

Ken Rubenstein Deposition

4 Rose?

5 A. I don't know.

6 Q. When Proskauer Rose would  
7 represent a new client, would a conflict check  
8 be run?

9 A. I think that's the normal  
10 procedure of this and most other law firms.

11 Q. When you were contacted or spoke  
12 to Mr. Wheeler with regard to IViewIt.com, did  
13 you either request that Mr. Wheeler confirm  
14 the conflict check had been run or did you  
15 conduct one yourself?

16 A. I did not conduct one myself  
17 because the client came in through Mr. Wheeler  
18 and he -- in the normal procedure, it would be  
19 up to him to do the conflict check.

20 Q. Okay, so you relied on the fact  
21 that Mr. Wheeler had done one?

22 A. I relied on the fact that it would  
23 be the normal procedure in this law firm for  
24 him to have done it.

25 Q. But you can't tell me whether or

□

56

1 Rubenstein

2 not today, as you sit here, whether or not one  
3 was done.

4 A. I would say it would be the normal  
5 procedure in this law firm for it to be done.

6 Q. But do you have any personal

7 knowledge which would indicate to you directly  
8 that a conflict check had been run with regard  
9 to IViewIt?

10 A. Well, the fact is, in this law  
11 firm they would not assign a client billing  
12 number to the client without a conflict check  
13 being done, and I understand the client  
14 billing number was assigned, so that means a  
15 conflict check was done --

16 Q. And --

17 A. -- or would normally have been  
18 done.

19 Q. Normally, but what I am asking you  
20 very specifically is, sir, you do not know for  
21 a fact whether or not a conflict check was  
22 run?

23 A. Not at this point in time, I do  
24 not know.

25 Q. And if there was a conflict found,

□

57

1 Rubenstein  
2 what would be the normal procedure?

3 A. It would go to the -- there is a  
4 committee that -- in this law firm, that deals  
5 with those issues.

6 Q. Does that committees ever obtain  
7 waivers of conflicts from clients?

8 A. They might.

9 MR. PRUSASKI: Don't answer the

10 Ken Rubenstein Deposition  
question, it's privileged.

11 (DIRECTION NOT TO ANSWER.)

12 Q. Do you maintain any files or any  
13 documents concerning IViewIt?

14 MR. PRUSASKI: Him personally?

15 MR. SELZ: In his business records  
16 or in his records for Proskauer Rose at  
17 the offices in New York.

18 A. Not that I know of, no.

19 Q. Do you know of any patenting of  
20 inventions for IViewIt?

21 A. Like I say, I was not involved as  
22 their patent counsel, other people served as  
23 their patent counsel.

24 Q. Are you aware of any of the  
25 particulars of any of those patents?

CLICK HERE TO SEE  
CONTRADICTIONARY EVIDENCE

□

58

1 Rubenstein

2 A. I was not --

3 MR. PRUSASKI: This --

4 A. I will repeat it again, I was not  
5 involved as their patent counsel, other people  
6 were. And, at this point in time, I have no  
7 knowledge of their patent applications.

8 MR. PRUSASKI: Mr. Selz, you are  
9 repeating yourself now.

10 MR. SELZ: I'm sorry, Chris.

11 MR. PRUSASKI: Eliot needs to type  
12 some new questions.