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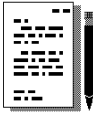


From: Iviewit Holdings, Inc.
Eliot I. Bernstein

Fax: 5613644240 **Phone:** 5613644240

To: Supreme Court of Florida
Debbie Yarbrough

Date : 7/1/2004 Time : 10:07 AM page(s) : 23



-Message

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PLEASE DELIVER TO
ERIC MONTEL TURNER

If you have any questions, please feel free to call me at 561.364.4240.

Eliot Bernstein
Iviewit Holdings, Inc.



IVIEWWIT HOLDINGS, INC

FACSIMILE TRANSMITTAL SHEET

TO: Debbie Yarbrough	FROM: Eliot I. Bernstein
FAX NUMBER: 850-488-2100	DATE: July 1, 2004
COMPANY: Supreme Court of Florida – Clerk of the Florida Bar	TOTAL NO. OF PAGES INCLUDING COVER: 22
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: [Click here and type reference number]
RE: Florida Bar Complaint 2003-51 109 15(c)	YOUR REFERENCE NUMBER: [Click here and type reference number]

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

 NOTES/COMMENTS:

Dear Debbie,

Attached is the petition we spoke of and thanks for the special help with the fax. Again, Mr. Marvin should be reminded that a complaint against Mr. Turner has been formally filed, whereby the request to maintain the Wheeler file, and all notes and other information, be maintained as it essential to the review of the Turner complaint and would appear an obstruction of justice to destroy such exhibit. Mr. Marvin, also stated that he would only send part of the file, and the Florida Bar notes and other evidences would be destroyed, yet it is these notes and other information that may prove critical in Turner's complaint.

Thank you for your consideration and help,

Eliot I. Bernstein
 Founder, President and Inventor
iviewit@adelphia.net

SUPREME COURT OF FLORIDA

IN THE MATTER OF COMPLAINT OF)
 IVIEWWIT HOLDINGS, INC. AGAINST)
 CHRISTOPHER C. WHEELER, THE)
 FLORIDA BAR FILE NO: 2003-51, 109 (15c))
)
 Iviewit Holdings, Inc.)
)
)
 Petitioner)
)
)
 _____ \

Case No.:

**PETITION FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, AND
 BEGIN IMMEDIATE INVESTIGATION OF COMPLAINT AGAINST
 CHRISTOPHER C. WHEELER, ESQ.**

Petitioner, Iviewit Holdings, Inc., a Delaware corporation (“Petitioner”) hereby requests that the Court: (i) enter an order granting a petition for temporary and permanent injunctive relief prohibiting The Florida Bar (“Bar”) from destroying Petitioner’s file pertaining to its complaint against Christopher C. Wheeler, Esq., The Florida Bar File No. 2003-51, 109 (15c) (“Wheeler Complaint”); (ii) enter an order granting a petition for declaratory relief as to the nature of the position(s), including the dates of tenure, held by Christopher C. Wheeler, Esq. and Spencer Sax, Esq. with the Bar, and proof of delivery to and review of the Wheeler Complaint by the Chairperson of the 15(c) Grievance Committee, and verified preservation of all correspondences and notes not delivered to Petitioner; (iii) as a result, interalia, of the reticence of the Bar in (i) and (ii) enter an order granting a petition to begin an immediate investigation of the Wheeler Complaint, and in support state as follows:

BACKGROUND

1. That Petitioner is a Delaware corporation formed by Proskauer Rose LLP ("Proskauer"), which at all times relevant hereto was authorized to conduct and conducted business in Palm Beach County, Florida and the State of California.

2. That Christopher C. Wheeler, ("Wheeler") is a sui juris individual and resident of Palm Beach County, Florida, who at all times relevant hereto was a partner of Proskauer and who provided legal services to Petitioner.

3. That Kenneth Rubenstein, ("Rubenstein") is a sui juris individual believed to be a resident of the State of New Jersey and who various times relevant hereto was initially misrepresented by Wheeler as a partner of Proskauer and later became a partner of Proskauer, and who provided legal services to the Petitioner both while at Meltzer, Lippie, Goldstein & Schlissel LLP ("MLGS"), and Proskauer.

4. That Raymond A. Joao, ("Joao") is a sui juris individual believed to be a resident of the State of New York and who at all times relevant hereto was represented to be Rubenstein's associate at Proskauer, when in fact Joao has never been an employee of Proskauer but in fact was an employee of MLGS.

5. That beginning in 1998, Petitioner, through its agent and principal inventor Eliot I. Bernstein ("Bernstein"), held discussions with Wheeler and Rubenstein with regard to Proskauer providing legal services to Petitioner involving specific technologies developed by Bernstein and two others, which technologies allowed for:

- a. Zooming of digital images and video without degradation to the quality of the digital image due to what is commonly referred to as "pixilation"; and,

- b. The delivery of digital video using proprietary scaling techniques; and,
- c. A combination of the image zoom techniques and video scaling techniques described above; and,
- d. The remote control of video cameras through communications networks.

6. That Bernstein engaged the services of Proskauer to provide legal services to a company to be formed, including corporate formation and governance for a single entity and to obtain multiple patents and oversee US and foreign filings for such technologies including the provisional filings for the technologies as described in Paragraph 5 above, ("Technology"), and such other activities as were necessary to protect the intellectual property represented by the Technology.

7. That the Technology, when bundled with third-party technologies, provides for VHS-quality video at transmission speeds of 56Kbps ("modem dial-up connection"), previously thought to be impossible, to DVD quality at up to 6MB per second (traditional terrestrial or broadcast station to home antennae), and has an incredible seventy five percent (75%) savings in throughput ("bandwidth") on any digital delivery system such as cable, satellite, multipoint-multichannel delivery system, or the Internet, and a similar 75% savings in storage and processing on mediums such as digital video discs ("DVD's").

8. That at the time of the engagement of Proskauer and thereafter, Bernstein, Petitioner and its shareholders, were advised and otherwise led to believe that Rubenstein was the Proskauer partner in charge of the account for patents and Wheeler for corporate matters, further this information was used to raise all of the capital and included in a

Wachovia Securities Private Placement Memorandum, pursuant to Regulation D of the Securities Act of 1933, that Proskauer co-authored, billed for and disseminated.

9. That upon information and belief, Wheeler, Rubenstein, and Joao upon viewing the technologies developed by Bernstein, and held by Petitioner, realized the significance of the technologies, its various applications to communication networks for distributing video and images and for existing digital processes, including but not limited to, all forms of video delivery, digital cameras, digital imaging technologies for medical purposes and digital video, and that Wheeler, Rubenstein and Joao conspired to undertake and in fact undertook a deliberate course of conduct to deprive Bernstein and Petitioner of the beneficial use of such technologies. Proskauer, further allowed the use of the technologies by third-parties, such as Rubenstein's patent pools, either under Non-Disclosure Agreements or not, who were other clients of Proskauer and Wheeler. Additionally, it is factually alleged that Wheeler, Rubenstein and Joao all have had personal financial gains through the misappropriation of Petitioner's Technology and Proskauer has had profit to its partnership through the acquisition of the patent pools as a client (after learning of Petitioner's Technology) which generate enormous fees to Proskauer and perhaps other untold revenues, all to the detriment and damage of the Petitioner's shareholders.

10. That Wheeler, who was a close friend of Brian G. Utley ("Utley"), recommended to Bernstein and other members of the Board of Directors of Petitioner that Petitioner engage the services of Utley to act as President of Petitioner based on his knowledge and ability as to technology issues.

11. That at the time that Wheeler made the recommendation of Utley to the Board of Directors, that Wheeler knew that Utley had been engaged in a dispute with his former employer, Diamond Turf Equipment, Inc. and the fact that Utley had misappropriated certain patents on hydro-mechanical systems to the detriment of Diamond Turf Equipment, Inc.

12. That on information and belief, Wheeler may have had a part in the misappropriation of the patents with Utley's former employer, in that Wheeler had formed a company for Utley where the misappropriated patents are believed to have been transferred. Despite Wheeler's involvement, Wheeler was fully cognizant of this patent dispute with Utley and Diamond Turf Equipment, Inc., as confirmed in deposition with Utley and further in deposition by Wheeler, before Wheeler's recommendation of Utley to the Board of Directors and knowingly failed to disclose this to Petitioner and in fact circulated a resume on behalf of Utley that claimed that due to Utley's inventions that Diamond Turf Equipment, Inc. went on to become a leader in the industry, when Wheeler knew that the company had been closed by the patent problems of Utley, Dick and perhaps Wheeler. That Wheeler further conspired with Utley to circulate a knowingly false and misleading resume to Petitioner shareholders and induced investment without ever disclosing this information.

13. That additionally, Wheeler was fully aware of the fact that Utley was not the highly qualified "engineer" that Wheeler represented him to be, and that in fact Utley lacked real engineering expertise or even an engineering degree and that Utley had been fired from Diamond Turf Equipment, Inc. due to his misappropriation of patents which

forced the closure of Diamond Turf Equipment, Inc. and for the owner to take a purported three million dollar loss.

14. That despite such knowledge, Wheeler never mentioned such facts concerning Utley to any representative of Petitioner and in fact undertook to "sell" Utley as a highly qualified candidate who would be the ideal person to undertake day to day operations of Petitioner and work on the patents, acting as a qualified engineer.

15. That additionally, Wheeler continued to assist Utley in perpetrating such fraud on both the Board of Directors of Petitioner and to third parties, including Wachovia Securities for a Private Placement Memorandum, by approving a false resume for Utley to be included in seeking funding.

16. That based on the recommendations of Wheeler, as a partner of Proskauer and as a ten year friend of Utley, the Board of Directors agreed to engage the services of Utley as President and Chief Operating Officer.

17. That almost immediately after Utley's employment, Wheeler provided a purported retainer agreement ("Retainer") for the providing of services by Proskauer to Petitioner, addressed to Utley. That the retainer agreement comes after one year of Proskauer providing services and that Petitioner, on information and belief, states that Proskauer and Utley conspired to replace the original retainer agreement with the Company with one void of patent services that were originally agreed upon and performed. That the services provided were in fact to be partially paid out of the royalties recovered from the use of the Technology, which was to be included in patent pools overseen by Rubenstein who had deemed them "novel" and "essential" to his patent pools.

18. That the new Retainer by its terms contemplated the providing of corporate and general legal services to Petitioner by Proskauer and was endorsed by Utley on behalf of Petitioner, the Board of Directors of Petitioner would not have Utley authorized to endorse same as it did not include the intellectual property work which Proskauer had already undertaken.

19. That prior to the Retainer, Proskauer and Wheeler had provided legal services to Petitioner, including services regarding patents with Rubenstein.

20. That Proskauer billed Petitioner for legal services related to corporate, patent, trademark, copyright and other work in a sum of approximately Eight Hundred Thousand Dollars (\$800,000) and now claims to have not done patent work, a materially false statement with insurmountable evidence to the contrary.

21. That Proskauer billed Petitioner for copyright legal services never performed, double-billed by the use of multiple counsel on the same issue, falsified and altered billing information to hide patent work and systematically overcharged for services provided.

22. That based on the over-billing by Proskauer, Petitioner paid a sum in of approximately Five Hundred Thousand Dollars (\$500,000.00) plus together with a two and one-half percent (2.5%) equity interest in Petitioner, which sums and interest in Petitioner was received and accepted by Proskauer.

23. That Wheeler, Utley, Rubenstein, Joao, and Proskauer, conspired to deprive Petitioner of its rights to the technologies developed by Bernstein and other inventors by:

a. Aiding Joao in improperly filing patents for Petitioner intellectual property by intentionally withholding pertinent information from such patents and not filing same timely, to allow Joao to apply for similar patents in his own name, both while acting as counsel for Petitioner and subsequently. That Joao now claims that since working with Iviewit he has filed approximately 90 patents in his own name, rivaling Thomas Edison, and;

b. Upon discovery of the problems in Joao's work and that Joao was writing patents strikingly similar to Petitioner's Technology in his name, that Wheeler and Utley referred the patent matters for correction to William J. Dick, of Foley & Lardner LLP, who was also a close personal friend of Utley and who had been involved, unbeknownst and undisclosed to Petitioner, in the diversion of patents to Utley at his former employer, perhaps with Wheeler, to the detriment of Diamond Turf Equipment, Inc. thereby establishing a pattern of patent malfeasances; and,

c. Transferring or filing new patents, unbeknownst to Petitioner, using Foley & Lardner LLP so as to name Utley as the sole holder or joint inventor of multiple patents wrongly, when in fact they were and arose from the technologies developed by Bernstein and others and held by Petitioner prior to Utley's employment with Petitioner; and,

d. Further failing to list proper inventors and fraudulently adding inventors to the patents, constituting fraud upon the United States Patent and Trademark Office and Petitioner, resulting in the failure of the patents to include

their rightful and lawful inventors. The wrong inventors has lead to investors not having proper and full ownership in the patents; and,

e. Failing to properly assign the inventions and fraudulently conveying to investors and potential investors wrong Intellectual Property, prepared and disseminated by these attorneys, dockets which illustrate false and misleading information on the inventors, assignees and owners of the Intellectual Property. The wrong assignments may lead to investors not having proper and full ownership in the patents; and,

f. Knowingly, failing to ensure that the patent applications for the technologies contained all necessary and pertinent information relevant to the technologies and as required by law; and,

g. Billing for, and then failing to secure copyrights. Failing to complete copyright work for the source code for the Technologies of Petitioner as intellectual property. Further, falsifying billing statements to replace copyright work with trademark work, although the billings are full of copyright work that has never been performed; and,

h. Allowing the infringement of patent rights of Petitioner and the intellectual property of Petitioner by other clients of Proskauer, Rubenstein, and Wheeler. Whereby Proskauer, Rubenstein and Wheeler profit from such infringement to the detriment of Petitioner.

i. Through allowing Rubenstein, whom acted as an Advisory Board member to Petitioner, full access to the patent processes to proliferate throughout the patent pools he controls with Proskauer, wherein Rubenstein now attempts to

state that he does not know the Company, the inventors or the technologies and never was involved in any way. Witnesses and direct evidence refute Rubenstein's denial of his involvement.

24. That Petitioner, in discussions with the United States Patent and Trademark Office ("USPTO") on or about February 1, 2004, finds patent information different from every intellectual property docket delivered to Petitioner by every retained patent counsel, as to inventors, assignments, and, in particular, one or more patent applications in the name of Utley with no assignment to Petitioner, and to which, according to the USPTO, Petitioner presently holds no rights, titles, or interests in those particular patent applications. That such patent issues have caused Petitioner, in conjunction with the largest investor, Crossbow Ventures (the largest South Florida venture fund) and Stephen J. Warner, the Co-Founder and CEO, to file a complaint with the USPTO alleging charges of Fraud Upon the United States Patent and Trademark Office, now causing the Commissioner of Patents to put a six-month suspension on all Petitioner patents while investigations are proceeding into the attorney malfeasances.

25. That Wheeler and Proskauer, rather than pursuing the corporate formation and governance for entities directed by the Board of Directors, proceeded to engage in fraud and deceit by the corporate formation of multiple entities in a multi-tiered structure thus engaging, effectively, in a "shell game" as to which entity and under what structure would hold assignment of the Technology.

26. That upon information and belief, Wheeler and Proskauer through a disingenuous scheme comprised of the unauthorized formation of similarly named entities, unauthorized asset acquisitions and transfers, and unauthorized name changes,

effectively results in the assignment of Petitioner's core inventions to an entity, Iviewit Technologies, Inc., of which Proskauer is one of four, or less, presumed shareholders and the company was set up by Proskauer to hold Proskauer stock in Petitioner company, and whereby the Petitioner's shareholders now have no verifiable ownership interest in such entity which now holds several core patents not authorized by the Board of Directors. With no evidence of an ownership position of Petitioner company in Iviewit Technologies, Inc., and whereby an Arthur Andersen audit failed to provide such incident of ownership, it is unclear if the Petitioner shareholders have any interest in these patents. Resulting from a name change to Iviewit Technologies, Inc., which was formed by Proskauer, unbeknownst to the Board of Directors, originally with an identical name to Petitioner company (Iviewit Holdings, Inc.) and in the two weeks it maintained an exactly identical name, patents were assigned into the now named Iviewit Technologies, Inc., which on the day Petitioner company changed its name to Iviewit Holdings, Inc. Proskauer changed the name of their entity from Iviewit Holdings, Inc. to Iviewit Technologies, Inc., with the assigned patents ending up in the wrong company, whereby Proskauer may be a majority shareholder with Petitioner investors not having any ownership. It is alleged that Proskauer maintained two sets of corporate books, two sets of patent books and was attempting to direct the core patents out of the Company naming Utley as the inventor and leaving the Company bankrupt and with inferior patents while the core technologies were stolen off with.

27. That Utley, Wheeler and Proskauer engaged in the transfer of a loan from a group of Proskauer referred investors and that such loan transacted without Board of Director or investor approval and without full and complete documentation of the

transaction. That upon learning of such transaction and requesting auditing of such transaction, Petitioner found missing records and further employees eyewitness testimony show that a large briefcase of cash claimed to be the investors, was used to attempt to bribe employees to steal trade secrets and proprietary equipment, and further was stolen off with by Proskauer's management team led by Utley as he was being fired with cause. This alleged theft of between Six Hundred Thousand Dollars (\$600,000.00) and One Million Dollars (\$1,000,000.00) by Proskauer and their management referrals, of money loaned to the Company, is currently under investigation by the Boca Raton Police Department and the Securities and Exchange Commission.

28. As a direct and proximate result of the actions of the Wheeler, Rubenstein, Joao, and Proskauer, Petitioner has been damaged in a sum estimated to be greater than Seventeen Billion Dollars (\$17,000,000,000), based on company projections and corroborated by industry experts as to the value of the Technology and their applications to current and future uses.

29. That the series of events of paragraphs 1 through 28, resulted in Petitioner's filing of the Wheeler Complaint, and subsequently this Petition.

I – INJUNCTIVE RELIEF

30. Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 29 as if fully set forth herein.

31. That the lack of an adequate review, or any investigation, at The Florida Bar by Bar Counsel Lorraine Christine Hoffman, Esq. ("Hoffman"), in July 2003, wherein she dismissed the Wheeler Complaint as a result of ongoing litigation by and between Petitioner and Proskauer, a billing disputed case titled Proskauer Rose LLP v.

Iviewit.com, Inc. et. al., Case No. CA 01-04671 AB (Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida filed May 2, 2001) (“Litigation”), and was the result of her desire to see what findings that court would make in her termed “sufficiently similar” allegations, though the Litigation was merely a billing dispute case that contained a denied motion in January 2003 that contained a counterclaim with allegations similar to the Wheeler complaint that was never heard or tried and resulted in the complaint being filed with Bar. Thus, the complaint had allegations that were wholly dissimilar in nature and the Florida Bar put the case on hold pending the outcome of such litigation knowing that the matters were entirely dissimilar in nature that appears to be a not valid reason to delay investigation into the matters.

32. That, once apprised that the Litigation had ended due to a technical default by Petitioner and Petitioner’s request for reinstatement of the Wheeler complaint, Hoffman, seemingly does an about face and claims that the Wheeler Complaint is a civil dispute outside of the jurisdiction of the Bar, despite the multiplicity of professional misconducts alleged, including participating in a scheme in the misappropriation and conversion of Petitioner’s funds, conflicts of interests and other such ethical misconduct regulated by the Florida Bar.

33. That upon review by Chief Branch Discipline Counsel, and again with no investigation into the complaint, Eric Montel Turner (“Turner”), dismisses the Wheeler Complaint and further makes an incorrect determination and endorsement on behalf of Wheeler in his response, whereby he claimed that Proskauer did no patent work for Petitioner, despite the volumes of evidence to the contrary contained in Petitioner’s rebuttal and documents submitted in direct contradiction to his statement over the last

several months. Further, this opinion and endorsement seems to defy the Florida Bar rules whereas it appears that without investigation the Florida Bar cannot make determinations in favor of either party, nor make endorsements of either sides claims.

34. That after receiving the Turner dismissal without investigation letter, Petitioner contacted Turner to find out how to motion the complaint to the next highest review level, whereby Turner states that he is the final review for the Florida Bar and therefore the case was permanently closed and he was moving to destroy the file. When questioned further, Turner stated that we could call the general number of the Florida Bar in Tallahassee and hung up. Upon contacting the Tallahassee office, Petitioner spoke with Kenneth L. Marvin ("Marvin"), Director Of Lawyer Regulation, who stated that Turner was factually incorrect and that the matter could be reviewed by the Chairperson of the 15(c) Grievance Committee (Chair). Marvin then directed Petitioner to have Turner follow procedure and move the case for review.

35. That at the request of Petitioner, Turner presumably turns the Wheeler Complaint to the next higher level of review at the Bar, the Chairperson of the 15(c) Grievance Committee.

36. That, despite Petitioner's requests, Turner refuses the accommodation of the proof of delivery to the Chairperson, the name and contact information for the Chairperson, and any other information about the Chairperson.

37. That, despite Turner's assurance that the Chairperson will respond to the Wheeler Complaint in due course directly to Petitioner, that Turner then pens a letter in his own hand conveying a message, seemingly from the Chairperson, that merely regurgitates his prior determination that Wheeler's firm, Proskauer Rose LLP (Proskauer)

had done no patent work, a determination made in defense of Wheeler's position, all without any formal investigation, whereby the Florida Bar should have been precluded from endorsing either party in any way without an investigation, per the Florida Bar rules. Further, should investigation prove the Florida Bar statement wrong regarding Proskauer not doing patent work, liability may arise to the Florida Bar, as the Florida Bar conclusions, having been being proffered to other state and federal agencies in investigations into these matters have been used by other attorneys in their defense, citing Wheeler's purported innocence in the matters contained in the complaint after review and investigation by the Florida Bar, far from the truth of the matter.

38. That as a result of the missteps and miscues in the reviews by Hoffman and Turner, and especially Turner's claim that there was no higher level of review beyond his review, and prior to the Petitioner's determination that a higher level of review was available, and Turner's refusal to provide proof positive of delivery to and verified proof of review of a Chairperson, Petitioner must request that this Court issue an injunction preventing the Bar from destroying of the file of the Wheeler Complaint on July 1, 2004. Additionally, a complaint has been filed against Turner, on June 30, 2004, for his apparent violations of the Florida Bar rules, in which the first exhibit is the Wheeler files maintained by the Florida Bar which would preclude the Florida Bar from destroying such evidences in the Turner case now pending with the Florida Bar.

Wherefore, Petitioner requests that this Court enter an order for temporary and permanent injunctive relief preventing the Bar from its destruction of the Wheeler file on July, 1, 2004, and for such other and further relief that the Court deems as appropriate.

II – DECLARATORY RELIEF

39. Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 29 as if fully set forth herein.

40. That during the period of the Turner review and the Chairperson review, Petitioner requested information pertaining to, including but not limited to:

- i. Nature of the position(s), including the dates of tenure, of Christopher C. Wheeler with The Florida Bar, if any;
- ii. Nature of the position(s), including the dates of tenure, of Spencer Sax (“Sax”) with The Florida Bar, if any;
- iii. Nature of the position(s), including the dates of tenure, of Matthew Triggs (“Triggs”) with The Florida Bar, if any;
- iv. Proof of delivery and review of file to Chairperson of the 15(c) Grievance Committee;
- v. Contact information for the Chairperson of the 15(c) Grievance Committee; and
- vi. Any correspondences or notes pertaining to complaint not since delivered Iviewit Holdings, Inc.

41. That Turner failed, despite multiple requests by Petitioner, to provide the information requested that may prove valuable in amending or revising the Wheeler Complaint, Petitioner therefore is in need of a declaration of the past and present status of Wheeler, Sax, Triggs and the Chairperson at the Bar.

Wherefore, Petitioner requests that this Court enter an order for declaring the status of Wheeler, Sax, Triggs and the Chairperson at the Bar.

**III – BEGIN THE IMMEDIATE INVESTIGATION OF THE
COMPLAINT AGAINST CHRISTOPHER C. WHEELER, ESQ.**

42. Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 29 as if fully set forth herein.

43. That the Petitioner's alleges that the missteps and miscues by Hoffman, Turner, and the refusal of Turner to provide the requested information, was the genesis of a series of events, that protect Proskauer and Wheeler, using the Bar as a shield and to further influence other investigatory bodies, with false and misleading information, that all appear to fall from the missteps and miscues of Hoffman and Turner. to the following: (i) the unexplained moving of the complaint of the Petitioner against Joao Docket 2003.0532 from New York's Second Judicial Department Disciplinary Committee to the First Judicial Department Disciplinary Committee ("First Department"); (ii) the inexplicable merging of the Joao complaint with the Rubenstein complaint; (iii) the deferment of the Petitioner's Wheeler Complaint, Rubenstein's partner at Proskauer, at the Bar; (iv) the repeated tactic of Wheeler's deferment now used at the New York's First Department, whereby a Rubenstein or Proskauer supporter or both, whether by Rubenstein's author, Steven C. Krane himself or another individual, surreptitiously submitted information of the Petitioner's civil litigation with Proskauer to the First Department causing the deferment of the Rubenstein and Joao complaints; (v) the deferment of the Joao complaint based on the submitted information of the Petitioner's civil litigation with Proskauer, although Joao, upon information and belief, has no past or present relationship to Proskauer that would have allowed for deferment of the matter based on the Proskauer litigation, but if the complaint was allowed to proceed to

investigation, that the matter would have required questioning of Joao, Wheeler, and Rubenstein leading to the uncovering of the entire matter; (vi) that after notification that the civil litigation had ended and none of the attorney misconduct issues were heard or tried, that Hoffman did an about face and dismissed the Wheeler Complaint as a civil matter outside the jurisdiction of the Bar; and (vii) further, that Petitioner notified Hoffman and Turner that the Bar was being used as a shield to create the false and misleading impression that the Bar had investigated and dismissed the action against Wheeler, and that false statements were being used in other state and federal investigations; and (viii) Hoffman and Turner do not investigate Petitioner's complaint against Wheeler, where such complaint would have required questioning of Wheeler, Joao, and Rubenstein leading to the uncovering of the entire matter.

44. That Petitioner alleges that this coordinated series of attempts to stave off and delay the investigation of the complaints against Wheeler emanates from the very highest levels at Proskauer and across to the Bar used as a means to protect Wheeler, Joao, and Rubenstein from facing the charges of patent theft, and as a means to protect Proskauer's position as the now self proclaimed formative force in the pioneering of the patent pool for MPEG technology, a technology pool that directly competes with the Petitioner Technology, and that would, in effect, be trumped by the Petitioner's Technology which have been valued over the life of the patents at approximately seventeen billion dollars (\$17,000,000,000) by industry experts.

45. That these patent thefts have led to Proskauer becoming the preeminent player in Petitioner's technology through the acquisition of Rubenstein and his patent department from MLGS, immediately after determining the value of the Petitioner's patent

applications, where prior, since 1875, Proskauer had been a mainly real estate law firm with no patent department. The acquisition of Rubenstein who specializes and is a preeminent force in the niche market that Petitioners inventions relate, appears highly unusual and after learning of the Company's inventions these patent pools controlled by Proskauer and Rubenstein, are now the single largest benefactor of Petitioners technologies. The technologies of Petitioner apply to almost every known form of digital imaging and video and have been heralded in the industry as "holy grail" inventions.

46. That on or about February 1, 2004, Petitioners filed a complaint with the Commissioner of Patents and Trademarks ("Commissioner"), at the bequest of Harry I. Moatz ("Moatz"), the Director of the Office of Enrollment and Discipline, for registered patent attorneys, a unit of the United States Patent and Trademark Office ("USPTO"). Moatz has found problems with inventors, assignments and ownership of the patent applications filed by Rubenstein and Joao for Petitioner, culminating in Moatz directing Petitioner to file charges with the Commissioner of Patents against Rubenstein and Joao for Fraud Upon the United States Patent and Trademark Office and a true copy of which is attached herein as Exhibit "D". Similarly, it is claimed that fraud has occurred against Petitioner and its shareholders and Petitioner's largest shareholder, Crossbow Ventures, has filed and signed jointly with Complainant regarding the patent malfeasances with the USPTO.

47. That on or about January 2, 2003, Moatz, inquired as to the status of the Petitioner's complaints in New York against Rubenstein and Joao, both which languished since their filing on or about February 25, 2003 and February 26, 2003, respectively.

48. That the Commissioner has heard Complainant's specific, factual allegations of Fraud Upon the United States Patent and Trademark Office and has granted a six (6) month suspension of the Complainant patent applications from further prosecution at the USPTO, while matters pertaining to the attorney misconduct can be further investigated. Petitioner has also filed formal responses of similar allegations with the European Patent Office and intends to file soon with the Japanese Patent Office.

49. That Petitioner apprised Turner of the USPTO's actions on or about March 2004, Turner, when viewing the actions of a United States Federal agency, a United States Federal agency operating under the aegis of the United States Department of Commerce, and a United States Federal agency operating under a department that is a United States cabinet level agency, Turner should have called for an immediate investigation of the Wheeler Complaint, rather than his tepid determination that Proskauer did no patent work, an endorsement by the Florida Bar of Wheeler's position with absolutely no formal investigation into the matter.

50. That since the Spring 1999, where the specific factual allegations of Petitioner have been deflected by Proskauer through the misuse of the Bar and the First Department, thereby alluding formal investigation where from: (i) charges of patent theft against these patent attorneys (ii) knowing and willful falsification of patent applications by these attorneys, (iii) to purposeful falsification of inventors by these attorneys; (iv) to a patent application(s) filed whereby no rights, titles, or interests are currently held by Petitioner per the USPTO, (iv) to further wrongful assignments to some entities, in one particular instance concerning several core patent applications, the equity may be held by the Proskauer Entity rather than the investors of Petitioner; (v) to the forced insertion by

Proskauer of individuals that mismanaged Petitioner and some now stand accused before the USPTO and the Boca Raton, Florida Police Department of misappropriation of patent applications; (vi) to the alleged misappropriation and conversion of funds by Wheeler; (vii) to Wheeler's failure to report to the Board of Directors of Petitioner when requested regarding his questionable actions, and during Proskauer's tenure as general and patent counsel; (viii) to Proskauer's May 2001 billing lawsuit against Petitioner; (ix) to material false and misleading statements by Rubenstein, Joao, Wheeler, and Dick to the First Department, the Bar, and the Virginia State Bar; (x) to Petitioner's specific factual allegations that are supported by volumes of evidence already submitted to the Bar and the First Department and further supported by Stephen J. Warner, Co-Founder and Chairman of Crossbow Ventures, Inc., Petitioner's lead investor as well as many other shareholders; (xi) to Proskauer's ill-advised tactic to defer the Wheeler complaint, (xii) to Proskauer's repeated ill-advised tactic to defer the Rubenstein and Joao complaints, and where the events of (i) through (xii) have all been successfully used by Proskauer with the Bar and the First Department acting as a shield to avoid investigation that should have been instituted by Turner.

Wherefore, Petitioner requests that this Court enter an order directing the immediate investigation of the Wheeler Complaint.

This 1st day of July 2004.

Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, Fla. 33437
Telephone: (561) 364-4240

X **Eliot I. Bernstein**

Eliot I. Bernstein
Founder, President & Inventor

Digitally signed by Eliot I. Bernstein
DN: CN = Eliot I. Bernstein, C = US, O = Iviewit
Holdings, Inc.
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