

Reply to Alexandria office:

100 N. Pitt Street
Suite 310
Alexandria, Virginia 22314-3133
Telephone: (703) 518-8045
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Virginia State Bar

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Richmond, Virginia 23219-2800
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January 21, 2004

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PERSONAL AND CONFIDENTIAL



Mr. P. Stephen Lamont
Iviewit Holding, Inc.
Suite 801
10158 Stonehenge Circle
Boynton Beach, FL 33437

Re: In the Matter of William J. Dick, Esq.
VSB Docket # 04-052-1366

Dear Mr. Lamont:

Enclosed for your review is a copy of the response to your complaint from William J. Dick, Esq. If you wish to comment on the response to your complaint, please do so **in writing within ten (10) days**.



Very truly yours,

A handwritten signature in black ink that reads "Noel D. Sengel".

Noel D. Sengel
Senior Assistant Bar Counsel

NDS/kks
Enclosure



William J. Dick
115 Las Brisas Circle
Hypoluxo, FL 33462

RECEIVED

JAN 12 2004

VIRGINIA STATE BAR

January 8, 2004

Phone/Fax: 561-547-8006
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Virginia State Bar
100 N. Pitt Street, Suite 310
Alexandria, Virginia 22314-3133
Attn: Ms Noel D. Sengel, Senior Assistant Bar Counsel

Re: In the Matter of William J. Dick, Esq.; VSB Docket #04-052-1366

Dear Ms Sengel;

At the outset, thank you for granting a short extension of time in which to respond to the Complaint.

Please find enclosed my original Declaration and one copy of the following documents:

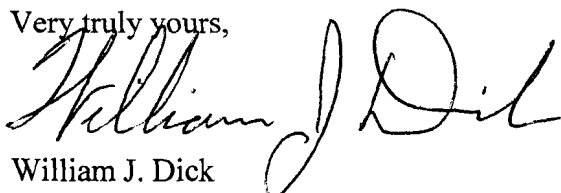
(1) My Declaration in Response to the complaint from P. Stephen Lamont of Ivievit Holdings, Inc., VSB Docket #04-052-1366.

(2) Exhibits as follows:

- Exhibit 1: PCT Published Application WO 00/76218 (Cover sheet only)
- Exhibit 2: PCT Published Application WO 00/76219 (Cover sheet only)
- Exhibit 3: PCT Published Application WO 00/76220 (Cover sheet only)
- Exhibit 4: PCT Published Application WO 00/76221 (Cover sheet only)
- Exhibit 5: PCT Published Application WO 01/09836 (Cover sheet only)
- Exhibit 6: PCT Published Application WO 00/57343 (Cover sheet only)
- Exhibit 7: Declaration of Mr. Steven Becker (With exhibits)
- Exhibit 8: Declaration of Mr. Barry Grossman
- Exhibit 9: Declaration of Mr. Douglas Boehm
- Exhibit 10: Declaration of Mr. Brian Utley

After you have had an opportunity to review this matter, if you have any questions or comments, please do not hesitate to contact me.

Very truly yours,


William J. Dick

DECLARATION OF WILLIAM J. DICK
IN RESPONSE TO THE COMPLAINT FROM
P. STEPHEN LAMONT OF IVIEWIT HOLDINGS, INC.
VSB DOCKET #04-052-1366

I. Introduction

Now comes the undersigned Declarant, William J. Dick, a member of the Bar of the State of Virginia (I.D. Number 12538), registered to practice before the United States Patent and Trademark Office ("USPTO") (Reg. Number 22,205) and swears that to the best of his knowledge and upon information and belief that:

II. Background of Declarant

1. I graduated in June of 1956, from the University of Virginia with a Bachelor of Mechanical Engineering Degree. In February of 1962, I graduated from the University of Virginia School of Law with a Bachelor of Laws Degree (changed about 1970 to a Juris Doctor Degree).
2. From March of 1962 until November of 1967, I practiced intellectual property law with the firm of Howson & Howson in Philadelphia, Pennsylvania.
3. In December of 1967, I joined International Business Machines Corporation (IBM) as a patent attorney, and for the next twenty-six years, held various positions with IBM in the Intellectual Property Law Department. I met Mr. Brian Utley about 1988-1989 when Mr. Utley was appointed Vice President & General Manager of IBM's Boca Raton Facility. At that time, I was Intellectual Property Counsel for IBM's Boca Raton Facility. On December 31, 1993, I retired from IBM.
4. In January of 1994, I joined Fairway Technologies Corporation and New Leaf Entertainment Corporation as Intellectual Property Counsel. These two corporations dissolved in 1996, and I then went into private practice as a sole practitioner in patent law. In the summer of 1997, I was asked to join the law firm of Foley & Lardner ("Foley") of Milwaukee, Wisconsin, as a Special Counsel to teach intellectual property law and mentor

young patent professionals. I left this position with Foley in August of 2002, and once again entered private practice as a sole practitioner in patent law.

Utley states Wheeler never did work for him in deposition. Wheeler lies to Florida Bar and then in deposition states he did form Premiere where the stolen patents went. Click here to see Utley state Wheeler never did work for him

III. Background of Declarant's Relationship with Iviewit

5. In late September of 1996, Mr. Utley contacted me, asking whether I could handle certain patent matters for him. A meeting was held, where I learned at that time that Mr. Utley had taken a position with a company named Diamond Turf Equipment, Inc.¹ Shortly thereafter, on October 1, 1996, Mr. Utley sent documentation, including an invention disclosure relating to a hydraulic motor circuit, to me under cover of a letter with a heading: "Brian G. Utley, Premier Connection, 1930 SW 8th Street, Boca Raton, FL 33486". When I questioned him about the different name of the company, Mr. Utley responded that Premier Connection was his own company and that the invention(s) disclosed were his. I asked him if he had an agreement with Diamond Turf Equipment, Inc. to invent or to turn over any related inventions to them. Mr. Utley said he did not have any such agreement. I subsequently prepared a provisional patent application for the hydraulic motor circuit subject matter naming Brian G. Utley as the inventor, and I filed the application with the USPTO in November of 1996. At the direction of the client, Mr. Utley, no assignment of the invention was made. On information and belief, no nonprovisional utility patent application was ever filed based upon this provisional application (i.e., no patent rights were ever granted for the invention(s) filed in the provisional application).

Click here to see Wheeler perjured statement and admission of false statement to the Florida Bar re Premiere.

Premiere is company Proskauer set up, Dick wrote the patents and Utley stole the inventions from his employer without his knowledge or consent. Caused loss of business and Butley to be fired. Dick's explanation is fascinating and he attempts to state they disclosed this to company. Did they disclose to Wachovia for Private Placement and all the investors that they all were involved in former crime of patent theft??

6. Other than holiday greeting cards, I did not communicate with Mr. Utley until about March or April of 2000, when Mr. Utley contacted me and asked if I could do some work for Iviewit.com ("Iviewit"). (I had since moved from Foley's Milwaukee Office to a Foley Office in Palm Beach, Florida). At that time, I learned that Mr. Utley had left Diamond Turf Equipment, Inc. and was now the President of Iviewit. Mr. Utley stated that the client would be Iviewit. He was informed of my new connection as Special Counsel for Foley, and I said that a conflicts check would be made to determine if I could accommodate his

Utley states in deposition that he never filed the application. OOPS big fat liars. Click here to see Utley deposition.

¹ It is noted that Complainant has identified a mythical company "Diamond Turf Lawnmower". I assume they are referring to a company named "Diamond Turf Equipment, Inc." which was the company Mr. Utley was employed by during the relevant timeframe. I shall hereinafter refer to them using their correct name.

request. Since it is Foley's practice that all client matters be brought in and managed by a partner in the firm, I discussed the matter with Mr. Douglas Boehm, a partner at Foley's Milwaukee Office (I chose Mr. Boehm because of his technical background in computers and electronics). Mr. Boehm requested that I initially interview Iviewit (as they were located in Boca Raton, Florida) to ascertain the subject matter, the history and current status of patent activities, what they wanted done, etc. After I reported back to Mr. Boehm, he agreed to handle the client. Mr. Boehm and an associate patent attorney at Foley, Mr. Steven Becker, later flew from Milwaukee to Boca Raton to meet with Iviewit, including Mr. Utley, Mr. Bernstein and myself. Thereafter, while Mr. Boehm kept me generally informed of his activities, I made no legal decisions whatsoever concerning the work for Iviewit or the attorney-client relationship. Mr. Boehm and/or Mr. Becker prepared and submitted the patent applications to the various patent offices, managed the day-to-day communications with Iviewit, and handled all activities regarding the client billing.

IV. Responses to Specific Allegations of Professional Misconduct²

Specific Allegation

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;

² To permit direct correlation with the ten "Specific Allegations of Professional Misconduct" (contained in the Iviewit letter of October 30, 2003, regarding "VSB Docket # 04-888-1004"), I have responded to each and every allegation in order. I note, however, that this list of ten allegations does not precisely correspond to the list of nine "Lawyer's Actions Complained of" (attached to the Complaint dated September 23, 2003, and forwarded with the VSB cover letter dated December 15, 2003, regarding "VSB Docket # 04-052-1366", which is also a different Docket Number). The list of nine "Lawyer's Actions Complained of" are responded to in the next section.



Response

7. I unequivocally deny any and all allegations of any involvement in any conspiracy to deprive Iviewit of any rights to any technologies.
8. I have no knowledge of the “transferring” of any patents so as to name Mr. Utley as the “sole holder of multiple patents in his individual name and capacity”. As far as I can determine, no granted patent exists that is solely held by Mr. Utley. I request that Complainant produce one if one exists.
9. I deny committing any act knowingly, willfully, and with malice that would improperly change ownership of any Iviewit patent rights.
10. I had nothing to do with the naming of inventors or assignment of patent rights for any of the Iviewit patent applications. As stated above, I made no legal decisions concerning the work for Iviewit or the attorney-client relationship. All of these determinations were made by Mr. Boehm and/or Mr. Becker during the course of their patent work for Iviewit.
11. Upon information and belief, I submit that Mr. Utley is properly listed as one of the inventors of the patent applications because he contributed to the claimed invention(s).
12. Upon information and belief, I submit that Mr. Utley signed an employment and invention ownership agreement with Iviewit upon being hired. Normally, this type of agreement assigns all rights in any later-developed inventions to the company. I request that Complainant produce any such agreement that exists.
13. The absurdity of this allegation is further belied when considering the five (5) published PCT patent applications prepared by Foley (and there may be others) in which the applicant is cited as Iviewit Holdings, Inc., and the inventors are listed as “Bernstein, Utley, Rosario, Skinnice, and Friedstein” in various combinations. This is clearly shown on the front pages

agreement (of which I have no knowledge), the applicant is considered the owner of all legal rights in the patent applications.³

14. Upon information and belief, I submit that Mr. Utley and the other inventors executed various patent assignments for the inventions, which would have transferred ownership to Iviewit. See attached Exhibit 7: Declaration by Mr. Becker and the Assignment Exhibit attached thereto.

Specific Allegation

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;*

Response

15. I unequivocally deny any and all allegations of any involvement regarding the commission of any fraud on the USPTO or on anyone.
16. Since, to the best of my knowledge and belief, the allegations of #1 (discussed above) are not true, then I cannot be guilty of any fraud.

Specific Allegation

3. *Upon discovery of the "lapses" by Joao, 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;*

Response

17. I do not understand what is meant by "burying Company's inventions in patent applications".
18. I unequivocally deny any and all allegations of any involvement regarding any "knowing, willful, and with malice burying of the Company's inventions in patent applications"

³ One other PCT publication was found in public records listing Bernstein as the sole inventor and applicant. WO 00/57343, Exhibit 6.

and/or “knowingly, willfully, and with malice ... diversion of patents to Utley at Diamond Turf Lawnmower [*sic. Diamond Turf Equipment, Inc.*]”.

19. In Response Paragraph #6 above, I briefly described my activities in my initial interview with Iviewit. This is where I first heard of Mr. Joao, a patent attorney located in N.Y., who had written some initial provisional patent applications for Mr. Bernstein (owner of Iviewit). Mr. Bernstein told me that he wanted full, nonprovisional utility patent applications filed using the provisional patent applications written by Mr. Joao as a basis.⁴ I have no knowledge of any so-called “lapses” by Mr. Joao, and until receipt of this complaint have never talked to him or otherwise communicated with him.
20. I do not know Mr. Rubenstein, and I never have had any communications with him.
21. I have no knowledge of any impropriety of either Mr. Rubenstein or Mr. Joao.
22. With regard to the New York Bar complaints filed against Mr. Rubenstein (Docket Number 2003.0531) and Mr. Joao (Docket Number 2003.0532), it is my understanding that both of these complaints have been dismissed.
23. I also note that a similar complaint of alleged improprieties has been filed in the State Bar of Florida against Mr. Chris Wheeler of the Proskauer Rose Law firm by Mr. Lamont and Mr. Bernstein. It is my understanding that this complaint has also been dismissed.
24. The assertion by Complainant that I had been “knowingly, willfully, and with malice involved in the diversion of patents” to Utley at Diamond Turf Equipment, Inc. is patently absurd and not relevant to Iviewit. As explained in Response Paragraph #5 above, Mr. Utley was my client. At no time did I: (a) ever speak to anyone at Iviewit concerning his involvement with Mr. Utley at Diamond Turf Equipment, Inc.; (b) conduct himself so as to make any misrepresentation concerning the same; or (c) believe that my friendship with Mr. Utley prior to employment by Iviewit would bear any relevance to Foley’s retention as Iviewit’s patent counsel.

⁴ Under the U.S. Patent Laws (35 U.S.C.), in order to rely on the filing date (priority date) and obtain a granted patent for the subject matter contained in a provisional patent application, the inventor/applicant must file a full, statutorily compliant nonprovisional utility patent application within one year of the provisional filing date.

25. I have recently had the opportunity to speak with Mr. Utley regarding this matter. Mr. Utley, when asked "How did Iviewit find out that you had any kind of patent dispute with Diamond Turf?", responded that he openly disclosed to Mr. Bernstein, when he was hired by Iviewit, that he had had a patent dispute with the owner of Diamond Turf Equipment, Inc. as to the ownership of certain patent rights. Despite this frankness, Mr. Utley was subsequently hired by Mr. Bernstein as Iviewit's President.

Specific Allegation

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

Response

26. I unequivocally deny this allegation.

27. I have no knowledge of the submission of any applications where the proper inventors were not listed.

28. I was not directly involved with the preparation or submission of any patent applications to the USPTO for Iviewit. As stated in Response Paragraph #6 above, the Iviewit applications were prepared and submitted by Mr. Boehm and/or Mr. Becker during the course of their patent work at Foley.

29. On information and belief, I submit that Mr. Boehm and/or Mr. Becker extensively interviewed the inventors at Iviewit, including Mr. Bernstein himself, and came to legal conclusions as to who should be properly listed on the various patent applications as inventors. All of the inventors, including Mr. Bernstein himself, were provided copies of the patent applications before filing, and they each approved those applications and their respective inventorship in writing when they executed the Declaration document for each patent application. See attached Exhibit 7: Declaration of Mr. Becker and the Declaration Exhibit attached thereto.

30. If any errors in listing the proper inventors were present, all the inventors, including Mr. Bernstein himself, were given the opportunity to correct the inventorship before the patent

applications were filed with the USPTO. If any errors in inventorship did exist, I submit that such errors are were either insignificant errors that were easily correctable, or were errors transmitted to Mr. Boehm and Mr. Becker by Iviewit. In any event, I submit that if any inventorship errors do exist, such errors were not made knowingly, willfully, or with malice on the part of myself or any attorneys at Foley.

Specific Allegation

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

Response

31. I unequivocally deny this allegation.
32. I was not directly involved with the preparation or submission of any patent applications to the USPTO for Iviewit. As stated in Response Paragraph #6 above, the Iviewit applications were prepared and submitted by Mr. Boehm and/or Mr. Becker during the course of their patent work at Foley.
33. On information and belief, I submit that Mr. Boehm and/or Mr. Becker obtained the all necessary and pertinent information relevant to the technologies directly from inventors at Iviewit, including Mr. Bernstein himself, and prepared patent applications that met with the requirements the Applicable patent laws. All of the inventors, including Mr. Bernstein himself, were provided copies of the patent applications before filing, and they each approved the content of those applications in writing when they executed the Declaration document for each patent application.
34. If the patent applications did contain any errors in information relevant to the technologies, all the inventors, including Mr. Bernstein himself, were given the opportunity to correct such errors before the patent applications were filed with the USPTO. If any errors did exist, I submit that such errors are were either insignificant errors that were easily correctable, or were errors transmitted to Mr. Boehm and Mr. Becker by Iviewit. In any

event, I submit that if any subject matter errors do exist, such errors were not made knowingly, willfully, or with malice on the part of myself or any attorneys at Foley.

Specific Allegation

6. *DICK, knowingly, willfully, and with malice changed the titles of patent applications so as to limit their scope and the claims they stake thereby constituting fraud on the Company, its investors, USPTO conducted through the United States Postal Service and facsimile thus constituting mail and wire fraud;*

Response

35. I unequivocally deny this allegation.
36. I have no knowledge that the patent application titles were changed, that they contained incorrect titles, or that the titles did not comply with the Applicable patent laws.⁵
37. I was not directly involved with the preparation or submission of any patent applications to the USPTO for Iviewit. As stated in Response Paragraph #6 above, the Iviewit applications were prepared and submitted by Mr. Boehm and/or Mr. Becker during the course of their patent work at Foley.
38. On information and belief, I submit that Mr. Boehm and/or Mr. Becker obtained the all necessary and pertinent information relevant to the technologies directly from inventors at Iviewit, including Mr. Bernstein himself, and prepared patent applications with titles that met with the requirements the applicable patent laws. All of the inventors, including Mr. Bernstein himself, were provided copies of the patent applications before filing, and they each approved the content of those applications in writing when they executed the Declaration document for each patent application.
39. If the patent applications did contain any errors in titles, all the inventors, including Mr. Bernstein himself, were given the opportunity to correct such errors before the patent applications were filed with the USPTO. If any errors did exist, I submit that such errors were either insignificant errors that were easily correctable, or were errors transmitted to Mr. Boehm and Mr. Becker by Iviewit. In any event, I submit that if any title errors do

⁵ While the title of the patent application may be important to understanding the subject matter, patent claims and their interpretation define the legal scope of any patent protection.

exist, such errors were not made knowingly, willfully, or with malice on the part of myself or any attorneys at Foley.

Specific Allegation

7. *DICK, knowingly, willfully, and with malice failed to file copyrights for the source code linking the Company's inventions thereby constituting fraud on the Company and its investors;*

Response

40. I unequivocally deny any impropriety or misconduct regarding Iviewit copyrights.
41. I submit that copyrights are not intended to protect inventions. Copyrights are intended to protect against the copying of a work of authorship.⁶ Patents are intended to protect inventions, and numerous patent applications were filed for the Iviewit inventions.
42. I have no knowledge⁷ whether or not any copyright registration applications were filed for any source code for Iviewit inventions. I note, however, that copyrights already existed in the Iviewit source code.⁷
43. I was not directly involved with any decisions whether or not to file copyright registration applications for any Iviewit source code. As stated in Response Paragraph #6 above, I made no legal decisions whatsoever concerning the work for Iviewit or the attorney-client relationship. Mr. Boehm and/or Mr. Becker handled the Iviewit work at Foley.

General Specific Allegation

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 thereby constituting fraud on the Company and its investors;*

Response

44. I unequivocally deny this allegation.
45. I have no knowledge that any Iviewit documents were destroyed.

⁶ 17 U.S.C. 102

⁷ Since the U.S. became signatory to the Berne convention in 1989, once fixation has occurred, the code/writing or other works of authorship are automatically copyrighted. Registration for a U.S. applicant must only occur prior to suit for copyright infringement.



46. I was not directly involved with the preparation or retention of any documents for Iviewit. As stated in Response Paragraph #6 above, the Iviewit patent applications were prepared and submitted by Mr. Boehm and/or Mr. Becker during the course of their patent work at Foley.
47. On information and belief, I submit that Mr. Boehm and/or Mr. Becker provided Iviewit, including Mr. Bernstein himself, with copies of the patent applications, declarations, assignments, and other related documentation during the course of their work for Iviewit. Thus, Iviewit should still have these documents.
48. On information and belief, I submit that Foley's files regarding the Iviewit work were properly transferred by Foley, at the request of Iviewit, to designated patent counsel upon termination of Foley's representation. I had nothing to do with the transfer of any files.
49. If any Iviewit documents were destroyed, I submit that this did not occur knowingly, willfully, or with malice on the part of myself or any attorneys at Foley.

Specific Allegation

9. *DICK, knowingly, willfully, and with malice falsified billing records so as to insert reasonable doubt as to the above allegations thereby constituting fraud on the Company and its investors;*



Response

50. I unequivocally deny this allegation.
51. I have no knowledge that any billing records were falsified.
52. I was not involved with the preparation or submission of any billing records for Iviewit (other than my own daily time entry sheets). As stated in Response Paragraph #6 above, Mr. Boehm and/or Mr. Becker handled all the billing matters for Iviewit during the course of their work at Foley.
53. On information and belief, I submit that Mr. Boehm and/or Mr. Becker kept meticulous billing records at Foley in accordance with the firm's practices, and that billing records were not falsified in any manner.

54. If any billing records did contain any errors, I submit that this did not occur knowingly, willfully, or with malice on the part of me or any attorneys at Foley.

Specific Allegation

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., amongst hosts of other investors, by submitting information and opinions regarding the 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.*

Response

55. I unequivocally deny this allegation.

56. I have no knowledge that any information or opinions regarding Iviewit patents submitted to Iviewit or to any of its investors were erroneous or inaccurate.

57. I was not involved with the preparation or submission of any information or opinions regarding Iviewit patents submitted to Iviewit or to any of its investors. As stated in Response Paragraph #6 above, Mr. Boehm and/or Mr. Becker handled the preparation and submission of all information and opinions regarding patent matters for Iviewit during the course of their work at Foley.

58. On information and belief, I submit that Mr. Boehm and/or Mr. Becker did not submit any erroneous or inaccurate information or opinions regarding Iviewit patents to Iviewit or to any of its investors.

59. To the best of my knowledge and recollection, Wachovia Securities and/or Wachovia Corporation were never investors in Iviewit. Moreover, to the best of my knowledge and recollection, I never discussed any patent applications filed or inventions covered with any representative of Wachovia, or any other proposed investor.

60. I have specific knowledge of clear statements, both oral and written, given to Mr. Utley and at least one other person at Iviewit, warning them against misrepresenting or overstating the Iviewit patent portfolio or its strengths to investors. I recall one of the Iviewit principals asking me, during my initial interview meeting, about the possibility of our (Foley) being able to tell potential investors that Foley was going to get very broad patent

coverage for the Iviewit inventions. I told him that, without knowing the prior art, without knowing enough about the inventions, and without knowing whether patents of third parties might be infringed, we could not make any statements to investors about the Iviewit patent portfolio or its strength. I also recall seeing a letter to Iviewit, subsequently written by Mr. Boehm, making it absolutely clear that Foley has made no representation, warranty, or opinion as to the scope, strength, or value of Iviewit's patent portfolio.

61. If any erroneous or inaccurate information or opinions regarding Iviewit patents were submitted to Iviewit or to its investors, I submit that this did not occur knowingly, willfully, or with malice on the part of me or any attorneys at Foley.


Specific Allegation

That Utley, DICK, Wheeler, Rubenstein, Joao, Foley & Lardner, and, Proskauer with such intent, directed that certain patent rights be put in the name of Utley (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 utility of other clients of Wheeler, DICK, Rubenstein, Joao, and Proskauer to make use of such technologies without being liable to the Company for royalties normally arising from such use thereby constituting fraud on the Company, its investors, and the Company conducted through the United States Postal Service and facsimile thus further constituting mail and wire fraud.

Response


62. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegation #1.
63. I have no knowledge that any Iviewit patent rights were ever put in the name of Mr. Utley and/or that such patent rights were modified or negligently pursued so as to fail to provide protection of the intellectual property.
64. I unequivocally deny that any patent rights were ever put in the name of Mr. Utley indicating future benefits to myself.
65. I was not in the position to direct that any Iviewit patent rights be put in the name of anybody. As stated in Response Paragraph #6 above, the Iviewit patent applications were prepared and submitted by Mr. Boehm and/or Mr. Becker during the course of their patent work at Foley.

66. On information and belief, I submit that Mr. Boehm and/or Mr. Becker did not modify or negligently pursue Iviewit patent rights so as to fail to provide protection of the intellectual property.

67. It is my  considered opinion that the Iviewit intellectual property work was performed diligently, competently, and professionally by Mr. Boehm and Mr. Becker at Foley.

V. Responses to General Allegations of Lawyer's Actions Complained of⁸


General Allegation

1(a)  *knowing and willful misrepresentations to the company with regard to his past involvement in patent malfeasances with Brian C. Utley at Utley's past employer, Diamond Turf Lawnmower. Utley was a past President of the company and formerly a President of Diamond Turf Lawnmower and had referred Dick without reference to their past patent disputes at Utley's prior employer, which led to the termination of Utley and the closing of Diamond Turf Lawnmower.*

Response

68. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegations #1 and #3.

General Allegation

1(b)  *These misrepresentations and frauds have led to similar damage to the Company, as a result of the stolen inventions by Utley, aided and abetted by Dick, Boehm and Becker. Moreover, the company found patents written into Utley's name, not disclosed or assigned to the company, and that Dick was fully aware that inventors Bernstein, Schirajee, Rosario, and Friedstein had developed the inventions. Blakely Sokoloff Taylor and Zafman LLP discovered these patents, and then attempted to re-assign said falsely filed and stolen patent applications to the company.*

Response

69. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegations #1 and #4.

⁸ This section responds to the list of nine "Lawyer's Actions Complained of" attached to the Complaint dated 9/23/03, and forwarded with the VSB cover letter regarding "VSB Docket # 04-052-1366".



70. I have no knowledge of any “stolen inventions by Utley”, or of any Iviewit patents “not disclosed or assigned” to Iviewit, or of any “falsely filed and stolen patent applications” or of any Iviewit patent applications that name Mr. Utley in his individual name and capacity.

General Allegation

2. *Perpetrating a fraud on the USPTO, by submitting applications with false information and wrong inventors.*

Response

71. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegations #1 and #2.

General Allegation

3. *Knowing and willful misrepresentations to the company’s investors, including Wachovia Securities, a unit of Wachovia Corp., a registered bank holding company in Charlotte, N.C., by Dick and Utley of patent applications filed and inventions covered.*

Response

72. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegation #10.

General Allegation



4. *Knowingly committing fraud of USPTO, company shareholders, and potential investors by switching inventors and invention disclosures.*

Response

73. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegations #1, #2, and #4.

General Allegation

5. *Participation in a civil and criminal conspiracy to bury patent applications and inventions.*

Response

74. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegation #3.

General Allegation

6. *Not reporting information to proper tribunals regarding Rubenstein and Joao malfeasances.*

Response



75. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegation #3.

76. I have no knowledge of any "malfeasances" by Mr. Rubenstein and/or Mr. Joao. Therefore, I had no duty to report anything to anybody.

General Allegation



7. *Furthering work of Rubenstein and Joao to not capture inventions and identify inventors;*

Response

77. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegations #3, #4, and #5.

General Allegation

8. *Knowing and willful destruction of company records;*

Response

78. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegation #8.

General Allegation

9. *Aiding and abetting Utley in filing patents in Utley's name disclosed to Dick under attorney-client privilege.*

Response

79. I unequivocally deny this allegation, for the reasons set forth above in my response to Specific Allegations #1 and #3.

VI. Additional Information to be Considered

80. On information and belief, I understand that the Proskauer Rose law firm brought suit in May of 2001 against three entities of Iviewit for failure to pay legal fees. The defendants

Counterclaim was not allowed due to the fact that it was not entered timely and therefore none of the issues were ever heard or tried.

Because the counterclaim was not allowed due to the time it was filed and the case never went to trial, Iviewit filed the Bar responses. The Bars then put them on hold pending outcome of Court. The issues have NEVER been investigated, heard or tried by a court or Bar organization formally. Proskauer et. al. have avoided investigation and prosecution of all charges in any of these forums using the law to Cloak themselves.

Wholly false statements of New York outcome. Tries to assert that counterclaim was heard, and led to Bar dismissals.

No investigation was done formally of any charges at the Florida Bar and therefore the Florida Bar does not tender a response in favor of Proskauer or Iviewit

were Iviewit.com Inc., Iviewit Technologies Inc., and Iviewit Holdings Inc. The suit was commenced in Palm Beach County, Florida, 15th Judicial Circuit, as (Old Case Number CA0104671AB), the Case Number being later changed to 502001CA004671XXCDAB. In early 2003, the defendants had requested leave to file a counterclaim alleging a conspiracy by the attorneys, which was substantially the same thing as they alleged in the bar complaints filed against Mr. Rubenstein and Mr. Joao (referred to above in Specific Allegation #3). This was denied. The case went to trial in November of 2003. Since the suit was brought in May of 2001, two firms representing the defendants had withdrawn and the defendants defaulted in September of 2003 causing the Court to strike their pleadings. Final judgement was ordered in November 2003 in favor of Proskauer. Since 30 days has passed since then, there can be no appeal of the final judgement. The final judgement was for \$368,975.97 plus \$75, 956.43 pre-judgement interest. The total final judgment was \$444,932.40 bearing post-judgment interest.

The case never went to trial, this is false and misleading statement. He tries to create impression that the counterclaim issues were tried in Florida Court/

As mentioned above, Iviewit has filed nearly identical bar complaints against many of its former attorneys, and they have all been dismissed. Specifically, Iviewit filed the New York Bar complaints against Mr. Rubenstein (Docket Number 2003.0531) and Mr. Joao (Docket Number 2003.0532), as recited in Specific Allegation #3 above. It is my understanding that both of these complaints have been dismissed, at first without prejudice giving Iviewit the right to enter the findings of the Proskauer Court with regard to Iviewit's counterclaims, but now with prejudice since the Iviewit counterclaims have been dismissed. It is my further understanding that Iviewit filed a similar complaint in the State Bar of Florida against Mr. Chris Wheeler of the Proskauer Rose law firm. I am informed that the Florida Bar ethics committee dismissed the complaint against Mr. Wheeler, at first subject to the Proskauer Court's findings relative to the Iviewit counterclaims, but now since the court has found in favor of Proskauer and denied the counterclaims, the bar complaint should be finally dismissed.

On or about March 15, 2001, Foley & Lardner proposed a monthly payment plan to Iviewit because of Iviewit's nonpayment of approximately \$140,000 in legal fees. The proposal stated that Foley would timely and properly withdraw as Iviewit's counsel if payment was not forthcoming, although Foley was not waiving any rights to recover the amounts due. The monthly payment plan was not accepted, and Foley terminated its representation.



83. I further submit, upon information and belief, that Mr. P. Stephen Lamont, who signed the Complaint for Iviewit, was not employed by Iviewit during the time of Iviewit's retention of Foley as patent counsel. Therefore, any statements made by him cannot be made from his own personal knowledge, and should therefore be considered hearsay.

84. Upon information and belief, I submit that Mr. Lamont's statement in the complaint is erroneous. On Page 3 of the complaint, under Question 3, Mr. Lamont stated that "the company [Iviewit] paid his firm [Foley] approximately \$200,000." The truth is that Iviewit only paid \$69,000 of their \$211,000 total bill. Over \$142,000 of the bill was never paid. See attached Exhibit 8: Declaration of Mr. Barry Grossman of Foley & Lardner.



85. I believe that this complaint filed against me is frivolous, and was filed in anticipation of a future lawsuit Foley may have been planning to bring against Iviewit to recover the substantial unpaid legal fees.

86. The attached declarations of Mr. Boehm and Mr. Becker, who were the primary attorneys at Foley that worked on Iviewit matters, support this Declaration. (See Exhibits 9 & 7, respectively).



87. Mr. Utley, who was the President of Iviewit, has since left Iviewit. Mr. Utley's declaration also accompanies this Declaration (See Exhibit 10.)

88. I have responded to this complaint with minimal notice and without the benefit of access to Iviewit's files for the original Foley patent files that were transferred to another firm.

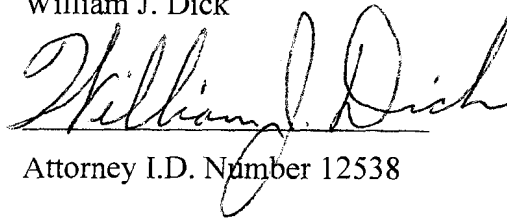


For all the above reasons, it is requested that this complaint be dismissed.

I declare under penalty of perjury under the laws of the United States of America and the Commonwealth of Virginia that the foregoing is true and correct to the best of my knowledge.
Dated this 8th day of January, 2004.

Respectfully,

William J. Dick

A handwritten signature in cursive script that reads "William J. Dick". The signature is written in black ink and is positioned above a horizontal line.

Attorney I.D. Number 12538

Attachments:

- Exhibit 1: PCT Published Application WO 00/76218
- Exhibit 2: PCT Published Application WO 00/76219
- Exhibit 3: PCT Published Application WO 00/76220
- Exhibit 4: PCT Published Application WO 00/76221
- Exhibit 5: PCT Published Application WO 01/09836
- Exhibit 6: PCT Published Application WO 00/57343
- Exhibit 7: Declaration of Mr. Steven Becker (With exhibits)
- Exhibit 8: Declaration of Mr. Barry Grossman
- Exhibit 9: Declaration of Mr. Douglas Boehm
- Exhibit 10: Declaration of Mr. Brian Utley

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
14 December 2000 (14.12.2000)

PCT

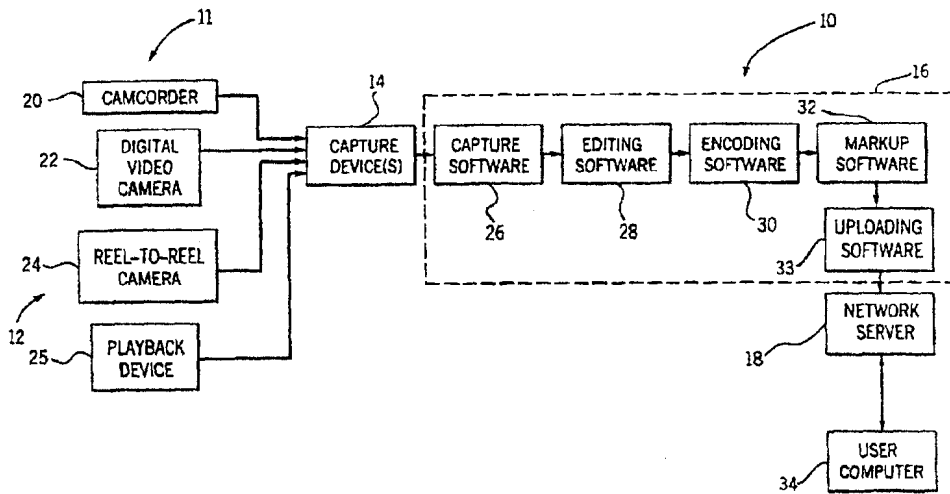
(10) International Publication Number
WO 00/76220 A1

- (51) International Patent Classification⁷: H04N 7/173, 7/24
- (21) International Application Number: PCT/US00/15408
- (22) International Filing Date: 2 June 2000 (02.06.2000)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
60/137,297 3 June 1999 (03.06.1999) US
60/155,404 22 September 1999 (22.09.1999) US
60/169,559 8 December 1999 (08.12.1999) US
- (71) Applicants (for all designated States except US):
IVIEWIT HOLDINGS, INC. [US/US]; One Boca Place,
2255 Glades Road, Suite 337 West, Boca Raton, FL 33431
(US). SHIRAJEE, Zakirul, A. [BD/US]; 9485 Boca
Cove Circle, #708, Boca Raton, FL 33428 (US).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): BERNSTEIN, Eliot,
I. [US/US]; 500 S.E. Mizner Boulevard, Boca Raton, FL
33432-6080 (US).
- (74) Agent: FOLEY & LARDNER; 777 East Wisconsin Av-
enue, 33rd Floor, Milwaukee, WI 53202-5367 (US).
- (81) Designated States (national): AE, AG, AL, AM, AT, AU,
AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE,
DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU,
ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS,
LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO,
NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR,
TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM,
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian
patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European
patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE,
IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG,
CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:**
— With international search report.
— Before the expiration of the time limit for amending the
claims and to be republished in the event of receipt of
amendments.
- For two-letter codes and other abbreviations, refer to the "Guid-
ance Notes on Codes and Abbreviations" appearing at the begin-
ning of each regular issue of the PCT Gazette.



WO 00/76220 A1

(54) Title: SYSTEM AND METHOD FOR STREAMING AN ENHANCED DIGITAL VIDEO FILE



(57) Abstract: A method of streaming video includes providing a source video signal having a predetermined source video parameter; converting the source video signal to a streaming digital video file while maintaining substantially the same source video parameter; uploading the streaming digital video file to a network server; expanding the viewing frame size of the display screen to a full screen display mode; and playing the streaming digital video file in the full screen display mode.

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
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(43) International Publication Date
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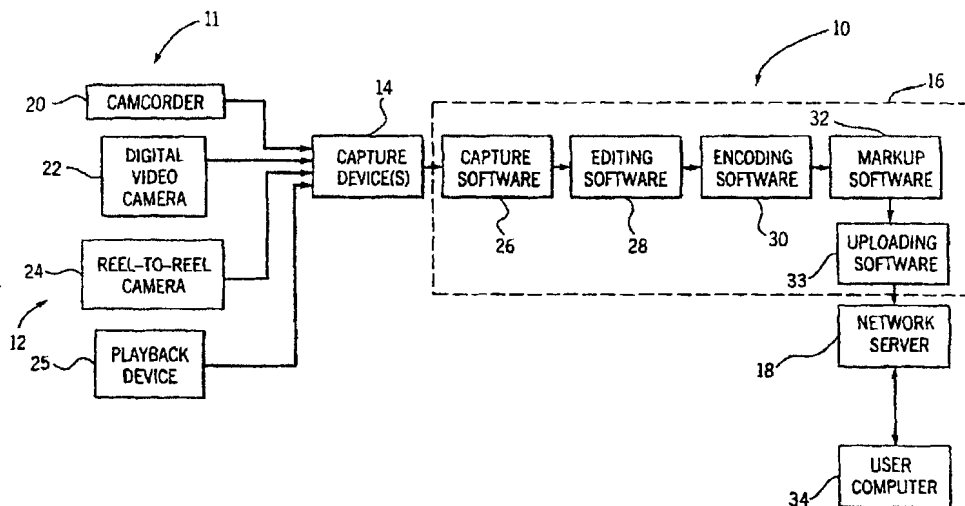
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(10) International Publication Number
WO 00/76219 A1

- (51) International Patent Classification⁷: H04N 7/173, 7/24 (74) Agent: FOLEY & LARDNER; 777 East Wisconsin Avenue, 33rd Floor, Milwaukee, WI 53202-5367 (US).
- (21) International Application Number: PCT/US00/15406
- (22) International Filing Date: 2 June 2000 (02.06.2000) (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (25) Filing Language: English
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60/137,297 3 June 1999 (03.06.1999) US
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60/169,559 8 December 1999 (08.12.1999) US
- (71) Applicant (*for all designated States except US*): IVIEWIT HOLDINGS, INC. [US/US]; One Boca Place, 2255 Glades Road, Suite 337 West, Boca Raton, FL 33431 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (*for US only*): BERNSTEIN, Eliot, I. [US/US]; 500 S.E. Mizner Boulevard, Boca Raton, FL 33432-6080 (US). SHIRAJEE, Zakirul, A. [BD/US]; 9485 Boca Cove Circle, #708, Boca Raton, FL 33428 (US).
- (84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:
— With international search report.
— Before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments.

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(54) Title: SYSTEM AND METHOD FOR PLAYING A DIGITAL VIDEO FILE



(57) Abstract: A method of playing a digital video file over a network includes providing a digital video file to a first storage device; downloading a first portion of the digital video file from the first storage device over a network to a computer having a second storage device and a display screen; expanding the viewing frame size of the computer display screen to at least 640 x 480 pixels; and playing the first downloaded portion on the expanded display screen from the second storage device while substantially simultaneously downloading a second portion of the digital video file to the second storage device.

WO 00/76219 A1

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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International Bureau



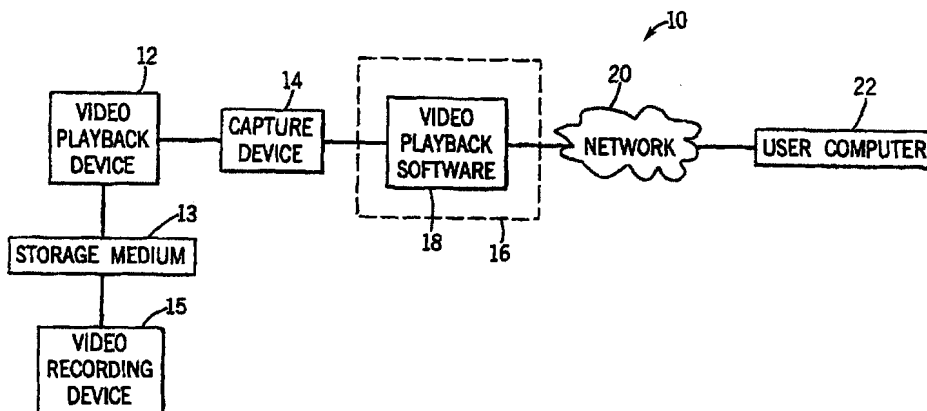
(43) International Publication Date
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(10) International Publication Number
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- (51) International Patent Classification⁷: H04N 7/173, 7/24
- (74) Agent: **BECKER, Steven, C.**; Foley & Lardner, 777 East Wisconsin Avenue, 33rd Floor, Milwaukee, WI 53202-5367 (US).
- (21) International Application Number: PCT/US00/15602
- (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (22) International Filing Date: 7 June 2000 (07.06.2000)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
60/137,921 7 June 1999 (07.06.1999) US
60/141,440 29 June 1999 (29.06.1999) US
- (84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- (71) Applicant (*for all designated States except US*): **VIEWIT HOLDINGS, INC.** [US/US]; One Boca Place, 2255 Glades Road, Suite 337 West, Boca Raton, FL 33431 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (*for US only*): **BERNSTEIN, Eliot, I.** [US/US]; 500 S.E. Mizner Boulevard, Boca Raton, FL 33432-6080 (US). **FRIEDSTEIN, Jeffrey, S.** [US/US]; 2142 Churchill Lane, Highland Park, IL 60035 (US). **UTLEY, Brian, G.** [US/US]; 1930 SW 8th Street, Boca Raton, FL 33486 (US).
- Published:**
- With international search report.
 - Before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments.
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.*

(54) Title: SYSTEM AND METHOD FOR VIDEO PLAYBACK OVER A NETWORK



(57) Abstract: A system and method for video playback over a network includes a video playback device configured to transmit a video signal from a non-volatile storage medium and a computer coupled to the video playback device configured to receive the video signal and to transmit the video signal over a network.

WO 00/76221 A1

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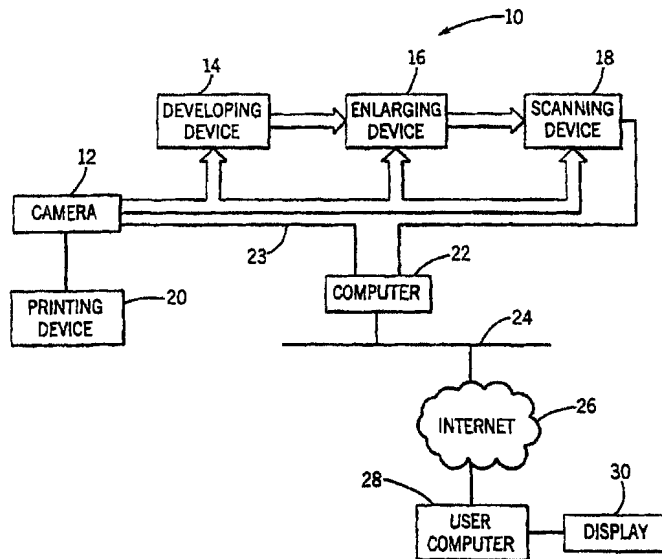
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(10) International Publication Number
WO 01/09836 A1

- (51) International Patent Classification⁷: G06T 3/00, 33432-6080 (US). UTLEY, Brian, G. [US/US]; 1930 SW 8th Street, Boca Raton, FL 33486 (US). H04N 1/00
- (21) International Application Number: PCT/US00/21211
- (22) International Filing Date: 2 August 2000 (02.08.2000)
- (25) Filing Language: English
- (26) Publication Language: English
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60/146,726 2 August 1999 (02.08.1999) US
60/149,737 19 August 1999 (19.08.1999) US
60/155,404 22 September 1999 (22.09.1999) US
60/169,559 8 December 1999 (08.12.1999) US
09/522,721 10 March 2000 (10.03.2000) US
- (71) Applicant (for all designated States except US): IVIEWIT HOLDINGS, INC. [US/US]; One Boca Place, 2255 Glades Road, Suite 337 West, Boca Raton, FL 33431 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only): BERNSTEIN, Eliot, I. [US/US]; 500 S.E. Mizner Boulevard, Boca Raton, FL
- (74) Agent: FOLEY & LARDNER; Boehm, Douglas A., 777 East Wisconsin Avenue, 33rd Floor, Milwaukee, WI 53202-5367 (US).
- (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:
— With international search report.

[Continued on next page]

(54) Title: SYSTEM AND METHOD FOR PROVIDING AN ENHANCED DIGITAL IMAGE FILE



(57) Abstract: A method of providing a digital image file for viewing in a viewing window of a user display, the viewing window having a predetermined size. The method includes providing a digital image having an image size comprising a fixed number of pixels representative of an image, the image size being greater than the predetermined viewing window size. The digital image file is associated with a user interface that is configured to display the digital image in the viewing window and to allow a user to zoom into and pan around in the image displayed in the viewing window while maintaining high image quality.



WO 01/09836 A1

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(10) International Publication Number
WO 00/76218 A1

(51) International Patent Classification: H04N 7/173, 7/24

8th Street, Boca Raton, FL 33486 (US). ROSARIO, Jude, R. [US/US]; 5580 NW 61 Street, Apt #625, Boca Raton, FL 33486 (US).

(21) International Application Number: PCT/US00/15405

(22) International Filing Date: 2 June 2000 (02.06.2000)

(74) Agent: FOLEY & LARDNER; 777 East Wisconsin Avenue, 33rd Floor, Milwaukee, WI 53202-5367 (US).

(25) Filing Language: English

(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(26) Publication Language: English

(30) Priority Data:
60/137,297 3 June 1999 (03.06.1999) US
60/155,404 22 September 1999 (22.09.1999) US
60/169,559 8 December 1999 (08.12.1999) US

(71) Applicant (for all designated States except US): IVIEWIT HOLDINGS, INC. [US/US]; One Boca Place, 2255 Glades Road, Suite 337 West, Boca Raton, FL 33431 (US).

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

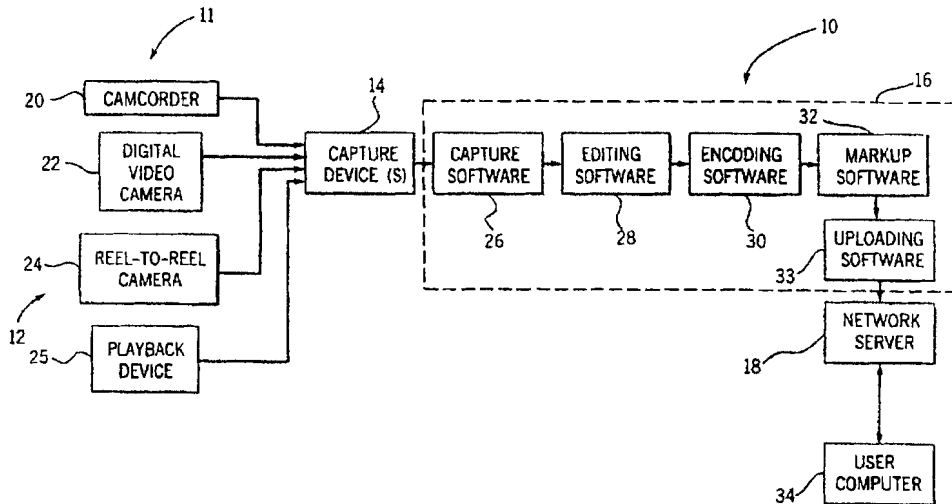
(72) Inventors; and

(75) Inventors/Applicants (for US only): BERNSTEIN, Eliot, I. [US/US]; 500 S.E. Mizner Boulevard, Boca Raton, FL 33432-6080 (US). UTLEY, Brian, G. [US/US]; 1930 SW

Published:
— With international search report.

[Continued on next page]

(54) Title: SYSTEM AND METHOD FOR PROVIDING AN ENHANCED DIGITAL VIDEO FILE



(57) Abstract: A system and method of providing a streaming video file includes providing digital video data having a capture frame size of at least 69,300 pixels per frame and converting the digital video data to a streaming video file having a converted frame size of at least 69,300 pixels per frame. According to another exemplary embodiment, a method of providing a streaming video file includes providing digital video data having a capture frame rate of at least 24 frames per second and converting the digital video data to a streaming video file having a converted frame rate of at least 24 frames per second.

WO 00/76218 A1



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<p>(51) International Patent Classification ⁷ : G06K</p>	<p>A2</p>	<p>(11) International Publication Number: WO 00/57343 (43) International Publication Date: 28 September 2000 (28.09.00)</p>
<p>(21) International Application Number: PCT/US00/07772 (22) International Filing Date: 23 March 2000 (23.03.00) (30) Priority Data: 60/125,824 24 March 1999 (24.03.99) US (71)(72) Applicant and Inventor: BERNSTEIN, Eliot, I. [US/US]; Suite 102, 500 S.E. Mizner Boulevard, Boca Raton, FL 33432-6080 (US). (74) Agent: BOEHM, Douglas, A.; Foley & Lardner, Firststar Center, 777 East Wisconsin Avenue, Milwaukee, WI 53202 (US).</p>		<p>(81) Designated States: AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).</p> <p>Published <i>Without international search report and to be republished upon receipt of that report.</i></p>

(54) Title: APPARATUS AND METHOD FOR PRODUCING ENHANCED DIGITAL IMAGES

(57) Abstract

An apparatus and a method for producing a digital image, which includes a device for generating a digital signal file from a print film image, and a processor for processing the digital signal file and for generating an image file. The processor generates a first signal file from the digital signal file. The processor processes the first signal file and generates the image file.

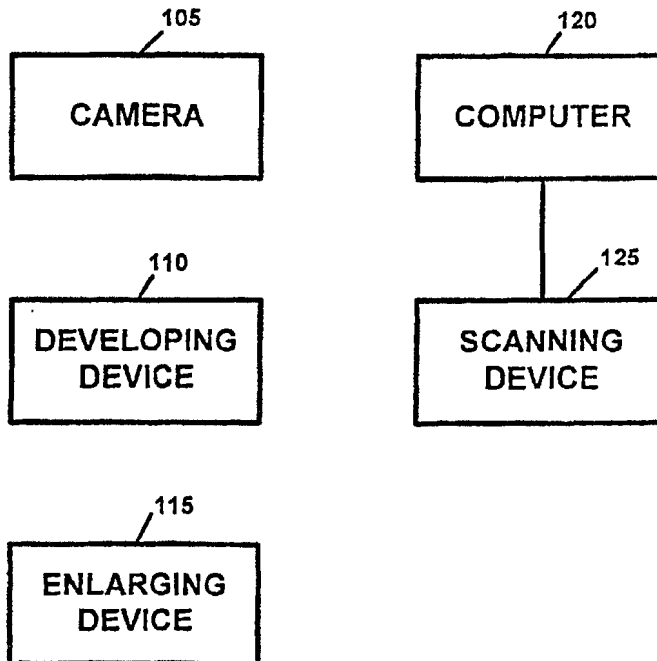



EXHIBIT 7

DECLARATION OF STEVEN C. BECKER

I, Steven C. Becker, do hereby declare:

1. I am an associate attorney with Foley & Lardner, 777 E. Wisconsin Ave., Milwaukee, Wisconsin 53202. I am a member in good standing of the State Bar of Wisconsin and registered to practice before the U.S. Patent and Trademark Office. To my knowledge, I have never had a complaint filed against me before the State Bar of Wisconsin or the U.S. Patent and Trademark Office.


2. My background and credentials are as follows: I graduated in 1994 from Marquette University, cum Laude, with the degree of Honors Bachelor of Science in Electrical Engineering. I graduated in 1997 from Syracuse University, Summa Cum Laude, with the degree of Juris Doctor. I joined Foley & Lardner in 1997 and have been an associate attorney in the Electronics Practice Group since joining the firm.

 3. I worked on legal matters for iViewit.com from approximately April, 2000 until approximately August, 2000.

4. In April, 2000, I was asked by Doug Boehm (a partner at Foley & Lardner) and/or Bill Dick to assist with patent legal work for iViewit, including converting several provisional patent applications to regular, nonprovisional patent applications.

5. On or about May 3, 2000, Mr. Boehm and I visited iViewit's facilities to discuss iViewit's technology and their needs for intellectual property counseling and services. Attached as Exhibit A is an e-mail from Mr. Boehm to Brian Utley dated May 2, 2000 proposing a tentative agenda.

6. On May 30, 2000, I received an E-mail from Mr. Utley confirming the full name, home address and citizenship information for Eliot I. Bernstein for use in naming Mr. Bernstein as an inventor on a patent application. (See Exhibit B).

 7. On June 30, 2000, Martha C. Mantecon from iViewit confirmed the full names, addresses and citizenships for Zakirul A. Shirajee, Jude R. Rosario, and Eliot I. Bernstein for use in naming Messrs. Shirajee, Rosario and Bernstein as inventors on a patent application. (See Exhibit C).

8. To the best of my knowledge, on July 2, 2001, per instructions from iViewit, Foley & Lardner transferred all of iViewit's original patent application files to Norman Zafman at Blakely, Sokoloff, Taylor & Zafman LLP. (See Exhibit D).

9. Attached as Exhibit E is a copy of what I believe is the cover letter that I sent to Mr. Brian Utley enclosing the first draft of one of the several patent applications I prepared for iViewit.

10. During the preparation of patent applications for iViewit, Mr. Boehm and/or I made determinations as to the proper inventors for the patent applications. To the best of my knowledge and abilities, I made these determinations based on information given to me by

iViewit representatives and in accordance with the legal standards for inventorship. To the extent any representatives of iViewit disagreed with these inventorship determinations, they had an opportunity during their review of the draft patent applications or subsequent to the filing of the patent applications to discuss such disagreement with Mr. Boehm or I such that any errors could be corrected. To the best of my knowledge, I do not recall any representative of iViewit disputing an inventorship determination made by Mr. Boehm or me during the course of my work for iViewit.

11. Attached as Exhibit F is a copy of a draft Declaration and Power of Attorney document printed from Foley & Lardner's document retention software, which is based on a standard Foley & Lardner legal form. To the best of my knowledge, this document was prepared for one of iViewit's patent applications. Since Foley & Lardner does not have iViewit's original patent files, I have not attached a signed copy of this document. Signatures can be verified if the document or a copy thereof is produced.

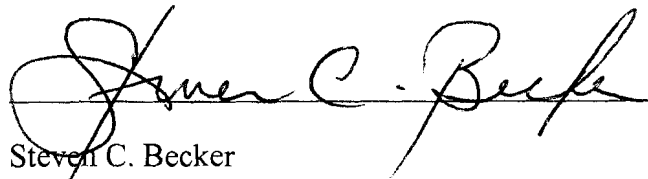
12. To the best of my knowledge and abilities, I included in the patent applications I filed the technical information regarding iViewit's inventions which was provided to me by iViewit and which I believed to be necessary to comply with the requirements of the patent laws.

13. Attached as Exhibit G is a copy of a draft Assignment and Agreement document printed from Foley & Lardner's document retention software, which is based on a standard Foley & Lardner legal form. To the best of my knowledge, this document was prepared for one of iViewit's patent applications. Since Foley & Lardner does not have iViewit's original patent files, I have not attached a signed copy of this document. Signatures can be verified if the document or a copy thereof is produced.

14. I am not aware of any efforts by Mr. Dick or Mr. Boehm to fraudulently change the titles of patent applications, destroy iViewit documents so as to insert reasonable doubt as to allegations by iViewit of fraud, or to falsify billing records so as to insert reasonable doubt as to the allegations by iViewit of fraud. I did not engage in any such conduct.

15. I am not aware of any efforts by Mr. Dick or Mr. Boehm to "bury" patent applications and inventions. I did not engage in any such conduct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Dated this 7th day of January, 2004.


Steven C. Becker

Becker, Steven C.

From: Boehm, Douglas A.
Sent: Tuesday, May 02, 2000 2:40 PM
To: 'brian@iviewit.com'
Cc: Becker, Steven C.; Dick, William J.
Subject: Tentative Agenda

Brian--

Steve Becker, Bill Dick, and I have prepared the following tentative agenda for our meeting tomorrow and Thursday:

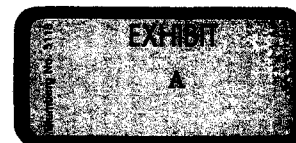
1. Introduction of Iviewit.com
 - a. Brief overview of Iviewit.com organization/investors
 - b. General overview of Iviewit.com technology
 - c. Technology demonstration(s)
2. Identify Novel Features of Iviewit.com's Technology
 - a. What is new about the technology?
 - b. What has been done before?
 - c. What are the advantages of the new features?
3. Public Disclosure and Other Patent-Barring Events
 - a. What was disclosed publicly/offered for sale and when?
 - b. Were nondisclosure agreements used?
4. Novelty Searches/ Prior Art
 - a. What prior art is Iviewit.com currently aware of?
 - b. Should additional searching be done to addresses issues of patentability?
5. Review Provisional Applications and PCT Application
 - a. Do these applications "enable" the novel features?
 - b. Is additional disclosure needed?
 - c. Are additional applications needed?
6. Patent Claims
 - a. What is the significance of the claims?
 - b. What are the utility/novelty/nonobviousness parameters?
 - c. Brief overview of claim formats and interpretation
7. Infringement Searches
 - a. Is Iviewit.com aware of any existing patents relating to its technology?
 - b. Which features, if any, should be searched?
8. Patent Strategy
 - a. U.S. strategy
 - b. Foreign filings
 - c. Enforcement vs. licensing vs. IPO vs. ???
9. Technology Transfers
 - a. Has any technology been transferred in/out of Iviewit.com?
 - b. Does Iviewit.com have a licensing policy?
 - c. MTV?
10. Other Iviewit.com IP matters
 - a. Trademarks
 - b. Copyrights
 - c. Trade secrets
 - d. Employee/consulting agreements

Please let me know if you or Eliot have any comments or questions.

We're looking forward to seeing you tomorrow after lunch.

--Doug

*Douglas A. Boehm
Foley & Lardner*




777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Tel: (414)297-5718
Fax:(414)297-4900
Email: daboehm@foleylaw.com

NOTE: The information transmitted in and/or attached to this message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination, or other use of, or taking any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the sender and delete the material from any computer.

Becker, Steven C.

From: Brian G. Utley [Brian@iviewit.com]
Sent: Tuesday, May 30, 2000 7:55 AM
To: Becker, Steven C.
Subject: RE: Patent Application

Eliot's data is correct. Will have the ack andd Jude data on Tuesday. Brian

-----Original Message-----

From: Becker, Steven C. [mailto:SBecker@foleylaw.com]
Sent: Friday, May 26, 2000 8:48 PM
To: Brian G. Utley (E-mail)
Cc: Boehm, Douglas A.
Subject: Patent Application

Brian:

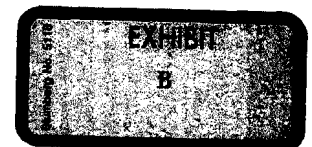
Please provide a full name with middle initial, home address, and citizenship information for Zach and Jude. Also, please confirm the following for Eliot:

Eliot I. Bernstein
500 S.E. Mizner Boulevard
Boca Raton, FL 33432-6080
Citizenship: U.S.

Thanks,

Steve

NOTE: The information transmitted in this correspondence is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this correspondence in error, please contact the sender and delete the material from any computer.



Becker, Steven C.

From: Martha C. Mantecon [martha@iviewit.com]
Sent: Friday, June 30, 2000 9:13 AM
To: SBecker@foleylaw.com
Subject: Information for Patent Application



Martha C.
Mantecon.vcf (205 B)...

Steven:

The following is the information you requested:

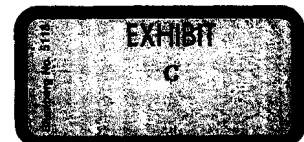
Zakirul A. Shirajee
9485 Boca Cove Circle
#708
Boca Raton, FL 33428
Citizenship: Non-US; Bangladesh

Jude R. Rosario
5580 NW 61 Street
Apt #625
Coconut Creek, FL 33073
Citizenship: Non-US; Bangladesh

Eliot's information is correct.

If you need anything further, please contact me.

Martha Mantecon



BRUSSELS
CHICAGO
DENVER
DETROIT
JACKSONVILLE
LOS ANGELES
MADISON
MILWAUKEE

FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN 53202-5367
TELEPHONE: (414) 271-2400
FACSIMILE: (414) 297-4900
WWW.FOLEYLARDNER.COM

ORLANDO
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SAN DIEGO
SAN FRANCISCO
TALLAHASSEE
TAMPA
WASHINGTON, D.C.
WEST PALM BEACH

WRITER'S DIRECT LINE
(414) 297-5724


EMAIL ADDRESS
bgrossman@foleylaw.com

CLIENT/MATTER NUMBER
57103-101

July 2, 2001

VIA FEDERAL EXPRESS (ACCT. NO. 2447-4813-9)

Norman Zafman, Esq.
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025-1026

Re: Transfer of Iviewit Files 

Foley states in there 2001 07 02 Transfer of files document that there is no 117 and file was skipped and number skipped. Yet two exhibits later they Exhibit 117 here to the Virginia Bar. False and misleading statements regarding missing patents, I mean how much was paid to overlook this at the Virginia Bar???

Dear Mr. Zafman:

We have been asked by Mr. Ross Miller on behalf of Iviewit to transfer all of its files to you. We are transferring 21 files, corresponding to Foley & Lardner docket numbers 57103/102-116, 118-123. There is no file for Foley & Lardner docket number 57103/117. This number was skipped in our numbering sequence. All the files are in the boxes accompanying this letter. A list of the files being transferred is attached.

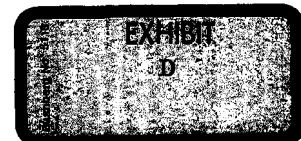
We understand that you are now serving as Iviewit's patent counsel, and that Iviewit is no longer relying on Foley & Lardner as its counsel. We also understand that you will be responsible for informing the U.S. Patent and Trademark Office and all appropriate foreign patent offices or government organizations that you are now responsible for Iviewit's patents and patent applications and that all future correspondence should now be sent to you.

Sincerely,

Barry L. Grossman

Enclosures

cc: Ross Miller (w/o encl.)
Eliot Bernstein (w/o encl.)
Kathy Schmid (7/9/01)



IVIEWIT.COM PATENT PORTFOLIO

No.	F&L Dkt. No.	Country (Type)	Appl. No.	Filing Date	Application Title
1	57103/102	U.S. (Provisional)	60/125,824	3/24/1999	Apparatus and Method for Producing Enhanced Digital Images
2	57103/103	U.S. (Provisional)	60/137,297	6/3/1999	Apparatus and Method for Producing Enhanced Video Images
3	57103/104	U.S. (Provisional)	60/137,921	6/7/1999	Apparatus and Method for Playing Video Files Across the Internet
4	57103/105	U.S. (Provisional)	60/141,440	6/29/1999	Apparatus and Method for Providing and/or Transmitting Video Data and/or Information in a Communication Network
5	57103/106	U.S. (Provisional)	60/146,726	8/2/1999	Apparatus and Method for Producing Enhanced Digital Images
6	57103/107	U.S. (Provisional)	60/149,737	8/19/1999	Apparatus and Method for Producing Enhanced Digital Images and/or Digital Video Files
7	57103/108	U.S. (Provisional)	60/155,404	9/22/1999	Apparatus and Method for Producing Enhanced Video Images and/or Video Files
8	57103/109	U.S. (Provisional)	60/169,559	12/8/1999	Apparatus and Method for Producing Enhanced Video Images and/or Video Files
9	57103/110	PCT (International)	PCT/US00/ 07772	3/23/2000	Apparatus and Method for Producing Enhanced Digital Images

IVIEWIT.COM PATENT PORTFOLIO

No.	F&L Dkt. No.	Country (Type)	Appl. No.	Filing Date	Application Title
10	57103/111	PCT (International)	PCT/US00/15408	6/2/2000	System and Method for Streaming an Enhanced Digital Video File
11	57103/112	PCT (International)	PCT/US00/15405	6/2/2000	System and Method for Providing an Enhanced Digital Video File
12	57103/113	PCT (International)	PCT/US00/15406	6/2/2000	System and Method for Playing a Digital Video File
13	57103/114	U.S. (Non-Provisional)	09/587,730	6/5/2000	System and Method for Streaming an Enhanced Digital Video File
14	57103/115	U.S. (Non-Provisional)	09/587,026	6/5/2000	System and Method for Playing a Digital Video File
15	57103/116	U.S. (Non-Provisional)	09/587,734	6/5/2000	System and Method for Providing an Enhanced Digital Video File
16	57103/118	PCT (International)	PCT/US00/15602	6/7/2000	System and Method for Video Playback Over a Network
17	57103/119	U.S.	09/522,721	3/10/2000	Apparatus and Method for Producing Enhanced Digital Images
18	57103/120	PCT (International)	PCT/US00/21211	8/2/2000	System and Method for Providing an Enhanced Digital Image File
19	57103/121	U.S. (Non-Provisional)	09/630,939	8/2/2000	System and Method for Providing an Enhanced Digital Image File
20	57103/122	U.S. (Provisional)	60/223344	09/18/2000	Zoom and Pan Imaging Using a Digital Camera
21	57103/123	U.S. (Provisional)	60/233341	09/18/2000	Zoom and Pan Imaging Design Tool

Utley states all patents assigned and he knows nothing about camera applications. Click here to see false and misleading deposition statements

When sent to the patent office, this sheet was found to have materially false and misleading information on it and the patent office could not disclose certain of the Utley patents to the company. Patent office states that patent is neither owned, assigned or invented by company. Click here to see patent office correspondences.

FOLEY & LARDNER

ATTORNEYS AT LAW

CHICAGO
DENVER
JACKSONVILLE
LOS ANGELES
MADISON
MILWAUKEE
ORLANDO

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EMAIL ADDRESS
sbecker@foleylaw.com

Via Facsimile

WRITER'S DIRECT LINE
(414) 297-5571

June 6, 2000

CONFIDENTIAL AND PRIVILEGED

Mr. Brian G. Utley
President
Iviewit.com, Inc.
One Boca Place
2255 Glades Road, Suite 337 West
Boca Raton, Florida 33431



Foley states in there 2001 07 02 Transfer of files document that there is no 117 and file was skipped and number skipped. Yet two exhibits later they Exhibit 117 here to the Virginia Bar. False and misleading statements regarding missing patents, I mean how much was paid to overlook this at the Virginia Bar???

Re: PCT International Patent Application
Title: System and Method for Video Playback Over a Network
Inventor(s): Bernstein et al.
Our Ref.: 57103/117

Dear Brian:

Enclosed please find the first draft of the above-referenced patent application (last page marked 001.793381.1), which has been prepared in accordance with the previously filed U.S. provisional patent applications (MLG Docket Nos. 5865-4 and 5865-4.1). As you know, a careful and critical review of this draft application by you and the inventors is imperative to ensure that the you are all satisfied with the content of the application and the proposed claim scope.

I note that Jeff Friedstein is named as a co-inventor on this application pursuant to Eliot Bernstein's instructions. Accordingly, Jeff must review a draft of the application before filing.

I also note that the deadline for filing this application in order to claim priority to all related provisional applications is **Wednesday, June 7, 2000**. Therefore, we must receive your comments as soon as possible.

Please have the inventor(s) thoroughly read the application draft, including the specification, claims, and drawings, to ensure that it provides a complete and accurate description of the invention. The attached "Inventor Information Sheet" provides a brief explanation of the parts of a utility patent application, the duty of disclosure, and inventorship. I would also like you to personally read and comment on this draft.



Mr. Brian G. Utley

June 6, 2000

Page 2



This PCT application incorporates all of the subject matter of U.S. Provisional Patent Application No. 60/137,921, filed June 7, 1999 (MLG Docket No. 5865-4) and U.S. Provisional Patent Application No. 60/141,440, filed June 29, 1999 (MLG Docket No. 5865-4.1).

You and the inventors should feel free to supplement, correct, or modify any part of the application. In particular, please review the subject matter disclosed in the two above-referenced provisional patent applications. After your review, if you or the inventors feel that any subject matter from these three provisional patent applications should be reflected in the draft PCT application, but is not, please notify me immediately.

The drawings attached to the application are informal sketches that will suffice for purposes of filing. Formal drawings will be prepared at a later date, as they are required for publication of the PCT application.

During the review, please keep in mind that independent claims 1, 12, 19, 24, 31, and 38 are the broadest statements of the invention, and the remaining dependent claims add limitations to further define different embodiments of the invention. Please note that it is the inventors' legal obligations to "read and understand" the contents of the application - including the claims. Each inventor will have to sign a declaration attesting that they did so.

Please have the inventors mark the appropriate changes on this copy of the application, make a copy of the changes, and return the hand-corrected copy to me via facsimile. A revised application incorporating the changes will then be submitted to you for your approval. We will handle execution of the formal papers at a later date.

Pursuant to your instructions, to preserve foreign filing options, I plan to designate all of the countries for filing under the PCT (see attached list of PCT Contracting States). Note, however, that not all foreign countries are members of the PCT (e.g., Taiwan), so to maintain the benefit of priority to the U.S. applications, we would have to file foreign national applications immediately in those non-PCT countries. This would require up-front translation costs and sufficient time for our foreign associates to prepare and file the applications before June 7, 2000. It is my understanding that you DO NOT want us to file in any countries other than those that are members of the PCT. Please let me know IMMEDIATELY if this understanding is not correct.

FOLEY & LARDNER

Mr. Brian G. Utley

June 6, 2000

Page 3



If you or the inventors have any questions, please do not hesitate to contact me. I look forward to receiving at least your preliminary comments on the application by tomorrow.

Very truly yours,

Steven C. Becker

Enclosure(s)

cc: Douglas A. Boehm

PCT International Patent Application entitled
System and Method for Video Playback Over a Network
Inventor(s): Bernstein, et al.

INVENTOR INFORMATION SHEET

Sections of a Utility Patent Application

- Background of the Invention

The Background of the Invention describes the technology that existed before your invention, i.e., the "prior art". This section typically discusses how the need for your invention arose, describes how others attempted to satisfy that need prior to the time of your invention, and points out the deficiencies of the prior art in meeting that need. If you aware of any other prior art that should be mentioned in this background section, please supplement this section and forward any literature that you might have to me.

- Summary of the Invention

The Summary of the Invention section is merely a brief paraphrasing of the basic claims, along with a statement of the objectives and advantages of the present invention.

- Brief Description of the Drawings

The Brief Description of the Drawings is merely a listing of the figures, and should be self-explanatory.

- Detailed Description of the Preferred Embodiments

The Detailed Description of the Preferred Embodiments section should provide a full, clear, and concise description of your invention so that any person skilled in the art could make or use the invention. Furthermore, the application must describe the "best mode" contemplated by the inventor(s) for carrying out the invention. In order to obtain a valid patent, no important details about the preferred embodiment of the invention can be withheld as a trade secret.

- Claims

The claims are the most important part of the patent application. They precisely define the invention and determine the scope of legal protection granted by the patent. The claims must particularly point out and distinctly claim the invention. The claimed subject matter must be distinguishable over that which the prior art suggests to those skilled in this field. Accordingly, the claims should be scrutinized with a view toward protecting your precise invention and those concepts which could be considered an outgrowth of it, yet not

encompassing knowledge from the prior art or obvious extensions thereof. In other words, the scope of the claims must be broad enough to provide that patent protection to which you are entitled, yet narrow enough to be distinguishable over the prior art. The terminology of the claims must be adequately supported by the description contained in the specification. Please keep in mind that all dependent claims, which are identifiable by the phrase "according to claim x" or "of claim x", are interpreted as containing all of the limitations of the other claims which are referred to by that dependent claim. Thus, the independent claims are the broadest statement of your invention, and the dependent claims provide additional limitations to narrow the scope of your invention. Although the inventive concepts of each set of independent claims are interrelated, please keep in mind that they must be critically distinguished from each other. Each set of claims must stand on its own merit.

- Abstract of the Disclosure

The Abstract of the Disclosure section is a very brief description of what the application generally discloses.

- Drawings

The Drawings section should be self-explanatory.

Duty of Disclosure

All individuals associated with the filing or prosecution of a patent application are under a duty of candor and good faith to the U.S. Patent and Trademark Office. This duty specifically includes a duty to disclose any information known to be material to the patentability of any claim of the application. Material information could include patents, brochures and other publications (including those authored by a competitor, inventor, or co-worker), published industry standards, as well as information on possible prior uses of the invention, prior sales or offers to sell the invention, prior knowledge of the invention by others, prior invention by another, inventorship conflicts, and the like. This duty of disclosure is an important requirement of the law, and continues throughout the entire prosecution of the patent application until the application issues as a patent. Pursuant to this duty of disclosure, we will file an Information Disclosure Statement with the U.S. application listing the patent documents found in any prior art searches, as well as any technical articles mentioned in the disclosure materials. Accordingly, if any additional information relevant to your invention should come to your attention at any time before issuance of the patent, please immediately let us know so we can either include it in the Information Disclosure Statement or submit a Supplemental Information Disclosure Statement.

Inventorship

The proper inventors would be those people who contributed to the subject matter of the invention as defined in the claims of the application. There may be joint inventors even though they did not physically work together or at the same time, did not make the same type or

amount of contribution, or did not make a contribution to the subject matter of every claim in the patent. It is our understanding that the above-identified persons are to be named as co-inventors of this application. If this is not accurate, please call us to discuss the conception and development of each of the different embodiments of the invention, so that we will be able to confirm your determination of proper inventorship before filing the application.

Foley & Lardner

PCT CONTRACTING STATES AND TWO-LETTER CODES

(108 on 1 May 2000)

AE United Arab Emirates	GD Grenada	MR Mauritania (OA)
AG Antigua and Barbuda	GE Georgia	MW Malawi (AP)
AL Albania	GH Ghana (AP)	MX Mexico
AM Armenia (EA)	GM Gambia (AP)	MZ Mozambique (from 18
AT Austria (EP)	GN Guinea (OA)	May 2000)(AP)
AU Australia	GR Greece (EP)	NE Niger (OA)
AZ Azerbaijan (EA)	GW Guinea-Bissau (OA)	NL Netherlands (EP)
BA Bosnia and	HR Croatia	NO Norway
Herzegovina	HU Hungary	NZ New Zealand
BB Barbados	ID Indonesia	PL Poland
BE Belgium (EP)	IE Ireland (EP)	PT Portugal (EP)
BF Burkina Faso (OA)	IL Israel	RO Romania
BG Bulgaria	IN India	RU Russian Federation
BJ Benin (OA)	IS Iceland	(EA)
BR Brazil	IT Italy (EP)	SD Sudan (AP)
BY Belarus (EA)	JP Japan	SE Sweden (EP)
BZ Belize (17 June 2000)	KE Kenya (AP)	SG Singapore
CA Canada	KG Kyrgyzstan (EA)	SI Slovenia
CF Central African	KP Democratic People's	SK Slovakia
Republic (OA)	Republic of Korea	SL Sierra Leone (AP)
CG Congo (OA)	KR Republic of Korea	SN Senegal (OA)
CH Switzerland (EP)	KZ Kazakhstan (EA)	SZ Swaziland (AP)
CI Côte d'Ivoire (OA)	LC Saint Lucia	TD Chad (OA)
CM Cameroon (OA)	LI Liechtenstein (EP)	TG Togo (OA)
CN China	LK Sri Lanka	TJ Tajikistan (EA)
CR Costa Rica	LR Liberia	TM Turkmenistan (EA)
CU Cuba	LS Lesotho (AP)	TR Turkey
CY Cyprus (EP)	LT Lithuania 1	TT Trinidad and Tobago
CZ Czech Republic	LU Luxembourg (EP)	TZ United Republic of
DE Germany (EP)	LV Latvia 1	Tanzania (AP)
DK Denmark (EP)	MA Morocco	UA Ukraine
DM Dominica	MC Monaco (EP)	UG Uganda (AP)
DZ Algeria	MD Republic of Moldova	US United States of
EE Estonia	(EA)	America
ES Spain (EP)	MG Madagascar	UZ Uzbekistan
FI Finland (EP)	MK The former Yugoslav	VN Viet Nam
FR France (EP)	Republic of Macedonia	YU Yugoslavia
GA Gabon (OA)	ML Mali (OA)	ZA South Africa
GB United Kingdom (EP)	MN Mongolia	ZW Zimbabwe (AP)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

System And Method For Streaming An Enhanced Digital Video File

(Attorney Docket No. 57103/114)

the specification of which (check one)

 is attached hereto.

 X was filed on June 5, 2000 as United States Application Number 09/587,730.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.



I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/137,297	June 3, 1999
60/155,404	September 22, 1999
60/169,559	December 8, 1999

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
	PCT/US00/15408	June 2, 2000	

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
DOUGLAS A. BOEHM	Reg. No. 32,014
EDWARD W. BROWN	Reg. No. 22,022
CHARLES G. CARTER	Reg. No. 35,093

ALISTAIR K. CHAN	Reg. No. 44,603
JOHN C. COOPER III	Reg. No. 26,416
JEFFREY N. COSTAKOS	Reg. No. 34,144
WILLIAM J. DICK	Reg. No. 22,205
BARRY L. GROSSMAN	Reg. No. 30,844
PAUL S. HUNTER	Reg. No. 44,787
KATHERINE D. LEE	Reg. No. 44,865
KEITH D. LINDENBAUM	Reg. No. 40,365
DAVID G. LUETTGEN	Reg. No. 39,282
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
TODD A. RATHE	Reg. No. 38,276
MICHAEL D. RECHTIN	Reg. No. 30,128
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

and I request that all correspondence be directed to:

Steven C. Becker
 FOLEY & LARDNER
 Firststar Center
 777 East Wisconsin Avenue
 Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5571
 Facsimile: (414) 297-4900

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Eliot I. Bernstein
Residence	Boca Raton, Florida
Citizenship	USA
Post Office Address	500 S.E. Mizner Boulevard, Boca Raton, Florida 33432-6080
Inventor's signature	
Date	

where are signatures on these bogus patents

Where is the signature for this document?
 I mean they are submitting unsigned documents to the Virginia Bar in their defense???

Name of second inventor	Zakirul A. Shirajee
Residence	Boca Raton, Florida
Citizenship	Bangladesh
Post Office Address	9485 Boca Cove Circle, #708, Boca Raton, Florida 33428
Inventor's signature	
Date	



Where is the signature for this document?
I mean they are submitting unsigned
documents to the Virginia Bar in their
defense???

ASSIGNMENT AND AGREEMENT

WHEREAS, **Eliot I. Bernstein** of 500 S.E. Mizner Boulevard, Boca Raton, Florida 33432-6080, and **Brian G. Utley** of 1930 SW 8th Street, Boca Raton, Florida 33486, and **Jude R. Rosario** of 5580 NW 61 Street, Apt. #625, Coconut Creek, Florida 33073, (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **System And Method For Providing An Enhanced Digital Video File** (Atty. Dkt. No. 57103/116) for which an application for United States Letters Patent was filed on June 5, 2000, as Application No. 09/587,734, and for which a PCT International Application was filed on June 2, 2000, as Application No. PCT/US00/15405; and

WHEREAS, **Iviewit Holdings, Inc.**, a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at One Boca Place, 2255 Glades Road, Suite 337 West, Boca Raton, Florida 33431 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a



Executed this ____ day of _____, 20__.

Where is the signature for this document?
I mean they are submitting unsigned documents to the Virginia Bar in their defense???

Brian G. Utley

State of _____)
)ss.
County of _____)

On this ____ day of _____, 20__, before me, a notary public in and for said county, appeared Brian G. Utley, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

Notary Public

My Commission Expires: _____

(Seal)

Executed this ____ day of _____, 20__.

Jude R. Rosario

State of _____)
)ss.
County of _____)

On this ____ day of _____, 20__, before me, a notary public in and for said county, appeared Jude R. Rosario, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

Notary Public

My Commission Expires: _____

(Seal)

EXHIBIT 8



DECLARATION OF BARRY L. GROSSMAN

I, Barry L. Grossman, submit this declaration to the Virginia State Bar regarding *In the Matter of William J. Dick, Esq.*, VSB Docket #04-052-1366.

1. I am a partner in the law firm of Foley & Lardner. I am resident in the Milwaukee office. I am a member of the Wisconsin Bar, the D.C. Bar, and the Virginia Bar.

2. I received from Mr. William J. Dick, Esq. a copy of the letter of December 15, 2003 from Noel D. Sengel, Senior Assistant Bar Counsel, Virginia State Bar, notifying Mr. Dick of a complaint against him. I also received a copy of the complaint.

3. During the time Iviewit.com was a client of the Firm, I was the Partner in charge of the Milwaukee office Intellectual Property department. In this capacity, I was involved in billings and collections for Iviewit.com.

4. Based on the accounting information in our records as of December 29, 2003, the statement in response to question No. 3, page 3 of the Complaint that "the company paid his firm approximately \$200,000." is not an accurate statement.

5. Based on the accounting information at Foley & Lardner, the company Iviewit.Com was billed a total of \$211,309.08. This amount included \$180,825.00 in fees for professional services and \$30,484.08 in costs or disbursements paid on their behalf. Of this total amount billed, Iviewit.com paid Foley & Lardner \$68,778.00. To date, \$142,531.08 remains unpaid and has been treated by the Firm as an account-receivable write-off.

I declare under penalty of perjury under the laws of the United States of America and the Commonwealth of Virginia that the foregoing is true and correct to the best of my knowledge. Dated this 2nd day of January 2004.

Barry L. Grossman

DECLARATION OF DOUGLAS A. BOEHM
SUPPORT OF THE DECLARATION OF WILLIAM J. DICK
IN RESPONSE TO THE COMPLAINT FROM
IVIEWIT HOLDINGS, INC.

1. My name is Douglas A. Boehm, and I was a partner at the law firm of Foley & Lardner ("F&L") in Milwaukee, Wisconsin, from February 1, 1999 to January 31, 2001. I was a member of the Wisconsin State Bar during that time. I am also a registered patent attorney (Reg. No. 32,014). I hold a B.S. degree in Electrical Engineering, a J.D. (with Honors), and an LL.M. (Master of Laws degree) in Intellectual Property. I have been practicing patent law since I became an attorney in 1989, although I have been writing patents since 1983 as a patent engineer and since 1985 as a patent agent.
2. I have read the complaint filed in the Virginia State Bar against William J. Dick ("Bill"), and I have read his declaration in response. I find the accusations against Bill to be ludicrous, and I fully support the position and statements made in Bill's declaration.
3. I do not currently have access to the Iviewit patent files or F&L's correspondence or billing records, so I make this Declaration based upon my recollection and upon information and belief. I feel that all of the accusations against Bill would be proven false if the appropriate documents were produced.
4. When I was at F&L, I had Iviewit as my client. I was responsible for managing all the patent work F&L performed for Iviewit in accordance with firm rules and policies.
5. Bill Dick was Special Counsel at F&L. Bill introduced me to Iviewit, because his former co-worker, Brian G. Utley, wanted F&L to do patent work for them. Although Bill performed some initial legwork for me and attended meetings with the client, Bill did not perform the day-to-day work on the client matters and was not in control of the client relationship. Iviewit was my client.
6. Steven C. Becker ("Steve") was an Associate at F&L in 2000. Steve was also an experienced patent attorney. When I obtained Iviewit as a client, I chose Steve to help me with the work because of his background in computers and electronics. I supervised Steve and worked together with him on the Iviewit patent applications.
7. Steve and I worked on Iviewit client matters from approximately April of 2000 until approximately August of 2000, then I did most of the Iviewit work myself until I left Foley in January of 2001. During that time, Brian Utley was our primary contact at Iviewit, although we did work extensively with Eliot Bernstein to prepare the patent applications. I believe Steve also worked with the other inventors.
8. Brian Utley and I worked well together, and I respected him because of his technical knowledge, business experience, and solid professionalism. Although he was President of Iviewit, it was apparent that he was not really in control of the situation at his company. Brian has since left Iviewit.
9. Eliot Bernstein was, in my opinion, very difficult to work with. Although Eliot was the "Founder" of the company, in my opinion, he did not have a strong technological



background, he did not understand the patent process, and he did not, in several instances, conduct himself in a professional, businesslike manner.

10. During the time I worked on Iviewit matters at F&L, I never heard of a P. Stephen Lamont, who was the person who signed the complaint. I do not believe he worked for Iviewit at that time. If this is the case, then everything he says in the complaint must have come from Eliot Bernstein, and should be taken as such.
11. When we took over the Iviewit patent work from Iviewit's previous counsel, we did not know the extent of the problems they were having with Iviewit. I only remember being told that their previous patent attorney, Ray Joao, had left the firm.
12. I spent quite a bit of time with Bill Dick from 1997 through 2000, especially during the months he spent in the Milwaukee office. We worked together on several client matters, assisted in the training of new patent attorneys, and frequently ate lunch together. I believe I know Bill's character pretty well.
13. Bill is one of the most knowledgeable, unquestionably ethical, and brutally honest people I have ever known. I highly respect him, as do most of the people at F&L. I cannot believe that Bill would do anything illegal or unethical, particularly when it comes to legal work for F&L, or patent work before the USPTO, or even client work for me.
14. Bill had essentially nothing to do with preparation of any of the Iviewit patent applications. As far as I remember, Steve worked with the various inventors when he prepared drafts of the patent applications for my review, and I reviewed and commented on each.
15. Bill had essentially nothing to do with the naming of inventors for any of the Iviewit patent applications. As far as I remember, Steve worked with the various inventors when he prepared his drafts of the patent applications, and he investigated inventorship. Furthermore, if appropriate Declaration documents can be produced from the Iviewit patent files (wherein each inventor for each U.S. patent application executes a legal Declaration to verify inventorship under penalty of fines or imprisonment), then inventorship issues can be readily dismissed.
16. Bill had essentially nothing to do with the assignment of any patent rights for any of the Iviewit patent applications. Without reviewing the files, I cannot say which patent Assignments were prepared and filed for which of the patent applications. If the appropriate Assignment documents can be produced from the Iviewit patent files (wherein each inventor for each U.S. patent application executes a legal Assignment in the presence of a notary public to transfer ownership of the invention to the client company), then ownership issues can be readily dismissed.
17. Bill had essentially nothing to do with preparation or submission of any billing statements to Iviewit. As partner in charge of Iviewit, I handled all the billing matters for Iviewit during the course of the work at F&L. Bill only submitted his timesheets for entry into the billing system, and I reviewed his and Steve's time entries when the bills were prepared before sending them to the client. I do not understand how anyone can say that the billing records were falsified. The only thing anyone can say regarding inaccurate billing was that I did not charge Iviewit for all of the nights



and weekends I spent on their work, because I was trying to keep their costs low, keep our quality high, and make a good impression.



18. Iviewit did not pay for their F&L legal fees in a timely fashion. I made numerous inquiries to Mr. Utley to get them to pay, but to no avail. I recall that Iviewit was in the process of obtaining investors, and each time I was told that all fees would be paid shortly when the investors were on board. I was admonished by F&L management regarding these outstanding bills.

19. Barry Grossman was the partner at F&L who took over the Iviewit client responsibilities from me when I left the firm in January of 2001. By this time, the Iviewit legal bill was over \$100,000. I was not involved with the transfer of files to new counsel, and I did not stay current with the Iviewit situation after I left.

20. To the best of my knowledge, Bill Dick did not do anything regarding Iviewit that could be considered misconduct, fraud, malpractice, theft, misrepresentation, diversion, destruction, falsification, malice, negligence, conspiratorial, aiding and abetting, or any other "malfeasance". I believe this complaint is totally unfounded, was motivated by bad faith, and should readily be dismissed.

Under penalty of perjury under the laws of the United States, I declare that the foregoing is true and correct.

Douglas A. Boehm

Douglas A. Boehm

January 7, 2004

EXHIBIT 10

DECLARATION OF BRIAN G. UTLEY

Now comes the undersigned Declarant, Brian G. Utley, residing at 9541 Virginia Ave. S., Bloomington, Minnesota 55438, and swears that to the best of his knowledge and upon information and belief that:

1. I am the Brian G. Utley that was employed as President of Iviewit.com ("Iviewit") from August, 1999, to May, 2001, when I resigned that position.

2. I met Mr. William J. Dick ("Dick") about 1988-1989 when I was appointed Vice President & General Manager of International Business Machines Corporation's ("IBM") Boca Raton Facility. At that time, Dick was Intellectual Property Counsel for IBM's Boca Raton Facility. On October 31, 1991, I retired from IBM.

3. Subsequent to my retirement, on or about February, 1996 I took a position as President of Diamond Turf Equipment, Inc ("Diamond"). I had no agreement with Diamond to invent or to turn over any inventions which I made to Diamond.

4. In late September of 1996, I contacted Dick, requesting if he was available to handle certain patent matters for him. After meeting with Dick, he agreed that he could handle the matter outlined in the meeting and thereafter, I provided documentation, including an invention disclosure relating to a hydraulic motor circuit, to Dick under my own company name of "Premier Connection". Dick was instructed that he was to act as my Counsel in the matter, and he was not Counsel for Diamond. At my direction, Dick filed a provisional patent application in the USPTO, naming me as the sole inventor.

5. The provisional application was never perfected into a regular non-provisional utility application, so no U.S. patent rights ever matured for the invention. I refused to assign the invention to Diamond, when Diamond made the demand. As a result, I resigned from Diamond on or about June, 1999.

6. On July, 1999 I was approached by Chris Wheeler, a Partner with Proskauer Rose, LLC about taking the leadership position with Iviewit which was currently being organized. Proskauer Rose had been retained by Iviewit to assist in the organization of

Utley 1/6/2004

In Utley deposition he lies and states that he never filed these patents. This statement comes after Utley knows he is busted perjuring himself in his depo and evidence presented to authorities.
- click here for Utley perjured statement in deposition.

He was fired over this trying to steal lawnmower inventions from lawnmower company. Fails to state in his resume provided by Wheeler that he was fired or resigned. Company was shut down after he was fired and they state due to his inventions company went on to be success - CLICK HERE TO SEE UTLEY BOGUS RESUME

the company. Prior to the offer and my acceptance of the position with Iviewit, I informed Eliot Bernstein (Founder of Iviewit) of the reasons for my leaving Diamond, including the facts set forth in #4 and #5 above. On joining Iviewit as President I signed an employment agreement granting Iviewit exclusive rights to any Intellectual Property that may be developed during my employment.

7. About March or April of 2000, I contacted Dick and asked if he could do some patent work for Iviewit. I was informed of Dick's new connection as Special Counsel for Foley & Lardner ("Foley"), and Dick told me that after a conflicts check, that Foley could accommodate his request. Because the subject matter was in a technology unfamiliar to Dick, and because of Foley's client management policy, Mr. Douglas Boehm ("Boehm"), a partner at Foley's Milwaukee Office, was placed in charge of the client. Mr. Boehm requested that Dick initially interview Iviewit. Dick met with me as well as others at the offices of Iviewit, and subsequently Boehm, on behalf of Foley, agreed to serve as Patent Counsel for Iviewit, and Iviewit and Foley both signed a letter of engagement. Boehm and an associate patent attorney at Foley, Mr. Steven Becker ("Becker"), later flew from Milwaukee to Boca Raton to meet with Iviewit. At that meeting, Dick formally introduced Boehm and Becker to me and Bernstein.

8. Thereafter, I served as the primary patent interface between Iviewit and Foley. My interaction was primarily with Boehm and Becker of that office.

9. I have read the Complaint filed by Iviewit Holdings against Dick and the allegations made in that Complaint. I find them to be without merit.

10. During the preparation of patent applications for Iviewit, Boehm and/or Becker made determinations as to the proper inventors for the patent applications after consulting with me. To the best of my knowledge, the information that I gave to them helped them to make legal determinations of proper inventorship. The inventors named had an opportunity during their review of the patent application drafts, and subsequent to the filing of the patent applications, to discuss any such inventorship disagreements with Boehm or Becker so that if errors had occurred, such errors could be corrected. To the best of my knowledge, I do not recall my, or any other employee of Iviewit, disputing an



inventorship determination made by Boehm or Becker during the course of their work for Iviewit.

11. To the best of my recollection, the patent applications that were filed by Boehm and Becker contained the technical information regarding Iviewit's inventions which were provided by me and others at Iviewit.

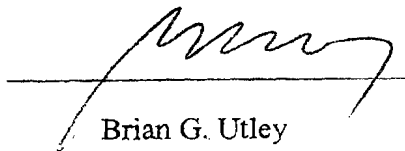
12. I am not aware of any efforts by Dick, Boehm, or Becker to fraudulently change the titles of Iviewit applications, destroy Iviewit documents so as to insert reasonable doubt as to allegations by Iviewit of fraud, or to falsify billing records so as to insert reasonable doubt as to the allegations by Iviewit of fraud.

13. I am unaware of any efforts by Dick, Boehm, or Becker to "bury" patent applications and inventions, or to transfer Iviewit applications solely into my name for my or anyone else's benefit. I do not hold any rights in any Iviewit technology. Moreover, to the best of my recollection, all inventions made by me during my employment by Iviewit were assigned to Iviewit.

14. Declarant unequivocally denies any and all allegations of any involvement in any conspiracy to deprive Iviewit of any rights to any technologies.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated this 6th day of January, 2004.


Brian G. Utley