
United States Court of Appeal for the Second Circuit

ELIOT I. BERNSTEIN, INDIVIDUALLY and P. STEPHEN LAMONT AND ELIOT I. BERNSTEIN ON BEHALF OF SHAREHOLDERS OF IVIEWIT HOLDINGS, INC., IVIEWIT TECHNOLOGIES, INC., UVIEW.COM, INC., IVIEWIT HOLDINGS, INC., IVIEWIT HOLDINGS, INC., IVIEWIT.COM, INC., IVIEWIT.COM, INC., I.C., INC., IVIEWIT.COM LLC, IVIEWIT LLC, IVIEWIT CORPORATION, IVIEWIT, INC., IVIEWIT, INC., and PATENT INTEREST HOLDERS as defined in the Amended Complaint.

Plaintiffs – Appellants

--v--

STATE OF NEW YORK, THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM, PROSKAUER ROSE LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, STEVEN C. KRANE in his official and individual Capacities for the New York State Bar Association and the Appellate Division First Department Departmental Disciplinary Committee, and, his professional and individual capacities as a Proskauer partner, KENNETH RUBENSTEIN, in his professional and individual capacities, ESTATE OF STEPHEN KAYE, in his professional and individual capacities, ALAN S. JAFFE, in his professional and individual capacities, ROBERT J. KAFIN, in his professional and individual capacities, CHRISTOPHER C. WHEELER, in his professional and individual capacities, MATTHEW M. TRIGGS in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer, ALBERT T. GORTZ, in his professional and individual capacities, CHRISTOPHER PRUZASKI, in his professional and individual capacities, MARA LERNER ROBBINS, in her professional and individual capacities, DONALD "ROCKY" THOMPSON, in his professional and individual capacities, GAYLE COLEMAN, in her professional and individual capacities, DAVID GEORGE, in his professional and individual capacities, GEORGE A. PINCUS, in his professional and individual capacities, GREGG REED, in his professional and individual capacities, LEON GOLD, in his professional and individual capacities, MARCY HAHN-SAPERSTEIN, in her professional and individual capacities, KEVIN J. HEALY, in his professional and individual capacities, STUART KAPP, in his professional and individual capacities, RONALD F. STORETTE, in his professional and individual capacities, CHRIS WOLF, in his professional and individual capacities, JILL ZAMMAS, in her professional and individual capacities, JON A. BAUMGARTEN, in his professional and individual capacities, SCOTT P. COOPER, in his professional and individual capacities, BRENDAN J. O'ROURKE, in his professional

and individual capacities, LAWRENCE I. WEINSTEIN, in his professional and individual capacities, WILLIAM M. HART, in his professional and individual capacities, DARYN A. GROSSMAN, in his professional and individual capacities, JOSEPH A. CAPRARO JR., in his professional and individual capacities, JAMES H. SHALEK, in his professional and individual capacities, GREGORY MASHBERG, in his professional and individual capacities, JOANNA SMITH, in her professional and individual capacities, MELTZER LIPPE GOLDSTEIN WOLF & SCHLISSEL, P.C. and its predecessors and successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, LEWIS S. MELTZER, in his professional and individual capacities, RAYMOND A. JOAO, in his professional and individual capacities, FRANK MARTINEZ, in his professional and individual capacities, FOLEY & LARDNER LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MICHAEL C. GREBE, in his professional and individual capacities, WILLIAM J. DICK, in his professional and individual capacities, TODD C. NORBITZ, in his professional and individual capacities, ANNE SEKEL, in his professional and individual capacities, RALF BOER, in his professional and individual capacities, BARRY GROSSMAN, in his professional and individual capacities, JIM CLARK, in his professional and individual capacities, DOUGLAS A. BOEHM, in his professional and individual capacities, STEVEN C. BECKER, in his professional and individual capacities, BRIAN G. UTLEY, MICHAEL REALE, RAYMOND HERSCH, WILLIAM KASSER, ROSS MILLER, ESQ. in his professional and individual capacities, STATE OF FLORIDA, OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA, HON. JORGE LABARGA in his official and individual capacities, THE FLORIDA BAR, JOHN ANTHONY BOGGS in his official and individual capacities, KELLY OVERSTREET JOHNSON in her official and individual capacities, LORRAINE CHRISTINE HOFFMAN in her official and individual capacities, ERIC TURNER in his official and individual capacities, KENNETH MARVIN in his official and individual capacities, JOY A. BARTMON in her official and individual capacities, JERALD BEER in his official and individual capacities, BROAD & CASSEL, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, JAMES J. WHEELER, in his professional and individual capacities, FLORIDA SUPREME COURT, HON. CHARLES T. WELLS, in his official and individual capacities, HON. HARRY LEE ANSTEAD, in his official and individual capacities HON. R. FRED LEWIS, in his official and individual capacities, HON. PEGGY A. QUINCE, in his official and individual capacities, HON. KENNETH B. BELL, in his official and individual capacities, THOMAS HALL, in his official and individual capacities, DEBORAH YARBOROUGH in her official and individual capacities, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION – FLORIDA, CITY OF BOCA RATON, FLA., ROBERT FLECHAUS in his official and individual capacities, ANDREW SCOTT in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THOMAS J. CAHILL in his official and individual capacities, PAUL CURRAN in his official and individual capacities, MARTIN R. GOLD in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT, CATHERINE O'HAGEN WOLFE in her official and individual

capacities, HON. ANGELA M. MAZZARELLI in her official and individual capacities, HON. RICHARD T. ANDRIAS in his official and individual capacities, HON. DAVID B. SAXE in his official and individual capacities, HON. DAVID FRIEDMAN in his official and individual capacities, HON. LUIZ A. GONZALES in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND JUDICIAL DEPARTMENT, SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, LAWRENCE DIGIOVANNA in his official and individual capacities, DIANA MAXFIELD KEARSE in her official and individual capacities, JAMES E. PELTZER in his official and individual capacities, HON. A. GAIL PRUDENTI in her official and individual capacities, HON. JUDITH S. KAYE in her official and individual capacities, STATE OF NEW YORK COMMISSION OF INVESTIGATION, ANTHONY CARTUSCIELLO in his official and individual capacities, LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK, OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK, ELIOT SPITZER in his official and individual capacities, as both former Attorney General for the State of New York, and, as former Governor of the State of New York, COMMONWEALTH OF VIRGINIA, VIRGINIA STATE BAR, ANDREW H. GOODMAN in his official and individual capacities, NOEL SENDEL in her official and individual capacities, MARY W. MARTELINO in her official and individual capacities, LIZBETH L. MILLER, in her official and individual capacities, MPEGLA, LLC, LAWRENCE HORN, in his professional and individual capacities, REAL 3D, INC. and successor companies, GERALD STANLEY, in his professional and individual capacities, DAVID BOLTON, in his professional and individual capacities, TIM CONNOLLY, in his professional and individual capacities, ROSALIE BIBONA, in her professional and individual capacities, RYJO, INC., RYAN HUISMAN, in his professional and individual capacities, INTEL CORP., LARRY PALLEY, in his professional and individual capacities, SILICON GRAPHICS, INC., LOCKHEED MARTIN, BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, NORMAN ZAFMAN, in his professional and individual capacities, THOMAS COESTER, in his professional and individual capacities, FARZAD AHMINI, in his professional and individual capacities, GEORGE HOOVER, in his professional and individual capacities, WILDMAN, HARROLD, ALLEN & DIXON LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MARTYN W. MOLYNEAUX, in his professional and individual capacities, MICHAEL DOCKTERMAN, in his professional and individual capacities, HARRISON GOODARD FOOTE, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, EUROPEAN PATENT OFFICE, ALAIN POMPIDOU in his official and individual capacities, WIM VAN DER EIJK in his official and individual capacities, LISE DYBDAHL in her official and personal capacities, YAMAKAWA INTERNATIONAL PATENT OFFICE, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MASAKI YAMAKAWA, in his professional and individual capacities, CROSSBOW VENTURES, INC., ALPINE VENTURE CAPITAL PARTNERS LP, STEPHEN J. WARNER, in his professional and individual capacities, RENE P. EICHENBERGER, in his professional and individual capacities, H. HICKMAN "HANK" POWELL, in his

professional and individual capacities, MAURICE BUCHSBAUM, in his professional and individual capacities, ERIC CHEN, in his professional and individual capacities, AVI HERSH, in his professional and individual capacities, MATTHEW SHAW, in his professional and individual capacities, BRUCE W. SHEWMAKER, in his professional and individual capacities, RAVI M. UGALE, in his professional and individual capacities, DIGITAL INTERACTIVE STREAMS, INC., ROYAL O'BRIEN, in his professional and individual capacities, HUIZENGA HOLDINGS INCORPORATED, WAYNE HUIZENGA, in his professional and individual capacities, WAYNE HUIZENGA, JR., in his professional and individual capacities, TIEDEMANN INVESTMENT GROUP, BRUCE T. PROLOW, in his professional and individual capacities, CARL TIEDEMANN, in his professional and individual capacities, ANDREW PHILIP CHESLER, in his professional and individual capacities, CRAIG L. SMITH, in his professional and individual capacities, HOUSTON & SHAHADY, P.A., and any successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, BART A. HOUSTON, ESQ. in his professional and individual capacities, FURR & COHEN, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, BRADLEY S. SCHRAIBERG, ESQ. in his professional and individual capacities, MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, WILLIAM G. SALIM, ESQ. in his professional and individual capacities, SACHS SAX & KLEIN, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, BEN ZUCKERMAN, ESQ. in his professional and individual capacities, SPENCER M. SAX, in his professional and individual capacities, SCHIFFRIN & BARROWAY LLP, and any successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, RICHARD SCHIFFRIN, in his professional and individual capacities, ANDREW BARROWAY, in his professional and individual capacities, KRISHNA NARINE, in his professional and individual capacities, CHRISTOPHER & WEISBERG, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, ALAN M. WEISBERG, in his professional and individual capacities, ALBERTO GONZALES in his official and individual capacities, JOHNNIE E. FRAZIER in his official and individual capacities, IVIEWIT, INC., a Florida corporation, IVIEWIT, INC., a Delaware corporation, IVIEWIT HOLDINGS, INC., a Delaware corporation (f.k.a. Uview.com, Inc.), UVIEW.COM, INC., a Delaware corporation, IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.), IVIEWIT HOLDINGS, INC., a Florida corporation, IVIEWIT.COM, INC., a Florida corporation, I.C., INC., a Florida corporation, IVIEWIT.COM, INC., a Delaware corporation, IVIEWIT.COM LLC, a Delaware limited liability company, IVIEWIT LLC, a Delaware limited liability company, IVIEWIT CORPORATION, a Florida corporation, IBM CORPORATION, JOHN AND JANE DOES.

Defendants – Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



CASE 07 CIV. 11196 (SAS) ELIOT I. BERNSTEIN, ET AL. V. APPELLATE
DIVISION FIRST DEPARTMENT, DEPARTMENT DISCIPLINARY COMMITTEE
ET AL.
RELATED CASE
07 CIV. 9599 (SAS-AJP) CHRISTINE C. ANDERSON V. THE STATE OF NEW
YORK, ET AL.

PLAINTIFFS MOTION FOR EXTENSION OF TIME TO FILE AN APPEAL / STAY
OF APPEAL / CONFLICTS / DOCKETING AND OTHER ERRORS / AND OTHER
REQUESTS

I, Eliot Ivan Bernstein ("Bernstein") at the address of 2753 N.W. 34th Street, Boca Raton, FL 33434, am writing and making this pro se motion to seek relief and address a variety of issues in this case, action, and appeals process. At the time of this writing, I have been undergoing a variety of facial reconstructive and dental surgeries (including 15 teeth extractions and 16 implants thus far) beginning on an Emergency basis due to threat to my life and welfare from a life threatening infection. Treatment includes multiple surgeries over a 18-month period and continues to include the administering of a variety of narcotic, sleep and related pain management medications frequently rendering me unconscious, incapable and unable to function or perform in the way necessary to address the many issues in my case. The treatment was a direct result of neglect and financial distress due to the many crimes committed against me as described in the Amended Complaint, including but not limited too, being forced to flee my home with wife and small children twice to protect our lives from direct death threats and a car bombing, which took precedent to my health concerns.

I. A NEW "UNITED STATES" UNDER LAW

1. I first ask this Court, the Second Circuit Court of Appeals and all Court officers employees, agents, contract agents and other to take Judicial Notice of the official change

of the "United States" as of the date of this writing, by and way of the official change of administration under now US President Barack Obama.

2. I next ask this Court and all Court officers, employees, agents, contract agents, and others to take notice of any and all applicable changes by way of Executive Orders or other related orders or rules under this new administration.

II. CONFLICTS¹

3. I then ask this Court and all Court officers to faithfully perform all duties under 42 USC Sec. 1983, the federal RICO statutes, the Rules and Canons of Judicial Ethics for Judicial Officers, the Code of Attorney Conduct for New York and under any and all other law to immediately address the "Conflicts of Interests"² presented in this matter on appeal. Many state and federal legal and law enforcement agencies, including but not limited to, the New York State Bar Association, the Appellate Division First Department, the Attorney General's Office of the State of New York, the Florida Supreme Court, The Florida Bar, The Virginia Bar, individual justices, leading law firms both domestic and foreign and lawyers worldwide are directly involved in these matters. Any affiliations to any of these organizations, any membership or interests in any of the Defendant's named herein from the Amended Complaint ("AC")³ and/or the Original Complaint ("OC")⁴

¹ Exhibit 1 – Applicable Conflict Rules @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090128%20Court%20of%20Appeals%20Exhibit%201.htm>

² Exhibit 2 - A copy for signing of the Conflict of Interest Disclosure form can be found @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090127%20Conflict%20of%20Interest%20Form.htm> . This form can be completed and returned before any action is taken by any individual or entity involved in this lawsuit in any way.

³ Exhibit 3 -

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20FINAL%20AMENDED%20COMPLAINT%20AND%20RICO%20SIGNED%20COPY%20MED.pdf>

⁴ Exhibit 4 - <http://iviewit.tv/20071215usdcsnycomplaint.pdf>

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filed, will be viewed as conflict and force new complaints and new Defendant's in these matters.

4. Bernstein requests full disclosure of any such conflicts, as proscribed by law, prior to any ruling by this Court. Pro Se Bernstein hereby requests all members of this Court to affirm in writing that no conflicts exist and all appropriate conflicts checks completed according to well-established rules and procedures. If the conflict request cannot be faithfully preformed by this Court than Bernstein requests this Court to turn the matters over to the United States Supreme Court, where the bulk of federal questions will need to be addressed, since precedent-setting matters will flow forward to that Court eventually.

5. Specifically, it is noted for this Court that The Honorable United States District Judge Shira Scheindlin ("Scheindlin"), of the United States District Court Southern District of New York ("US SDNY"), noted that "conflicts of interests" existed prior to the sua sponte Dismissal that needed to be addressed. However, "conflicts" were not addressed by Scheindlin prior to or after the sua sponte Dismissal which will be part of the subject of the forthcoming appeal. Such language noted by Scheindlin in an Order⁵ whereby she claimed, "Any further consideration of the substantive issues raised by plaintiffs, including plaintiffs' requests regarding conflicts of interest, must await resolution of anticipated motions to dismiss."

6. Bernstein requests investigation of all prior existing conflicts, prior to any rulings by this Court, ceasing and eliminating "substantive" conflicts from existing, further tainting and ensnaring these proceedings in conflicts. As Bernstein has shown the US SDNY,

⁵ Exhibit 5 -

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080321%20Order%20Scheindlin.pdf>



conflicts exist in multitudes⁶, which are “substantive” by those attorneys representing the OC Defendants⁷, many who have direct interest in the case and Defendants they represent. Those same conflicts, unregulated and further permitted in this Court have already tainted these proceedings as Proskauer Rose LLP for one example, a named and central Defendant, continues to represent themselves in a RICO case against their former client Bernstein, tied to a federal Whistleblower case, whereby their entire law firm and

⁶ Exhibit 6 -

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20AG%20Cuomo%20letter%20email%20copy.pdf>

and
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20Proskauer%20letter%20as%20counsel.pdf>

and
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080313%20FINAL%20Plaintiff%20Response%20to%20Schiendlin%20March%2007%202008%20Order.pdf>

and
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080314%20FINAL%20Letter%20to%20NY%20AG%20to%20reinvestigate%20investigation%20on%20new%20evidence.pdf>

and
[http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/Schiendlin%20Order%2003%2007%202008%20\(2\).pdf](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/Schiendlin%20Order%2003%2007%202008%20(2).pdf)

and
<http://iviewit.tv/CompanyDocs/NYBAR%20STRIKE%20RUBENSTEIN%20RESPONSE%20-%20COMPLAINT%20AGAINST%20KRANE.pdf>

and
<http://iviewit.tv/CompanyDocs/2004%2006%2017%20Cahill%20Motion%20to%20move%20complaints%20krane%20rubenstein.pdf>

and
<http://iviewit.tv/CompanyDocs/2004%2006%2023%20cahill%20complaint%20fax%20to%20curran%20send%20direct.pdf>

and
<http://iviewit.tv/CompanyDocs/2004%2007%2008%20RUBENSTEIN%20KRANE%20JOAO%20MOTION%20FINAL%20BOOKMARKED.pdf>

and
<http://iviewit.tv/CompanyDocs/2004%2007%2009%20Florida%20Bar%20Boggs%20Confirming%20Conflict%20of%20Triggs%20and%20Wheeler.pdf>

and
<http://iviewit.tv/CompanyDocs/2004%2007%2012%20cahill%20motion%20to%20move%20krane.pdf>

and
<http://iviewit.tv/CompanyDocs/2004%2007%2022%20TRIGGS%20BAR%20COMPLAINT%20-%20PROSKAUER%20BOOKMARKED.pdf>

and on and on and on, in the never ending myriad of lawyers and judicial officers violating the rules regulating their personal and professional codes of conduct.

⁷ Exhibit 7 - No AC Defendant's have been properly served the AC at this time and therefore none are being represented by legal counsel.



personal assets are at stake, with conflict after conflict in their self-representation, as if they cannot hire non conflicted representative third party counsel. This is one of the many conflicts created by defense counsel for the OC Defendants; almost every single Defendant counsel found to have conflict, the information regarding those conflicts exists in the US SDNY court record and must be thoroughly ferreted out prior to any rulings by this Court.

7. It is specifically noted for this Court that this action raises fundamental matters of global Commerce and the Economy falling under Article I of the US Constitution. Such continuing failures to address such "conflicts" under law directly impacts and interrupts the free flow of Commerce thereby impacting the Global Economy under Article I of the US Constitution and has other direct adverse impacts on settlements, contracts, and free trade and therefore must be addressed immediately.

8. It is noted at the time of this application and motion for relief herein that Bernstein has previously applied for Injunctive relief in this international "Patentgate" scandal which since its inception on or about 1997 has fundamentally affecting global commerce, free trade and the economy by first applying in the State of Florida Courts (Fifteenth Judicial District ~ Proskauer v. Iviewit Civil Case No. 502001CA004671XXCDAB, Judge Jorge Labarga) where the Patentgate saga began and by subsequently applying for Injunctive and related relief in the US SDNY before Scheindlin as set out in the annexed AC. Such international Patentgate scandal presently continues to fundamentally impact and disrupt free trade and commerce and the global economy rendering injunctive relief appropriate which should continue until such time as all issues raised herein are resolved fairly and appropriately under JUST law and justice."

9. Bernstein respectfully directs this Court's attention to Exhibit 2 of the AC which provides incontrovertible proof of over several hundred Signed NDA's⁸ (Non-Disclosure Agreements) and strategic alliances with many Fortune 1000 corporations relating to the Bernstein "inventions", as described in the AC, subsequently illegally and unlawfully stolen as set out in the AC which, however, fundamentally changed the "Internet" as now known from being a predominantly text based medium to an imaging and video based medium.

10. Thus, as this Court should clearly see from the outset, there are already many named and identified companies and businesses currently listed in the AC, including MPEGLA, LLC, (with thousands of licensees of the stolen technologies with global Fortune 1000 companies) Intel, IBM and others, wherein the day to day operations and business decisions and future commerce and trade are fundamentally impacted by the continuing failures to address the issues, including conflict issues defined herein and in the AC or to properly report the liabilities to shareholders and auditors.

11. As further set out in this application, Bernstein moves this Court to immediately restrain the assets and accounts and properties of the named Defendants of the AC, and/or

⁸ Exhibit – Non Disclosure Agreements

<http://iviewit.tv/CompanyDocs/Patents/Confidentialities/confidentialities%20total.pdf>

and

<http://iviewit.tv/CompanyDocs/Appendix%20A/index.htm#MPEGLALIST>

and

<http://iviewit.tv/CompanyDocs/colter%20letters.pdf>

and

<http://iviewit.tv/CompanyDocs/1999%2007%2019%20Epstein%20to%20Wheeler%20why%20are%20NDA%20in%20iviewit%20inc.pdf>

and

<http://iviewit.tv/CompanyDocs/Armstrong%20Wheeler%20Client%20letter%20with%20highlights.pdf>

and

<http://iviewit.tv/CompanyDocs/RYO%20LETTER%20WARNING%20OF%20USING%20VIEWIT%20TECH%20INTEL%20HERSH.pdf>

and

<http://iviewit.tv/CompanyDocs/Wachovia%20Private%20Placement%20Memorandum%20-%20with%20bookmarks%20in%20col.pdf>

direct that such assets, accounts and any/all properties be directed to be held in identifiable escrow accounts or simply assigned or transferred to Bernstein at this time until these matters are fully resolved in the courts and at the USPTO.

12. A bird's-eye view of some of the complexities caused by the failure to address the "conflicts" in the case, shows Scheindlin in one breathe acknowledged the "conflicts" in the complaint that named as a party, Defendant the New York State Attorney General's ("NYSAG") Office of Eliot Spitzer ("Spitzer"), and yet, later in her Decision and Order dismissing the complaint of Bernstein et al. ⁹ suggested that the very same NYSAG was one avenue for Bernstein to pursue claims. Scheindlin suggested this without however addressing the conflict of simultaneously directing me to an office that is a named party Adversary/Defendant in the AC that was in fact representing and conducting confidential communications with other named party Defendants represented by the NYSAG who were and are adversaries of Eliot Bernstein. In the proceedings at the US SDNY before Scheindlin, the NYSAG represented over 30 Defendants separately named both professionally and personally while simultaneously continuing to represent, their very own offices as named party defendants as well, failing to investigate but rather representing, many of the state actors. The Anderson related case should have been sufficient cause for the NYAG to abolish their representation of those Defendants that their office should now be investigating due to Anderson but currently is representing on New York taxpayer dollars. Finally, Proskauer Rose who is a named party defendant

⁹ Exhibit 8 - Scheindlin 2008 08 08 Decision Bernstein

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080808%20Scheindlin%20Dismissal%20of%20Complaint.pdf>

and

Scheindlin 2008 08 08 Decision Six Related Cases

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080808%20Scheindlin%20Dismissal%20of%20related%20complaints.pdf>.

close to the center and heart of this international Patentgate scandal represented Spitzer who was simultaneously a named party Defendant in the AC while he was acting as the NYSAG.

13. During this same period of time Proskauer Rose, counsel for Spitzer, hired several former attorneys of the office of the NYSAG under Eliot Spitzer, a named party Defendant that may be conflicted with these matters, and at minimum, full disclosure of all such relations by and between the NYSAG and Proskauer, or any other Defendant, must be resolved before the parties can continue to make representation as counsel in these matters.

14. At minimum, such action by Scheindlin in directing Bernstein and other related case Plaintiffs to the NYSAG under these circumstances defies logic and is inherently contradictory since on one hand it presumes that Scheindlin recognized the ongoing criminal actions placed before her Court otherwise the referral to the NYSAG and/or US Attorney would not have been made. Yet, on the other hand, Scheindlin was directing Bernstein and all other Anderson related cases¹⁰ to an office (or offices) which already had and likely continued to have ongoing communications with adversarial parties. This action fundamentally calls into question whether Scheindlin herself was conflicted, necessitating a formal conflicts check by Scheindlin, which she failed to complete, despite several written requests by Bernstein.

¹⁰ Exhibit 9 –

(07cv09599) Anderson v The State of New York, et al., ~ Whistleblower Case
(07cv11196) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.,
(07cv11612) Esposito v The State of New York, et al.,
(08cv00526) Capogrosso v New York State Commission on Judicial Conduct, et al.,
(08cv02391) McKeown v The State of New York, et al.,
(08cv02852) Galison v The State of New York, et al.,
(08cv03305) Carvel v The State of New York, et al., and,
(08cv4053) Gizella Weisshaus v The State of New York, et al.
(08cv4438) Suzanne McCormick v The State of New York, et al.

15. Either way, such action strikes against the very purpose of having Conflict rules and ethics rules and creates a stain and blemish on the integrity of proceedings before the US SDNY such that Scheindlin herself has become a likely and necessary witness in this case, action and appeal. Exhibited herein are the Rules and Regulations of the Judicial Council chaired by Chief Justice John Roberts for issuing Subpoenas of federal Judges and related court personnel as appears to be necessary and proper in relation to the conduct of Scheindlin of the US SDNY and potentially others including her law clerks and other staff and employees of the US SDNY. It is also noted at this time that newly appointed Florida Supreme Court Judge Jorge Labarga and related Judicial staff from the State of Florida Supreme Court are also necessary and proper Defendants in resolving the conflicts herein as this international Patentgate saga began in the State Courts of Florida.¹¹

16. It is noted that multiple conflicts exist under both federal law and under NY State law in particular as related to NY State Defendants, Attorneys Licensed under NY law, and under NY Codes of Professional Responsibility for Attorneys and NYS Code of Judicial Conduct and others including multiple conflicts of named Defendant lawyers and Judges as "witnesses" and more and it is also noted that the "Related" Case marked "related" by Scheindlin under Christine C. Anderson v. the State of New York, et al. Docket No 07-cv-09599 (SAS)(AJP) ("Anderson") is pending and ongoing in the US SDNY. I have not been afforded full access to the Discovery from this "related" case or others related to it, including sealed statements from judges and former justices that may have direct bearing on my case.

¹¹ Exhibit 10 - For a complete list of court cases and investigatory actions
<http://iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm>

17. This alone is sufficient to grant a Stay of the Appeal pending resolution of "Anderson" as requested below, as the "related" case of Anderson strikes to the heart of the conflicts and corruption within the New York State Court system and specifically the NYS First Department Discipline Committee, as Anderson is a Whistleblower who worked within the First Department Discipline Committee wherein Anderson's claims involve direct and substantial matters as relating to the claims of Eliot Bernstein herein¹². Just a few of the applicable Rules and Codes of Conduct under New York State law at play herein involve have been attached.¹³

III. DUTY TO INFORM ATTORNEY GENERAL OF THE UNITED STATES

18. I next ask this Court to faithfully perform all duties, obligations under law and Judicial ethics requirements to notify and seek involvement in this case by the "United States" by and through the Office of the United States Attorney General, the Solicitor General or inform me, Eliot Bernstein, how to do so based upon the fundamental implications for "Commerce" under Article I of the US Constitution and related interests of the "United States."

19. These interests should further include the implications for the Small Business Administration (SBA), the United States Patent Office ("USPTO")¹⁴, the outstanding

¹² Exhibit 11 – Anderson Original Complaint @ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/anderson/20071028%20Anderson%20Original%20Filing.pdf> .

¹³ Exhibit 12 - All Rules and Codes of Conduct cited may not be the Rules and Codes Of Conduct that were applicable at the time the crimes cited in the AC were committed and with several Defendant's having direct authority to change the Rules and Codes of Conduct, we request the Court use only the applicable Rules and Codes of Conduct in force at the various times of the crimes cited. Since it is presumed that the patent theft crimes were committed with planning and scienter from the start of Proskauer Rose's representation of Bernstein in 1998-1999, and Defendant Stephen Krane and Judith Kaye had power to make changes to verbiage, that rules from the earliest date of known conspiratorial actions should apply and any/all changes be noted with date.

¹⁴ Exhibit 13 - The USPTO has suspended patents pending investigation of charges of Fraud on the USPTO committed by licensed patent bar counsel at the USPTO. <http://iviewit.tv/CompanyDocs/USPTO%20Suspension%20Notices.pdf>

investigations pending with the US Postal Inspector General, the United States Marshal and other federal, state and international agencies at this time and for all other proper reasons as set out in the AC.

IV. STAY OF APPEAL AND MEDICAL NECESSITY EXTENSION

20. Because the "United States" has not been properly represented in this action and complaint, there should be a Stay of Appeal until such time as the "United States" is properly a party in this matter with proper representation and appearance by the Office of the Attorney General of the United States to file a Notice of Appeal on behalf of the United States.

21. Additionally, due to a Medical Necessity, there should be a further Stay and Extension of the time to file my Appeal according to my Medical Treatment Plan for at least 15-18 months.

22. This Court should determine and investigate why my timely filed Notice of Appeal and Motion for Extension of Time to File an Appeal filed at the US SDNY was not timely transferred to this Court thereby affecting my rights in this case and causing the necessity for this second request for a Motion for Extension of Time to File an Appeal herein. In doing so this Court should further identify the involved parties and responsibility therein.

23. The timely filings of the initial Motion for Extension of Time to File an Appeal and Notice of Appeal documents at the US SDNY were hand delivered to this Court by the Pro Se office of the US SDNY weeks after it was filed timely by Bernstein, then told to

and

<http://iviewit.tv/CompanyDocs/2005%2002%2014%2009%20630%20939%20US%20Patent%20-%202nd%20six%20month%20extension.pdf>

Bernstein they were transferred to this Court and under review and thereafter mistakenly misplaced and lost at US SDNY.

24. I contacted the Clerk of the Court whereby Court Officer Deborah Holmes ("Holmes") was transferred the documents by the Pro Se department and Holmes stated that she would deliver the documents to the Court Justices and serve the Defendants/Appellees via the Court. At that time, Holmes was aware that there was a medical need for now 18 months extension, not the original 60-90 days requested in the lost filing. The need for additional time was just learned at that time and detailed in the treatment plan faxed to Holmes to deliver with the lost filing to the Justices in considering the total time now needed. Holmes then presented this Court the lost filing without the new medical information. Holmes stated that she was transferring the medical information to the Court and serving the Defendants and the Court would then rule. We then received notice from Holmes that the Court had somehow ruled that Bernstein provide briefings etc., as reflected in the docket, which would be during the medical extension request period. Upon learning of this, Holmes then asked that that this new filing be submitted to this Court to obtain the additional necessary time for medical recovery and clarify the other matters cited herein, stating that the Court must have ruled without having the medical information first.

25. This Court can obtain that confidential medical Treatment Plan from Ms. Holmes and I respectfully demand that this Court continue to keep such personal medical information confidential at this time and very Prominently bring to this Court's attention and remind this Court that this case is an international RICO case which involves corruption within various federal and state offices and agencies and that crimes including Death Threats,

Attempted Murder or Murder (according to the Decision by Scheindlin), have already been committed and that the life, health, welfare and safety of myself and my family is at risk herein and thus none of my personal medical information should be disclosed without express written consent of Bernstein.

26. Bernstein seeks the protective powers of the Court in this regard in fashioning an appropriate protective Order herein, especially in light of the car-bombing attempt in Boynton Beach, Florida, visit www.iviewit.tv for more information and graphics on the terrorist styled car bombing.

27. I have only just begun the first phase of 3 months of that medical Treatment Plan which will now take an additional 12-15 months until full recovery per the medical report submitted. During such time, I have been and will continue to be heavily medicated and sedated. This medication is planned to continue through the Treatment rendering me incapable to file a Pro Se brief submission during this time and most certainly under the Court's current schedule.

28. I further ask this Court to not only Stay the current Order and schedule for submission and filing of a brief and papers on appeal but also to determine how and why this Court rendered the prior Order granting an extension for filing of the briefs and Appeal by Feb. 17, 2009 without benefit of the medical Treatment Plan which would clearly show this plan will last 12-15 months making Feb. 17, 2010 more appropriate.

**V. REQUEST TO DIRECT THE US MARSHALLS TO SERVE ALL
AMENDED COMPLAINT DEFENDANTS**

29. At the time of the sua sponte dismissal by Scheindlin, which is on Appeal herein, the US Marshal Service's servicing of the AC was not yet completed or performed upon multiple Defendants named in the AC and I request that this Court order the completion

of such Service of the AC upon all named Defendants therein by the US Marshals. This is especially imperative as current counsel for the OC Defendants refer to the AC as the defining document they are responding too. Due to my financial conditions caused by the crimes alleged committed against me, which sufficed the US SDNY to grant In Forma Pauperis service via the US Marshall, this Court should follow such protocol and grant Bernstein such US Marshal service of all documents in these matters. Service should include the AC and the papers already improperly served by all parties to this Court in this case, which have not been served on the several hundred AC Defendants. Servicing by the US Marshal is especially important in light of the recent medical emergency.

30. Such Service by the US Marshal shall be Service of the correct version of the AC and noted that there are outstanding investigations into the tampering and interference with the prior service of the OC and AC with the US Postal Inspector General, the US Marshal Service and presumably the US SDNY¹⁵.

VI. REQUEST TO SEPARATE THE ELIOT BERNSTEIN APPEAL AND CASE FROM PLAINTIFF / APPELLANT P. STEPHEN LAMONT

31. I requested in my initial Motion for Extension of Time to File Appeal and Notice of Appeal with this Court and the US SDNY that Appellant - Plaintiff P. Stephen Lamont ("Lamont") had filed a separate appeal with this Court and that such Appeal by Lamont should be considered as a separate and distinct appeal for the reasons stated in the AC, the Motion for Extension of Time to File an Appeal and Notice of Appeal filings.

32. I request that this Court not commingle the two filings, as the two are materially different. Appellant Lamont may have no lawful basis to sue on behalf of others without

¹⁵ Exhibit 14 – A list of investigations can be found @ <http://iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm>

their consent or any legal standing to do so and before this Court entertains such appeal it should note that Lamont has not sued on his own behalf but in fact, on behalf of others without their consent, whereas Bernstein has sued on behalf of Bernstein and his federal patent rights as an inventor. Lamont may in fact become a Defendant in this action and complaint, which is stated in the accurate and true AC. Certainly, Appellant Lamont does not have the Medical Necessity reasons as stated in my motion herein to stay the current Order and schedule for submission and hearing of his Appeal. Appellant Bernstein contends that the actions and conduct of Lamont in the this federal case in the US SDNY and potentially my prior case in West Palm Beach County, Florida may in fact be in collusion with certain Defendants and in further effort to derail the cases on behalf of those interests, the complete and true identity of such interests and parties being presently unknown to Bernstein herein.

33. I specifically ask this Court to deny the Letter request signed by Attorney Gregg Mashberg, Esq. ("Mashberg"), on December 02, 2008, a Proskauer Rose attorney representing Proskauer Rose and himself, Pro Se, in the AC and in these matters, on behalf of Appellee-Defendant Proskauer Rose to merge the deadlines of my Appeal and that of Appellant Lamont. Further, this Court should impose sanctions on Mashberg and Joanna F. Smith (another Proskauer attorney representing both Proskauer and herself, Pro Se), for acting in violation of the Attorney Code of Conduct in New York and stop any further conflicted legal action before this Court.

34. I request the Court to distribute and disseminate through the United States Marshal, all documents of this case filed by any party, to all Defendants named in the AC, not only the OC. Proper and legal service will prevent the further appearance of impropriety and

potential fraud allegations that would arise if the liabilities to all named parties were not accounted for properly through intentional misrepresentation by the state and federal courts to protect state and federal agencies and others.

35. Through proper service upon all AC Defendants by this Court through the US Marshal, much of this hidden liability which amounts to several TRILLION dollars in damage liabilities would have to be disclosed by all those named Defendants in both the OC and AC to their auditors, accountants, attorneys and insurers. In fact, if all those noticed of their involvement and liability have not already complied with full disclosure of the liability, then further ongoing crimes are being committed against the shareholders of the companies involved, including blue chip companies, insurers and state agencies. While this case lingers in the courts over the next few years, including the federal patent issues for twenty or so, these companies and any state actors or agencies must fully comply with statutory accounting regulations, including submitting the AC to the appropriate auditing concerns and booking all liabilities on their balance sheets.

36. Bernstein requests that all exhibits herein referenced be incorporated in their entirety herein and made a permanent physical part of this case.

Wherefore, Bernstein respectfully prays for an Order consistent with the requests for relief herein and that such Order shall have partial Protective Order provisions which strictly and permanently enjoins each and every Judicial member of this Court, the United States Court of Appeals for the Second Circuit, Judicial staff, clerks, contract employees and any and all necessary parties from disseminating, leaking, or disclosing in any manner the Personal and Confidential Medical Treatment Plan and Related Health information of Eliot Bernstein without the express written consent of Eliot Bernstein.

Orders for the protection of Bernstein whom is legally "related" to Anderson, a Whistleblower, should be commensurate with all powers this Court has in order to protect the safety of Bernstein and his family in exposing the underbelly of crime in New York that has prostituted the rule of law to the highest bidding criminals.

OTHER RELIEFS

1. Bernstein prays for injunctive relief to prevent the unauthorized use of the video scaling techniques and image scaling techniques as depicted in AC, the image overlay system as depicted in the AC, the combination of video scaling and image overlay system as depicted in the AC, and the remote control of video cameras through communications networks as depicted in the AC by all those, including but not limited to: (i) decoding and display devices including but not limited to decoders, chipsets, and microprocessors; (ii) transmission networks, including but not limited to cable head-ends, satellite head-ends, and IPTV head-ends; and (iii) encoding schemes, or, alternatively, an assignment of all such contracts and license agreements by the offending parties to Bernstein. To summarize, Bernstein advises the Court that the granting of this prayer for relief, effectively, halts the transmission of and viewing of video as we know it, or alternatively, assign all such contracts to Bernstein.

2. Bernstein prays for this Court to appoint a federal monitor to oversee the day-to-day operations of the 1st DDC, 2nd DDC, TFB, USPTO, FBI, U.S. Attorney, NYAG, US SDNY and VBA for an indefinite period of time; and

3. Bernstein prays for attorney's fees and costs, pursuant to 42 U.S.C. § 1988 and 42 U.S.C. 2000e-5; and

4. Bernstein prays for a declaratory judgment stating that defendants willfully violated Bernstein's rights with scienter secured by federal, state laws, and international treaties as alleged herein; and

5. Bernstein prays for further injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; to allow Bernstein to continue in the position from which the Defendants, including Cover Up Participants (as defined in the AC) and other culpable parties

illegally white washed their complaints with scienter; to enjoin the Defendants from continuing to act in violation of federal and state law as alleged herein; and to order such other injunctive relief as may be appropriate to prevent any future violations of said federal and state laws; and awarding damages in the amount of all royalties, professional services revenues, and any and all other compensation denied or lost to Bernstein by reason of the foregoing; and

6. Bernstein prays for an Order granting such other legal and equitable relief as the Court deems just and proper that includes, but is not limited to an Order to bring representation for the U.S. Federal agencies including but not limited to the USPTO, the SBA; mandamus for the aforementioned Federal agencies to join this complaint.

7. That Bernstein prays for civil remedies and requests this Court to request the US Attorney General and the NYAG to institute proceedings under the RICO claims. In the interim, and pending final determination thereof, Bernstein prays that this Court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper. Plaintiffs, shareholders and patent interest holders of Iviewit Companies have been injured in business and property by reason of a violation of section 18 U.S.C. 1962 and prays for recovery of treble damages, costs of the suit, and reasonable attorney's fee.

8. Bernstein prays this Court grant maximum relief under Sec. 1966 to expedite actions in the civil action instituted herein in the United States in this Court, and asks the Attorney General to file with the clerk of this Court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Further, upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine action.

9. That Bernstein prays for relief under TITLE 18 PART I CH 96 Sec 1968 RICO CIVIL INVESTIGATIVE DEMAND, WHEREFORE, under Sec 1968. Bernstein prays for this Court to begin civil investigative demand whereby asking the Attorney General to see reason to believe Defendants are in possession, custody, or control of documentary materials relevant to this racketeering investigation, and prior to the

institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon all such Defendants a civil investigative demand requiring all such persons and entities produce such materials for examination stating the nature of the conduct constituting the alleged racketeering violation which is under investigation and the provision of law applicable thereto; and describing the class or classes of documentary material produced thereunder with such definiteness and certainty as to permit such material to be fairly identified; and state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and identify the custodian to whom such material shall be made available; require the production of any/all documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation.

10. Bernstein prays for this Court to further prevent and restrain violations of Iviewit Companies and Bernstein's inventions of 18 U.S.C. 1962 by issuing appropriate immediate orders including but not limited to ordering any person to divest himself of any interest, directly and indirectly in any enterprise, imposing reasonable restrictions on the future activities of or interests of any persons, including but not limited to prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which effect interstate and foreign commerce and ordering dissolution and reorganization of any enterprise making the provision for the rights of innocent persons.

11. Bernstein prays for maximum relief under TITLE 18 PART I CH 96 Sec 1964 RICO Civil remedies.

12. Bernstein prays for the Need for Preliminary Relief. In the absence of preliminary relief, consumers will be deprived of their choice of technologies and consumers and the public will be deprived of the benefits of competition during the pendency of this action. Relief at the conclusion of this case cannot remedy the damage done to consumers and the public during the interim. In addition, the damage to competitors and competition during the pendency of this case that would occur in the absence of preliminary relief cannot practically be reversed later.

13. Bernstein prays for claim for relief: Unlawful Exclusive Dealing and Other Exclusionary Agreements in Violation of §1 of the Sherman Act.

14. Bernstein prays for claim for relief: Unlawful Tying and Bundling in Violation of § 1 of the Sherman Act Third Claim for Relief: Monopolization of the Pools.

15. Bernstein prays for relief for Systems Market in Violation of § 2 of the Sherman Act. Claim for Relief: Attempted Monopolization of the video and imaging technologies of Iviewit Companies and Bernstein.

16. Bernstein prays for maximum relief from this Court under TITLE 15 CH 1 Sec 26 INJUNCTIVE RELIEF FOR PRIVATE PARTIES.

17. Bernstein prays of this Court for maximum relief under TITLE 17 CH 5 SEC 503 Remedies for infringement: Impounding and disposition of infringing articles.

18. Bernstein prays of this Court for maximum relief under Title 17 CH 5 Sec 504 Remedies for infringement.

19. Bernstein prays of this Court for maximum relief under Title 17 CH 5 Sec 505 Remedies for infringement.

20. Bernstein prays this Court for maximum civil remedies and criminal penalties, which under this section Laws not in Title 35, United States Code 18 U.S.C. 1001.

21. Bernstein prays of this Court for maximum relief under Title 17 CH 13 Sec 1329 Relation to design patent law.

22. Bernstein prays of this Court for maximum relief under Title 17 CH 13 Sec 1330 Common law and other rights unaffected.

23. Bernstein prays of this Court for maximum civil remedies and criminal penalties, which under this section Laws not in Title 35, United States Code 18 U.S.C. 2071.

24. Bernstein prays of this Court for maximum relief in addition under Title 18 PART I CH 90 Sec 1837 Applicability to conduct outside the United States.

25. Bernstein prays of this Court for maximum civil relief and additional relief under Title 15 CH 22 Trademarks Sec 1116 Injunctive relief.

26. Bernstein prays of this Court for maximum relief under TITLE 15 CH 22 SUBCH III Sec 1117 - Recovery for violation of rights.

27. Bernstein prays of this Court for maximum relief under Title 15 CH 22 SubCH III Sec 1120 Civil Liability for False or Fraudulent Registration.

28. Bernstein prays this Court grant maximum relief under Title 15 CH 22 SubCH III Sec 1125 False Designations of Origin, False Descriptions, and Dilution Forbidden.

29. Bernstein prays of this Court for maximum relief under Title 15 CH 22 SubCH III Sec 1126 False designations of origin, false descriptions, and dilution forbidden.

30. Bernstein prays this Court grant maximum relief under Title 18 Part I CH 63 Sec 1345 - Injunctions against fraud.

31. Bernstein prays this Court grant an expedited hearing due to the delays caused by conflicts and the urgency required in the matters before the USPTO and that this Court issue injunctions or other equitable relief to prevent further loss of IP rights inapposite the constitutional protection afforded inventors.

32. Bernstein prays for this Court to award Bernstein monetary damages.

33. Bernstein prays for this Court to award Bernstein attorney fees and other litigation costs,

34. Bernstein prays for this Court to award Bernstein punitive damages.

35. Bernstein prays for this Court to grant a jury trial for issues so triable in this Court.

36. Bernstein prays for this Court to grant compensatory damages from the Defendants.

37. Bernstein prays for this Court to grant permanent injunctive relief barring the unauthorized use by any third parties of the Bernstein inventions or, alternatively, assign all such contracts to Bernstein, until all criminal investigations have concluded and freeze any actions on all Bernstein inventions both in the United States and abroad through international treaties to prevent further violations of Article 1, Section 8, Clause 8 of The Constitution of the United States and any other state, federal and international laws.

38. STATE PRAYERS FOR RELIEF

39. Bernstein prays this Court grant maximum relief under S 460.70 Provisional remedies.

40. Bernstein prays this Court grant maximum relief under S 460.80 Court ordered disclosure.

41. Bernstein prays this Court grant maximum relief under Ch 772 Civil Remedies for Criminal Practices 772.104 Civil cause of action.

42. Bernstein prays this Court grant maximum relief under Title XLV Torts - Ch 772 Civil Remedies for Criminal Practices 772.11.

43. Bernstein prays this Court grant maximum relief under Title XLV Torts - Ch 772 Civil Remedies for Criminal Practices - 772.185 Attorney's fees taxed as costs.

44. Bernstein prays this Court grant maximum relief under 895.05 Civil remedies Florida.

45. Bernstein prays this Court grant maximum relief under 895.06 Civil investigative subpoenas.

46. Bernstein prays this Court grant maximum relief under 895.07 RICO lien notice Florida.

47. Bernstein prays this Court grant maximum relief under 895.08 Term of RICO lien notice.

48. Bernstein prays this Court order injunctive relief under; Title XXXIX Commercial Relations Ch 688 Uniform Trade Secrets Act 688.003 Injunctive relief.

49. Bernstein prays this Court grant maximum relief under Title XXXIX.

50. Bernstein prays this Court grant maximum relief under Commercial Relations Ch 688 Uniform Trade Secrets Act 688.004 Damages.

51. Bernstein prays this Court grant maximum relief under sec 812.035 Civil remedies.

52. Bernstein prays this Court order specific performance of Defendant Schiffrin & Barroway ("SB") under their breached binding LOU which acted as a legal service agreement, as defined in the AC, so as to prevent further damages from occurring from these breaches, whereby all parties involved, including representative insurance carriers and state agencies affected may all suffer increased damages without such patent

counsel services and perhaps the costs for representation before this Court, as SB should have provided such counsel as necessary to prosecute or provided such legal service funds under their LOU. Whereby this relief can be instituted immediately saving Bernstein, the state and this Court attorney costs. Further, this Court, the EPO, the JPO, the USPTO, Moatz (as defined in the AC) and the Commissioner of Patents would be greatly served by patent counsel being instituted in place of the current inventors acting as Pro Se patent counsel. Moatz has urged Bernstein to attempt to secure counsel, before such highly specialized tribunal whereby Inventors are not knowledgeable or proficiently versed in such Intellectual Property law to adequately represent Bernstein's IP interests, perhaps additional reason for Pro Bono counsel by this Court or to enforce the SB LOU to provide counsel.

53. Bernstein prays for this Court to Order ALL Defendants that have professional liabilities from these actions to follow strict adherence to insurance reporting laws, including but not limited to, malpractice reporting and liability reporting. That these matters have tremendous liability if proven true and insurance fraud would only endanger the public at large if liabilities and compliance in insurance laws are not adhered too by Defendants.

54. Bernstein prays this Court grant maximum relief under Title 18 Part I CH 90 Sec 1834 Criminal forfeiture.

55. Bernstein prays this Court grant maximum relief under Title 18 Part I CH 79 Sec 1623 - False declarations before grand jury or court.

56. Bernstein prays this Court grant maximum relief under Title 17 CH 5 Sec 508.

57. Bernstein prays this Court grant maximum relief under Title 17 CH 5 Sec 509 Seizure and forfeiture.

58. Bernstein prays this Court grant maximum relief under Title 17 CH 5 Sec 512 Limitations on liability relating to material online.

59. Bernstein prays this Court grant maximum relief under Title 18 Part I CH 95 Racketeering SEC 1956 Laundering of monetary instruments Bernstein prays for maximum liability for civil penalties.

60. Bernstein prays this Court grant maximum relief under Title 15 Chapter 1 Sec 6a - Conduct involving trade or commerce with foreign nations.

61. Bernstein prays this Court grant maximum relief under Title 15 Chapter 1 Sec. 14 - Sale, etc., on agreement not to use goods of competitor.

62. Bernstein prays this Court grant maximum relief under S 468-b. Clients' security fund of the state of New York.

63. Bernstein prays this Court grant maximum relief under New York's S 476-b. Injunction to restrain defendant from unlawful practice of the law.

64. Bernstein prays this Court grant maximum relief under 360-m. Remedies.

65. Bernstein prays this Court grant maximum relief under Florida Title XXXIII Ch 495 sec 495.141 Remedies.

JURY TRIAL IS DEMANDED

Bernstein demands a trial by jury on all claims so triable.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

U.S.C.A. Docket No.
08-4873-cv

**CERTIFICATE
OF SERVICE**

Bernstein

V.

Appellate Division First Department
Disciplinary Committee

I, Eliot Ivan Bernstein hereby certify under the penalty of perjury that on the ___ day of January, 2009 served by United States Mail or hand delivery the (Plaintiffs Motion for Extension of Time to File an Appeal / Stay of Appeal / Conflicts / Docketing and other Errors / and Other requests) on the Court, requesting this Court serve all named Defendants below via the United States Marshal Service as requested herein.

STATE OF NEW YORK, THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM, PROSKAUER ROSE LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, STEVEN C. KRANE in his official and individual Capacities for the New York State Bar Association and the Appellate Division First Department Departmental Disciplinary Committee, and, his professional and individual capacities as a Proskauer partner, KENNETH RUBENSTEIN, in his professional and individual capacities, ESTATE OF STEPHEN KAYE, in his professional and individual capacities, ALAN S. JAFFE, in his professional and individual capacities, ROBERT J. KAFIN, in his professional and individual capacities, CHRISTOPHER C. WHEELER, in his professional and individual capacities, MATTHEW M. TRIGGS in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer, ALBERT T. GORTZ, in his professional and individual capacities, CHRISTOPHER PRUZASKI, in his professional and individual capacities, MARA LERNER ROBBINS, in her professional and individual capacities, DONALD "ROCKY" THOMPSON, in his professional and individual capacities, GAYLE COLEMAN, in her professional and individual capacities, DAVID GEORGE, in his professional and individual capacities, GEORGE A. PINCUS, in his professional and individual capacities, GREGG REED, in his professional and individual capacities, LEON GOLD, in his professional and individual capacities, MARCY HAHN-SAPERSTEIN, in her professional and individual capacities, KEVIN J. HEALY, in his professional and individual capacities, STUART KAPP, in his professional and individual capacities, RONALD F. STORETTE, in his

professional and individual capacities, CHRIS WOLF, in his professional and individual capacities, JILL ZAMMAS, in her professional and individual capacities, JON A. BAUMGARTEN, in his professional and individual capacities, SCOTT P. COOPER, in his professional and individual capacities, BRENDAN J. O'ROURKE, in his professional and individual capacities, LAWRENCE I. WEINSTEIN, in his professional and individual capacities, WILLIAM M. HART, in his professional and individual capacities, DARYN A. GROSSMAN, in his professional and individual capacities, JOSEPH A. CAPRARO JR., in his professional and individual capacities, JAMES H. SHALEK, in his professional and individual capacities, GREGORY MASHBERG, in his professional and individual capacities, JOANNA SMITH, in her professional and individual capacities, MELTZER LIPPE GOLDSTEIN WOLF & SCHLISSEL, P.C. and its predecessors and successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, LEWIS S. MELTZER, in his professional and individual capacities, RAYMOND A. JOAO, in his professional and individual capacities, FRANK MARTINEZ, in his professional and individual capacities, FOLEY & LARDNER LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MICHAEL C. GREBE, in his professional and individual capacities, WILLIAM J. DICK, in his professional and individual capacities, TODD C. NORBITZ, in his professional and individual capacities, ANNE SEKEL, in his professional and individual capacities, RALF BOER, in his professional and individual capacities, BARRY GROSSMAN, in his professional and individual capacities, JIM CLARK, in his professional and individual capacities, DOUGLAS A. BOEHM, in his professional and individual capacities, STEVEN C. BECKER, in his professional and individual capacities, BRIAN G. UTLEY, MICHAEL REALE, RAYMOND HERSCH, WILLIAM KASSER, ROSS MILLER, ESQ. in his professional and individual capacities, STATE OF FLORIDA, OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA, HON. JORGE LABARGA in his official and individual capacities, THE FLORIDA BAR, JOHN ANTHONY BOGGS in his official and individual capacities, KELLY OVERSTREET JOHNSON in her official and individual capacities, LORRAINE CHRISTINE HOFFMAN in her official and individual capacities, ERIC TURNER in his official and individual capacities, KENNETH MARVIN in his official and individual capacities, JOY A. BARTMON in her official and individual capacities, JERALD BEER in his official and individual capacities, BROAD & CASSEL, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, JAMES J. WHEELER, in his professional and individual capacities, FLORIDA SUPREME COURT, HON. CHARLES T. WELLS, in his official and individual capacities, HON. HARRY LEE ANSTEAD, in his official and individual capacities HON. R. FRED LEWIS, in his official and individual capacities, HON. PEGGY A. QUINCE, in his official and individual capacities, HON. KENNETH B. BELL, in his official and individual capacities, THOMAS HALL, in his official and individual capacities, DEBORAH YARBOROUGH in her official and individual capacities, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION – FLORIDA, CITY OF BOCA RATON, FLA., ROBERT FLECHAUS in his official and individual capacities, ANDREW SCOTT in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THOMAS J.

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corporation, IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.), IVIEWIT HOLDINGS, INC., a Florida corporation, IVIEWIT.COM, INC., a Florida corporation, I.C., INC., a Florida corporation, IVIEWIT.COM, INC., a Delaware corporation, IVIEWIT.COM LLC, a Delaware limited liability company, IVIEWIT LLC, a Delaware limited liability company, IVIEWIT CORPORATION, a Florida corporation, IBM CORPORATION.

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