventions with felonious inventors and assignments, such Kaye interests would rise to $23,000,000,000.00 divided by the number of partners where the Kaye's interests rise at minimum would rise to $23,000,000,000/200 = $115,000,000.00 per partner and Kaye through matrimonial relationship would own a direct interest in $57,500,000, if such interest in the intellectual property department of Proskauer is split proportionally, of which full disclosure of such interests will reveal a more accurate interest in the value, including percentages and values of the partnership distributions.

15. Where Proskauer has benefited and profited from proliferating inventors inventions and denying due process and where it is now reported, Exhibit "" – MPEG article, "In contrast, at MPEG LA, it is the licensing administrator's responsibility to collect royalties and to bring companies

holding essential IP to the joint licensing program, Horn said. Because MPEG LA earns its fee according to the amount of money it successfully collects from technology users, "we are financially more motivated to succeed in [patent pooling]," explained Horn. Horn said that both MPEG LA and the new 1394la are using the same fee structure. The licensing administrators get 10 percent of what they collect from licensees, for collected royalties up to $75 million annually. The cut drops as annual royalties rise. For example, administrators get 5 percent for collected yearly royalties between $75 million and $250 million, and only 2.5 percent for royalties above $250 million a year." Where such article further states quite inaccurately and falsely misrepresenting the Justice Department, "The Denver-based MPEG LA is an independent agency that has established a successful IP model for MPEG-2 video patent pooling. By getting a clean bill of health from the U.S. Department of Justice, which ruled in June 1997 that the agency is not anti-competitive, MPEG LA is believed to have shown the way for commercializing complex, cross-industry standards." Where the Department of Justice ("DOJ") as illustrated in Exhibit "" – Justice Department Letter refutes such claim and states that there was no ruling of such anti-competitive status, thereby further diminishing MPEG LA LLC and other Proskauer controlled pools, as anything more than illegal attorney

patent skimming pools, generating enormous revenue derived from stolen Appellant technologies to their attorneys and further where such pools make false claims to attempt to claim antitrust exemption. There has been no clean bill of health to MPEG LA LLC and in light of the situation that Rubenstein is lead counsel to MPEG LA LLC per his deposition statements and was retained Iviewit patent counsel and whereby Rubenstein and Proskauer are shareholders of Appellants company, and stand accused of attempted patent theft, we see clearly why the past is cluttered with failed attempts to pool patents due to the fact that they become anticompetitive. This Court should immediately freeze all assets and other revenues generated by such pools until Rubenstein and Proskauer are investigated by all current investigatory bodies and final conclusions have been reached in the following actions of which Rubenstein and Proskauer are at the center of each;

a. Rubenstein Complaint – First Department
b. Rubenstein Complaint – Second Department
c. USPTO OED – Investigation
d. USPTO Commissioner – Investigation and freeze of patent applications
e. EPO Investigation

f. JPO Investigation

g. Federal Bureau of Investigation ("FBI")

h. Boca Raton Police Department ("Boca PD") Investigation

i. Securities and Exchange Commission – Investigation

j. Small Business Administration ("SBA")

k. Wheeler Complaint – Florida Supreme Court

l. Triggs Complaint – Florida Supreme Court

m. Florida Supreme Court Case #SC04-1078

n. Krane Complaint – First Department

o. Krane Complaint – Second Department

p. Proskauer Complaint – First Department

q. Proskauer Complaint – Second Department

r. Cahill Complaint – First Department

s. American Institute of Certified Public Accountants – Investigation

t. Florida Department of Business and Professional Regulation – Investigation

u. American International Group ("AIG") internal affairs and fraud investigation.

16. That this Court revoke the right of Proskauer and its partners to further self representation as such representations has caused conflicts in the

Krane, Proskauer and Rubenstein matters already and whereby surely Proskauer knows the old adage of “only a fool represents himself in court” and where such charges of conflicts and complaints would be best represented by third-party, non-conflicted counsel, for all those collaterally involved this minimizes further risk and conflict.

17. That this Court order Proskauer to disclose if such matters have been properly reported to their insurance carrier and acknowledge the claim against them filed in an April Iviewit shareholder letter and with such disclosure they should be forced to acknowledge the complaints, the conflicts, the investigations, etc.

18. That this Court facilitate the filing of the attached filing with New York Client Fund, Exhibit “” – NY Insurance Fund Filing and where such claim must be filed free of conflict of interests.

19. That Proskauer acquired Rubenstein and control of related technology pools, which openly infringe on Appellants constitutionally protected inventions and procure profit, excluding inventors technologies knowing that it is the single largest threat to the pools very existence and that if inventors succeed in recovering certain intellectual property rights that such patent pools will become obsolete denied access to Appellants technologies and where there is further evidence that Proskauer was

involved in several attempts at misappropriating the patents entirely. Where all such fee's and royalties from any unauthorized uses cease immediately by action of this Court while such investigations proceed so that monies will directly inure to inventors and shareholders as rightfully proscribed by The Constitution. Where until such time as due process has been afforded free of conflict and all matters resolved, that all such incomes be directed into trust accounts to be determined by this Court or in conjunction with other courts that may intercede, to stop further losses to inventors. Finally, that conversion of royalties in any form cease to benefit Proskauer and any others involved in the nexus of crimes. It is further presumed that such revenues have given rise to the ability of Proskauer to entice and bribe certain individuals and members of this Court and its disciplinary agencies and other officials and that such freeze on illegally gained royalties will prohibit further use of inventors royalties to be used against them until all such matters have been resolved by all patent authorities both internationally and nationally that are currently investigating similar matters.

20. That this Court grant all relief within its scope to issue orders to all patent authorities; the USPTO, the JPO and EPO, ceasing and desisting further prosecution of patents until all matters concerning misappropriated patent rights such as owner, inventor, assignee and other matters are

resolved in which agents of this Court and its disciplinary departments have been directly implicated and hold vested interests inapposite Appellants.

21. and such further relief as this Court deems just and equitable.

This __ day of November 2004.

Attorney for Appellants
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_____

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Digitally signed by Eliot I. Bernstein
DN: CN = Eliot I. Bernstein, C = US, O = Iviewit Holdings, Inc.
Reason: I am the author of this document
Location: 2004 11 30 New York Court of Appeals p.56
Date: 2004.11.30 16:55:49 -05'00'

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Eliot I. Bernstein
Founder, President & Inventor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile and US Mail this __ day of November 2004, to Kenneth Rubenstein, Esq., 1585 Broadway, New York, N.Y. 10036, (212) 969-2900, Raymond A. Joao, Esq., c/o John Fried, Fried Epstein & Rettig LLP., (212) 268-3110, Proskauer Rose LLP, c/o Alan S. Jaffe, Esq., 1585 Broadway, New York, N.Y. 10036, (212) 969-2900, Steven C. Krane, Esq., 1585 Broadway, New York, N.Y. 10036, (212) 969-2900, and Thomas J. Cahill, Esq., 61 Broadway, New York, N.Y. 10036, (212) 401-0810.

_____

Eliot I. Bernstein

CERTIFICATE OF AFFIRMATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before me, the undersigned authority, personally appeared Eliot I. Bernstein, who was duly sworn and says that the facts alleged in the foregoing appeal are true.

_____
Eliot I. Bernstein

Sworn to and subscribed to me on this __ day of November 2004.

_____
Notary Public

EXHIBIT A

[]

EXHIBIT B

[]