

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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**IN THE MATTER OF A EMERGENCY
MOTION BY ELIOT IVAN BERNSTEIN,
CLAIMANT AND UNSECURED CREDITOR;**

Petitioner/Creditor,

-v-

**SILICON GRAPHICS, INC., DBA SILICON
GRAPHICS COMPUTER SYSTEMS, SGI, INC.,
SGI, SILICON GRAPHICS OF
MANHATTAN, INC., SILICON GRAPHICS, INC.,
SILICON GRAPHICS FEDERAL, INC.,
CRAY RESEARCH, L.L.C., SILICON GRAPHICS
REAL ESTATE, INC., SILICON GRAPHICS
WORLD TRADE CORPORATION,
SILICON STUDIO, INC.,
CRAY RESEARCH AMERICA LATINA LTD.,
CRAY RESEARCH EASTERN EUROPE LTD.,
CRAY RESEARCH INDIA LTD.,
CRAY RESEARCH INTERNATIONAL, INC.,
CRAY FINANCIAL CORPORATION,
CRAY ASIA-PACIFIC, INC.,
PARAGRAPH INTERNATIONAL, INC.,
WTI DEVELOPMENT, INC., ET AL.**

Debtors
-----X

**CHAPTER 11 CASE NOS.
09-11700 through 09-11714;
Jointly Administered Under
Lead Case Number 09-
11701**

**EMERGENCY MOTION
TO ESTABLISH PROOF
OF CLAIM; VACATE OR
MODIFY ORDER OF
SALE; INJUNCTION;
PRIORITY OF CLAIMS;
AND OTHER RELIEF**

**IN THE MATTER OF AN EMERGENCY MOTION BY ELIOT BERNSTEIN,
CLAIMANT AND UNSECURED CREDITOR**

Petitioner/Creditor Eliot Bernstein ALLEGES AS FOLLOWS:

State of Florida)
) ss.:
County of West Palm Beach, Florida)



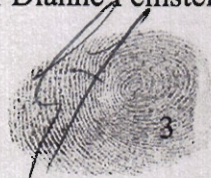
1. I, Eliot Ivan Bernstein, being duly sworn, depose and say under oath and penalties of perjury as follows:
2. I am Eliot Ivan Bernstein and reside at 2753 N.W. 34th Street, Boca Raton, FL 33434-3459, which is the address that may be used for service of papers herein with an Office Phone Number at 561-245-8588.
3. I make this Emergency Motion and Petition seeking to obtain a variety of relief including but not limited to establishing proof of claim as an unsecured creditor against Silicon Graphics, Inc., DBA Silicon Graphics Computer Systems, SGI, Inc., SGI, Silicon Graphics of Manhattan, Inc., Silicon Graphics, Inc., Silicon Graphics Federal, Inc., Cray Research, L.L.C., Silicon Graphics Real Estate, Inc., Silicon Graphics World Trade Corporation, Silicon Studio, Inc., Cray Research America Latina Ltd., Cray Research Eastern Europe Ltd., Cray Research India Ltd., Cray Research International, Inc., Cray Financial Corporation, Cray Asia-Paciific, Inc., ParaGraph International, Inc., WTI Development, Inc., hereinafter referred to collectively as "Silicon Graphics" or the "Debtors", and any and all unknown debtors herein.
4. Other relief sought by this Petition herein includes but is not limited to the issuance of a temporary injunction pending related proceedings and investigations herein, vacating and/or modifying an Order of Sale of the assets and certain liabilities, establishing the priority of my claims, and referrals for investigation to an appropriate US Trustee of the Bankruptcy Courts, US Attorney's Office, FBI, IRS, SEC and other necessary entities and other.
5. I am the original Owner and Inventor of certain "Backbone Technologies" relating to video imaging, scaling, and compression, which were originally heralded by leading experts in the field as the "holy grail" which have been valued at approximately a Trillion US Dollars over the life of the Intellectual Properties and which have fundamentally transformed digital television content creation and distribution and transformed the Internet from a Text based medium to a rich media medium and which are also utilized on virtually all digital imaging and video hardware and software for content creation and distribution, including uses for the Hubble Space



2

Telescope, a mass of Applications in the Defense industry, medical imaging devices, cameras, chips, DVD's HDDVDs, video games and more.

6. Silicon Graphics, Inc., the Debtors herein, owned at least a 10 percent interest in a company called Real 3D, Inc. of Orlando, Florida, which was also owned by the Intel Corporation (20 percent) and Lockheed-Martin (70 percent).
7. Beginning on or around 1998, and at all relevant times herein, I had signed Non Disclosure Agreements, Strategic Alliance Agreements, Licensing Agreements and Confidentiality Agreements for the viewing and use of my technologies and Intellectual Properties with Real 3D, Inc. a company owned in part by Silicon Graphics, Inc., the Debtors herein.
8. On or about such time, a conspiracy to steal, obtain, and infringe upon my Intellectual Properties began which continues and is ongoing wherein it was discovered that my own lawyers from the law firms of Proskauer Rose LLP, Foley & Lardner LLP, and Meltzer Lippe Goldstein and Schlissel had created a series of fraudulent corporations, fraudulent Intellectual Properties and also fraudulently placed my Intellectual Properties into the names of others. Part of this plot also involved the fabricating of false debt, false billing schemes and the filing of a fraudulent federal bankruptcy in the Bankruptcy Court in South Florida, which had the effect of derailing expected financing for myself, the Iviewit companies, in the amount of \$25 million US dollars from Warner Brothers, Wachovia and others at that time.
9. Currently there are several open federal and state investigations into these matters including action by federal officer Harry Moatz, Director of the Office of Enrollment & Discipline of the US Patent Office who is investigating over 9 lawyers and law firms for their part in not only committing fraud on the Shareholders of my companies, the Iviewit companies, but also fraud directly upon the USPTO. Moatz then directed me to file with the Commissioner of Patents allegations of fraud on the USPTO and seek suspension of the Intellectual Properties while investigations remain ongoing. The Commissioner based on these filings "suspended" my Intellectual Properties and directed me to take other actions herein, including seeking congressional legislative changes that would enable the IP to be returned to the true and correct owners. Senator Dianne Feinstein has been petitioned to aid in these



efforts and her offices remain working on the matters. Other investigations by the Office of the Inspector General Glenn A. Fine of the US Dept. of Justice and H. Marshall Jarrett, Director of the OPR of the FBI continue as well as International and state investigations as well.

10. Silicon Graphics, Inc, the Debtor herein, is a named Defendant in a Trillion Dollar federal lawsuit, in relation to their involvement with Real 3D, Inc., which subsequently in whole by Intel, who is one of the primary accused perpetrators of the fraud. As a result of the conduct herein, there are presently pending legal actions at the US Second Circuit Court of Appeals under Docket No. 08-4873-cv, being originally filed at the Southern District of New York District Court and heard before US District Court Judge Shira Scheindlin under Docket No. 07cv11196. My case was marked legally "related" to a case that Judge Scheindlin deemed a Whistleblower case which is ongoing at the District Court under Docket No. 07cv09599 (SAS-AJP) Christine C. Anderson v. the State of New York, et al. and where other cases either related or seeking related status to Anderson are:

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- b. (08cv00526) Capogrosso v New York State Commission on Judicial Conduct, et al.,
- c. (08cv02391) McKeown v The State of New York, et al.,
- d. (08cv02852) Galison v The State of New York, et al.,
- e. (08cv03305) Carvel v The State of New York, et al.,
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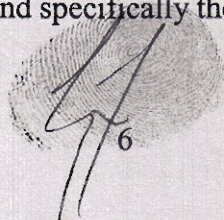
11. Since the time of its Ownership in Real 3D, Inc. Silicon Graphics, Inc, the Debtors herein, allegedly sold off such interest in Real 3D, Inc. to Intel Corporation, which is also named as a primary wrongdoer in my Amended federal Complaint pending at the US Second Circuit Court of Appeals. The terms of this sale, however, remain unknown and undisclosed but should be an appropriate topic for discovery and investigation by the US Trustee.

A handwritten signature in black ink is written over a circular fingerprint. The signature is stylized and appears to be the name of the person who provided the fingerprint.

12. However, upon information and belief, Silicon Graphics, Inc., the Debtors herein, have regularly engaged in business and transactions and goods that utilize my Original Intellectual Properties relating to video imaging, scaling and compression and other and have thus regularly infringed upon my Intellectual Properties, which were subject to NDA, Confidentiality and other agreements for years and thus Silicon Graphics, Inc. is liable at minimum on years of infringement claims and possible other claims as well.
13. Prior bankruptcy filings by Silicon Graphics, Inc., may have withheld information regarding both the infringement and legal actions and thus should be further cause for investigation by the US Trustee and reinvestigation of the prior filings and sale of assets.
14. On or about March 20, 2009, just a short time before Silicon Graphics, Inc., the Debtors herein, filed for Ch. 11 Bankruptcy protection on April 1, 2009, I had a specific phone conversation with current General Counsel for Silicon Graphics, Inc., Evelyn Ramirez to discuss with Ms. Ramirez the federal lawsuit with Intel, Silicon Graphics, Inc. and others and to engage in business discussions to clarify the matters. Ms. Ramirez was provided by email a copy of a Petition to US President Obama and the Office of US Attorney General Eric Holder to enjoin the US Dept of Justice to join in the litigation before the US Second Circuit Court of Appeals.
15. On or about March 25, 2009, Evelyn Ramirez, as General Counsel for Silicon Graphics, Inc., the Debtor herein, was copied on a formal complaint I then filed with the US Securities and Exchange Commission regarding Intel. A copy of the formal complaint can be found at the following URL <http://www.iviewit.tv/CompanyDocs/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf> to be incorporated herein entirely by reference. A copy of the Acknowledgement letter from the US SEC dated March 30, 2009, two days before SGI filed herein under Ch. 11 has been formally confirmed by the SEC. Further, information regarding these matters can be found at the website www.iviewit.tv hereby incorporated herein in entirety by reference and where the homepage contains volumes of documentation relating to the matters herein.



16. Then, on March 31, 2009, one day before the Ch. 11 SGI filing which simultaneously came with an Offer to purchase by a company called Rackable, Inc., I had a follow up discussion with Silicon Graphics General Counsel Evelyn Ramirez who acknowledged receiving the materials expressly placing Silicon Graphics on Notice of my Claims at which time Ms. Ramirez indicated my Claims and papers were not at the top of the pile or her priorities.
17. Yet, upon reviewing the Petition filed by Silicon Graphics, Inc., under SDNY . Bankruptcy Court Docket No. 09-11701, my Claims as an unsecured creditor have been deliberately omitted from any of the Ch. 11 filings and not included in the filings seeking permission from the Bankruptcy Court for a Stalking Horse assets sale to Rackable, Inc under this Ch. 11 filing.
18. Most interestingly but shocking as it relates to the conduct of General Counsel Evelyn Ramirez and Debtor Silicon Graphics is that Silicon Graphics listed Intel as their second largest Unsecured Creditor yet completely and deliberately omitted my claims despite express knowledge of the pending federal lawsuit, the SEC investigation inquiry into Intel, the Petition to the Honorable President Barack Hussein Obama II, which relates the matters of the theft of my Intellectual Properties to the Enron accounting scandal and more.
19. It should be noted that Intel which is the second largest unsecured creditor listed by Silicon Graphics, Inc. in my lawsuit is one of the largest responsible parties and the value of the liabilities by Intel owed to myself dwarfs in comparison to their claim against Silicon Graphics, Inc. and it is quite likely that the proposed \$25 Million Dollar Stalking Horse sale to Rackable, Inc., is dwarfed in comparison to the total liability owed to myself by Silicon Graphics, Inc. and Intel combined.
20. I therefore respectfully Petition this Court to temporarily enjoin any Sale and Stalking Horse Agreement and proceedings herein, and to further establish the priority of my Claims as a Creditor against Silicon Graphics, Inc, and the host of Debtors listed as wholly owned subsidiaries, and to further participate in any and all Ch. 11 Plan proceedings involving the Debtors herein, and to refer such matters for Investigation to the Securities and Exchange Commission, the IRS, the FBI, the US Office of Attorney General Eric Holder and specifically the US Attorney of the Southern

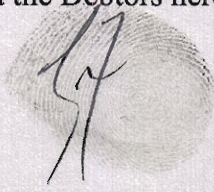
A handwritten signature in black ink, appearing to be 'E. Ramirez', is written over a circular stamp. Below the signature, the number '6' is written.

District of New York, the FBI White Collar crimes and related units, including an investigation of the prior Sales and transactions of Silicon Graphics, Inc, such as the sale of Real 3D, Inc. and related video and imaging Intellectual Property sales and bankruptcies and other and that the value of my claims shall become a lien on any and all properties, assets, rights, goods, and all other values of the Debtors and shall lien any sale or settlement of the Debtors and other relief as well.

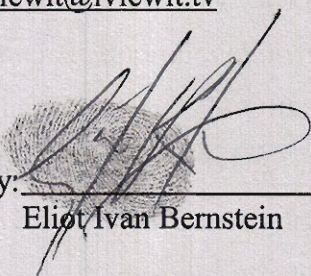
21. I submit that this petition is not frivolous under law and petition for any and all further relief as may be just and proper and petition that I be Notified of any and all further proceedings herein and submit that a total valuation of my claims against Silicon Graphics, Inc. and the Debtors herein must await and accounting from the Debtors and related Discovery.

A handwritten signature in dark ink, appearing to be 'JF', is written over a circular, textured stamp or mark. The stamp has a grainy, fingerprint-like appearance.

Wherefore, it is respectfully prayed for an Order establishing my proof of claim herein, enjoining any Sale as ordered herein until my claims are satisfied and that such claims shall become a Lien on any and all assets and properties of the debtor and shall be satisfied prior to any sale of assets or properties or goods or rights of the debtors, enjoining the Stalking Horse purchase agreement by Rackable, Inc., pending further proceedings herein, referring the matters to appropriate investigative authorities including the US Bankruptcy Trustee's Office, US Office of Attorney General, US Securities and Exchange Commission, US IRS, US FBI white collar crime, and related units, and ordering Discovery and an accounting from Silicon Graphics, Inc. and the Debtors herein and for such other and further relief as may be just and proper.

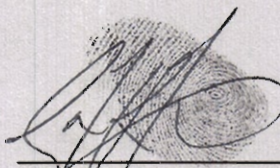


Attorney for Petitioner/Creditor
ELIOT I. BERNSTEIN, PRO SE
OWNER, INVENTOR AND UNSECURED
CREDITOR OF DEBTOR SGI ET AL.
2753 N.W. 34th Street
Boca Raton, FL 33434
(561) 245-8588
(561) 886-7628
iviewit@iviewit.tv

By: 
Eliot Ivan Bernstein

AFFIDAVIT OF SERVICE

I, Eliot Ivan Bernstein hereby certify under the penalty of perjury that on the 9th day of April, 2009 served by United States Mail, Facsimile or hand delivery the (**MOTION TO ESTABLISH PROOF OF CLAIM; VACATE OR MODIFY ORDER OF SALE; INJUNCTION; PRIORITY OF CLAIMS; AND OTHER RELIEF**) on this Court, requesting this Court serve all named Plaintiffs, Defendants, Creditors, Debtors and other necessary parties via the United States Marshal Service or other method this Court deems acceptable, or otherwise so reply to me as to the correct parties to further serve for this case with all applicable addressing information.



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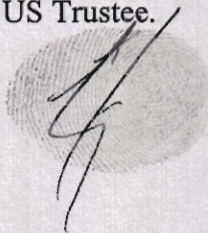
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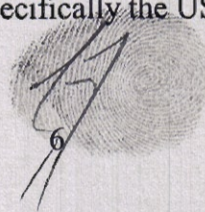
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12. However, upon information and belief, Silicon Graphics, Inc., the Debtors herein, have regularly engaged in business and transactions and goods that utilize my Original Intellectual Properties relating to video imaging, scaling and compression and other and have thus regularly infringed upon my Intellectual Properties, which were subject to NDA, Confidentiality and other agreements for years and thus Silicon Graphics, Inc. is liable at minimum on years of infringement claims and possible other claims as well.
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20. I therefore respectfully Petition this Court to temporarily enjoin any Sale and Stalking Horse Agreement and proceedings herein, and to further establish the priority of my Claims as a Creditor against Silicon Graphics, Inc, and the host of Debtors listed as wholly owned subsidiaries, and to further participate in any and all Ch. 11 Plan proceedings involving the Debtors herein, and to refer such matters for Investigation to the Securities and Exchange Commission, the IRS, the FBI, the US Office of Attorney General Eric Holder and specifically the US Attorney of the Southern

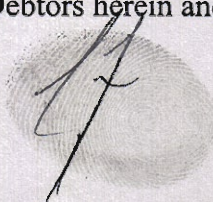


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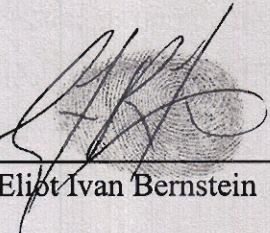
21. I submit that this petition is not frivolous under law and petition for any and all further relief as may be just and proper and petition that I be Notified of any and all further proceedings herein and submit that a total valuation of my claims against Silicon Graphics, Inc. and the Debtors herein must await and accounting from the Debtors and related Discovery.

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Wherefore, it is respectfully prayed for an Order establishing my proof of claim herein, enjoining any Sale as ordered herein until my claims are satisfied and that such claims shall become a Lien on any and all assets and properties of the debtor and shall be satisfied prior to any sale of assets or properties or goods or rights of the debtors, enjoining the Stalking Horse purchase agreement by Rackable, Inc., pending further proceedings herein, referring the matters to appropriate investigative authorities including the US Bankruptcy Trustee's Office, US Office of Attorney General, US Securities and Exchange Commission, US IRS, US FBI white collar crime, and related units, and ordering Discovery and an accounting from Silicon Graphics, Inc. and the Debtors herein and for such other and further relief as may be just and proper.



Attorney for Petitioner/Creditor
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By: 
Eliot Ivan Bernstein

AFFIDAVIT OF SERVICE

I, Eliot Ivan Bernstein hereby certify under the penalty of perjury that on the 9th day of April, 2009 served by United States Mail, Facsimile or hand delivery the (**MOTION TO ESTABLISH PROOF OF CLAIM; VACATE OR MODIFY ORDER OF SALE; INJUNCTION; PRIORITY OF CLAIMS; AND OTHER RELIEF**) on this Court, requesting this Court serve all named Plaintiffs, Defendants, Creditors, Debtors and other necessary parties via the United States Marshal Service or other method this Court deems acceptable, or otherwise so reply to me as to the correct parties to further serve for this case with all applicable addressing information.



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