



IVIEWIT HOLDINGS, INC.

P. Stephen Lamont
Chief Executive Officer
Direct Dial: 914-217-0038

By Certified Mail

October 30, 2003

Mary W. Martelino
Assistant Intake Counsel
Virginia State Bar
Eighth and Main Building, 707 East Main Street, Suite 150
Richmond, Va. 23219-2800

Re: Complaint Against William J. Dick, VSB Docket #04-888-1004

Dear Ms. Martelino:

Thank you for your letter of October 8, and on behalf of Iviewit Holdings, Inc. ("Company"), I have thoroughly reviewed the pamphlet you supplied, "Complaints Against Lawyers." Moreover, in what follows, the Company more precisely alleges the professional misconduct and the unethical actions and inactions of William J. Dick interlaced with citations to the Virginia Rules of Professional Conduct, according to the best estimations of the Company.

BACKGROUND

That beginning on or about mid 1998, the Company through its agent and principal, Eliot I. Bernstein ("Bernstein"), held discussions with Christopher C. Wheeler a member of Proskauer Rose LLP ("Proskauer") with regard to Proskauer providing legal services to the Company involving specific technologies developed by Bernstein and three others (Zakirul Shirajee, Jude Rosario, and Jeffrey Friedstein), which technologies allowed for:

1. Zooming of digital images and video without degradation to the quality of the digital image due to what is commonly referred to as "pixelation"; and,
2. The delivery of digital video using proprietary scaling techniques; and,



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3. A combination of the image zoom techniques and video scaling techniques described above; and,
4. The remote control of video cameras through communications networks.

**SPECIFIC ALLEGATIONS OF PROFESSIONAL MISCONDUCT OF
WILLIAM J. DICK**

That Wheeler, Brian G. Utley a past Company executive, Kenneth Rubenstein a member of Proskauer, Raymond A. Joao then of counsel to Meltzer Lippe Goldstein & Schlissel LLP, **WILLIAM J. DICK** then of counsel to Foley & Lardner LLP with and through Steven Becker and Douglas Boehm of Foley & Lardner, and Proskauer, conspired to deprive the Company of its rights to the technologies developed by Bernstein, Shirajee, Rosario and Friedstein by:

1. Knowingly, willfully, and with malice, transferring patents using **DICK** and Foley & Lardner so as to name Utley as the sole holder of multiple patents in his individual name and capacity when in fact they were and arose from the technologies developed by Bernstein and others and held by the Company prior to Utley's employment with the Company^{1 2}; and,
2. As a result of the allegations of 1, constituting fraud on the United States Patent and Trademark Office ("USPTO") conducted through the United States Postal Service and facsimile thus constituting mail and wire fraud; and
3. Upon discovery of the "lapses" by Joao^{3 4}, that Wheeler and Proskauer referred the patent matters to **DICK** who equally becomes aware of such "lapses" (where lapses as referenced herein are termed knowing, willful, and with malice burying of the Company's inventions in patent applications as described in New York Bar Complaints against Rubenstein and Joao, Docket Nos. 2003.0531 and 2003.0532, respectively), of Foley & Lardner, who was also a close personal friend of Utley and that **DICK** had been knowingly, willfully, and with malice involved in the diversion of patents to Utley at Diamond Turf Lawnmower, Utley's prior employer; and,
4. **DICK**, knowingly, willfully, and with malice fails to list proper inventors of the technologies, resulting in the failure of the patents to include their rightful

¹ In violation of Rule 1.8 (b) Improper Use of Client Confidences or Secrets.

² In violation of Rule 3.3 Candor Towards Tribunal.

³ In violation of Rule 1.6 (c) (3) Reporting Misconduct of Another Attorney.

⁴ In violation of Rule 8.3 Reporting Misconduct



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and lawful inventors⁵ thereby constituting fraud on the Company, its investors, USPTO conducted through the United States Postal Service and facsimile thus constituting mail and wire fraud; and,

5. **DICK**, knowingly, willfully, and with malice fails to ensure that the patent applications for the technologies, contained all necessary and pertinent information relevant to the technologies (including incorrect mathematics after the Company submitted corrections) and as required by U.S.C. Title 15, Patent Act⁶ thereby constituting fraud on the Company, its investors, USPTO conducted through the United States Postal Service and facsimile thus constituting mail and wire fraud; and,
6. **DICK**, knowingly, willfully, and with malice changed the titles of patent applications so as to limit their scope and the claims they stake⁷ thereby constituting fraud on the Company, its investors, USPTO conducted through the United States Postal Service and facsimile thus constituting mail and wire fraud; and,
7. **DICK**, knowingly, willfully, and with malice failed to file copyrights for the source code linking the Company's inventions⁸ thereby constituting fraud on the Company and its investors; and,
8. **DICK**, knowingly, willfully, and with malice destroyed Company documents so as to insert reasonable doubt as to the above allegations, and failed to ensure their proper transfer to new patent counsel^{9 10} thereby constituting fraud on the Company and its investors; and,
9. **DICK**, knowingly, willfully, and with malice falsified billing records so as to insert reasonable doubt as to the above allegations^{11 12} thereby constituting fraud on the Company and its investors; and,
10. As a result of allegations 1 to 9 above, **DICK**, knowingly, willfully, and with malice perpetrated a fraud upon Wachovia Securities, a unit of Wachovia Corp., a registered bank holding company in Charlotte, N.C. ¹³, amongst hosts of other investors, by submitting information and opinions regarding the

⁵ Supra Note 2.

⁶ Supra Note 2.

⁷ Supra Note 2.

⁸ Supra Note 2.

⁹ Supra Note 2.

¹⁰ In violation of Rule 1.16 (e) Delivery of Former Client's File

¹¹ Supra Note 2.

¹² Supra Note 10.

¹³ Supra Note 2.



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Company's patents that were erroneous and inaccurate, thereby constituting fraud on the Company, its investors, and conducted through the United States Postal Service and facsimile thus further constituting mail and wire fraud.

That Utley, **DICK**, Wheeler, Rubenstein, Joao, Foley & Lardner, and Proskauer with such intent, directed that certain patent rights be put in the name of Utley¹⁵ ¹⁶(indicating future benefits to **DICK**) and/or that such patent rights were modified or negligently pursued so as to fail to provide protection of the intellectual property, resulting in the ability of other clients of Wheeler, **DICK**, Rubenstein, Joao, and Proskauer to make use of such technologies¹⁷ without being liable to the Company for royalties normally arising from such use thereby constituting fraud on the Company, its investors, USPTO conducted through the United States Postal Service and facsimile thus further constituting mail and wire fraud.

Lastly, the Company removes reasonable doubt as to the professional misconduct of Dick, insofar as it relates to his involvement, along with Utley, in the intellectual property malfeasances of Diamond Turf Lawnmower, Florida, wherein, according to discussions with a one Monte Friedkin the former owner of that company, Dick and Utley were involved in a similar pattern of the knowing, willful, and with malice, transferring of patents using Dick and Foley & Lardner so as to name Utley as the sole holder of multiple patents in his individual name and capacity when in fact they were and arose from the technologies developed by others at Diamond Turf Lawnmower. Moreover, according to Mr. Friedkin, that pattern of thefts lead to closure of that business; neither Utley nor Dick disclosed this information to the Company prior to its retention of Dick, which, of course, had the pattern of intellectual property misappropriation had been disclosed to the Company, the Company would not have retained Dick, and would have not suffered the damages Dick has now caused the Company through his conspiratorially knowing, willful, and with malice perpetration of frauds upon the aforementioned parties.

Accordingly, the Company looks forward to: (I) the Intake Office reviewing this complaint for Bar jurisdiction; (II) opening a case; (III) Bar Counsel review for Rule violations; (IV) Bar Counsel conducting an investigation; (V) Disciplinary Committee review results of investigation for Rules violation; and (VI) Holding of a hearing or Respondent receiving discipline by agreement.

¹⁴ Supra Note 2.

¹⁵ In violation of Rule 1.8 (c) Preparing Instrument in Which Lawyer is Beneficiary.

¹⁶ Supra Note 2.

¹⁷ Supra Note 15.




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Lastly, due to the proprietary and confidential nature of the Company's patent materials, the Company will provide exhibits and witnesses once the Bar Counsel determines that it will conduct inquiries on the merits of this statement.

Very truly yours,

IVIEWIT HOLDINGS, INC.

By:  P. Stephen Lamont
Chief Executive Officer

Digitally signed by P. Stephen
Lamont
DN: cn=P. Stephen Lamont,
o=iViewit Holdings, Inc.,
ou=Corporate, c=US
Date: 2003.10.30 11:17:02 -0500

By: _____
Founder & President (Acting)