



Lorraine Christine Hoffman, Esq.
Assistant Staff Counsel
The Florida Bar
File No. 2003-51, 109(15C)

III. Theft of patents – Mr. Wheeler’s management suggestion Mr. Utley is caught writing patents into his own name without assignment to the Company, sent to his home address, and using Iviewit attorney’s William Dick, Doug Boehm and Steven Becker of F&L to complete such patent thefts. It is later discovered that he has tried to take intellectual properties from his last employer with the aid of Mr. Dick, neither fact was disclosed by Mr. Wheeler when recommending such candidates. It is the Companies assertion that Mr. Wheeler intentionally with full knowledge brought past patent thieves in to steal from Iviewit their technologies.

We submit as evidence the following patents that were done by Foley & Lardner (overseen by Mr. William Dick) that were not included in the corporate records and contains knowingly and with malice false information regarding inventor Utley submitted to the US Patent Office, we did not find these patents until Irell & Manella a California law firm designing the licensing agreements for Warner Bros. and Sony amongst others, became nervous of rumors that Mr. Utley and Mr. Dick might have tried to steal patents to Utley. It is also apparent in Mr. Wheeler’s deposition that he claims that Eliot Bernstein made him aware on several instance that people were trying to steal the patents and although he informed the Company that he was investigating such claims, proceeded to instead cover up the matters and take no actions to notify the Board, the investors or any authoritative bodies of such allegations. Dick Bernacchi, Esq. of Irell referred Iviewit to Blakely Sokoloff Zafman and Taylor to conduct an investigation into the patent allegations and when they went to the US Patent Office they found the following patents written into Brian Utley’s home address, with him listed as sole inventor, not assigned to the Company, not in the Corporate records done by Foley & Lardner under the supervision of William Dick:



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Atty. Dis. No. 57103/123

U.S. PROVISIONAL PATENT APPLICATION

for

**ZOOM AND PAN IMAGING
DESIGN TOOL**

Inventors:



Brian G. Utley
1930 SW 8th Street
Boca Raton, FLORIDA 33486
Citizenship: U.S.









FOLEY & LARDNER
Attorneys at Law
777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 271-2400



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VIEWIT.COM PATENT STATUS REPORT

05707

TITLE	MATTER	INVENTOR/ PATENTEE	COUNTRY	SERIAL NO./ PATENT NO.	FILED/ISSUE DATE	ASSIGNEE
<u>Zoom and Pan Imaging Using a Digital Camera</u>	P020 (fka 122)	<u>Brian Utley</u>	United States	Serial No. 60/223,344	Filed 09/18/00	<u>Not assigned.</u>
						
<u>Zoom and Pan Imaging Design Tool</u>	P021 (fka 123)	<u>Brian Utley</u>	United States	Serial No. 60/233,341	Filed 09/18/00	<u>Not assigned.</u>
						

Blakely, Sokoloff, Taylor & Zafman

3

The second patent Utley has in his own name with no assignment to the Company is **ZOOM & PAN IMAGING USING A DIGITAL CAMERA**. This summary page was provided to Iviewit's investor Crossbow Ventures by Blakely Sokoloff Zafman and Taylor, and Crossbow then pulled funding on the Company in what appeared to be related to the discovery of such information, investigation pending. As you can see Utley is sole inventor of ideas that were created prior to his employment at iviewit.

Please refer to the footnote in the following document from Blakely Sokoloff Zafman & Taylor after finding such stolen patents and having to try and re-assign them to the Company.



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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August 4, 2001

**Confirmation
 Copy**

**CONFIDENTIAL COMMUNICATION
 ATTORNEY-CLIENT PRIVILEGED**

VIA E-MAIL
 (And Confirmation By Mail)

Eliot Bernstein
 IVIEWIT.COM, INC.
 505 North Brand Boulevard, Suite 1420
 Glendale, California 91203

Re: Powers of Attorney for Six PCT Applications:

Apparatus and Method for Producing Enhanced Digital Images Serial No. PCT/US00/07772 Our File No. 005707.P009PCT Foley's Reference No. 110	System and Method for Playing a Digital Video File Serial No. PCT/US00/15406 Our File No. 005707.P012PCT Foley's Reference No. 113
System and Method for Streaming an Enhanced Digital Video File Serial No. PCT/US00/15408 Our File No. 005707.P010PCT Foley's Reference No. 111	System and Method for Video Playback Over a Network Serial No. PCT/US00/15602 Our File No. 005707.P016PCT Foley's Reference No. 118
System and Method for Providing an Enhanced Digital Video File Serial No. PCT/US00/15405 Our File No. 005707.P011PCT Foley's Reference No. 112	System and Method for Providing an Enhanced Digital Image File Serial No. PCT/US00/21211 Our File No. 005707.P018PCT Foley's Reference No. 120

Dear Eliot:

Being e-mailed (and enclosed herewith) are six (6) Powers of Attorney for the subject PCT Patent Applications, one Power for each inventor named in any one or more of the PCT patent applications, and one Power for the corporation, Iviewit Holdings, Inc. Three of the Powers require your signature, as follows: (i) one by you in your individual capacity; (ii) a second by you in your capacity as designee of the corporation to sign on behalf of Brian Utley (we hope the PCT Office will recognize Utley's having granted a Power of Attorney to his corporate employer); and (iii) a third by you for the corporation in your capacity as its Secretary. Kindly sign where your





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 File No. 2003-51, 109(15C)

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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Eliot Bernstein
 IVIEWIT.COM, INC.
 August 4, 2001
 Page 2 of 2

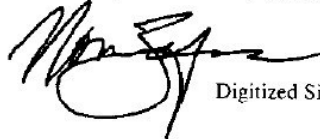
signature is indicated on the three Powers of Attorney and return the original executed Powers to our office via mail (we need to have each Power with an original signature). Also fax each Power to us at (310) 820-5988, to expedite the process.

As we discussed, we request that you also forward each of the three remaining Powers to Jude R. Rosario, Jeffrey S. Friedstein and Zakirul A. Shirajee, respectively, for their signatures. Kindly instruct each of them to execute the Powers and to return the originals to our office by mail. In order to expedite the matter, request each of them to fax a copy to us, if possible.

If you have any questions, please feel free to contact my Assistant, Jan Gass. We appreciate your attention to getting the subject Powers executed and returned to us. We will then attend to their filing with the PCT Office.

Best personal regards,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP



Digitized Signature

Norman Zafman

NZ/jg
 Enclosures

cc: Ross Miller (w/Enclosures via E-Mail) ✓

P.S. to Ross Miller:

Ross, please attend to getting a Board Resolution appointing Eliot as the corporation's designee for signing the subject Power on behalf of Brian Utley. We talked about this in the context of giving Eliot comfort; however, the PCT Office may well request such a Resolution (in addition to a copy of Utley's Employment Agreement, which we already have).

We submit to the Florida Bar the following statements from Mr. Utley's deposition:



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Proskauer Rose vs. Iviewit.com, et al. 8/23/02

THE WITNESS: There was a

266

disagreement as to ownership of the intellectual property.

By MR. SELZ:

Q. There was a dispute?

A. Yes.

Q. Did you ever advise the owner of Diamond Turf that you were going to patent these intellectual properties under your own name?

A. I did.

Q. Did you do that prior to patenting those or after?

A. They were never, they were not patented.

Q. Okay. They were not patented. Was the application for patent made?

A. No.

Q. Since your employment with Iviewit.com or Iviewit, yeah, dotcom, LLC, what patents have you taken out in your name, sir?

A. I have not taken out any patents in my name, other than what has been appended to patents filed by Iviewit and assigned to Iviewit.

Q. Okay. So they're all patents held by Iviewit and you're named as a co-inventor; is

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File No. 2003-51, 109(15C)

roskauer Rose vs. Iviewit.com, et al. 8/23/02

that what it is? 267

→ A. Yes.

Q. And Iviewit would be listed as a primary patent holder; is that how it would be?

A. They were assigned to Iviewit.

Q. They were assigned to Iviewit. Are you aware of any police report that was ever filed involving Mr. Mike Real and yourself?

MR. PRUSASKI: Objection, relevance.

By MR. SELZ:

Q. Go ahead and answer the question, if you can, sir.

A. There was a dispute over the nature of the equipment that I bought from Iviewit as --

Q. Well, that really wasn't my question. My question was are you aware of a police report? And it's really a yes or no type of answer.

MR. PRUSASKI: Objection, relevance.

THE WITNESS: I believe there was a report.

By MR. SELZ:

Q. Okay. Do you know who filed that report?

A. Iviewit filed that report as far as

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And further in Mr. Utley's deposition more perjury:



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File No. 2003-51, 109(15C)

Proskauer Rose, et al. vs Iviewit.Com, Inc., et al. 8/22/02

1 picture that would be transmitted across the 114
2 internet at a given speed, I identified that
3 which he had discovered by an ad hoc process; I
4 discovered the structural basis for that
5 optimization.
6 Q. Okay. So that was something that
7 was outside the scope of what he had already,
8 what Eliot had already discovered?
9 A. It really established why it worked.
10 Q. And is your name on any patent or
11 patent application with regard to that particular
12 technology?
13 A. It possibly is. I don't recall how
14 many of those my name is on since I didn't keep
15 any of those records.
16 Q. How about camera zoom applications?
17 A. Okay. How about camera zoom
18 applications?
19 Q. Is there any patent or patent
20 application dealing with camera zoom
21 applications?
22 A. Not specifically. It was, it was
23 determined that there is a correlation between
24 the zoom and pan that had been developed and what
25 is being used in cameras.

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Proskauer Rose, et al. vs Iviewit.Com, Inc., et al. 8/22/02

1 Q. Okay. And the correlation was for 115
2 development of future cameras or was that simply
3 an observation that was made?
4 A. It was an observation that current
5 camera technology incorporates zoom and pan
6 technology.
7 Q. Okay. How about any patent or
8 patent applications dealing with scales video or
9 zoom video imaging applications other than what
10 we've already discussed?
11 A. Without looking, and I apologize for
12 this, without looking at the specific patent
13 filings by name and number, I think, you know,
14 we're not really going to be able to get much
15 further on this discussion.
16 Q. Okay.
17 A. I don't want to put you off at all,
18 but I just want to say that to pursue a detailed
19 questioning in this specific area, I need to be
20 able to refresh my mind with what is in the
21 record.
22 Q. Okay. And are those documents that
23 you have in your possession someplace?
24 A. No.
25 Q. You don't have any of the paperwork

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