



## IVIEWIT HOLDINGS, INC.

**Eliot I. Bernstein**  
**Founder**  
**Direct Dial: 561.364.4240**

**VIA – CERTIFIED MAIL & EMAIL**

Friday, October 29, 2004

Eric Turner  
Chief Branch Discipline Counsel  
The Florida Bar  
Cypress Financial Center  
Suite 900  
5900 North Andrews Avenue  
Fort Lauderdale, Florida 33309

**Re:** Complaint against Christopher Wheeler #2003-51, 109(15c)

Dear Mr. Turner:

Pursuant to our discussion you and then with Mr. Kenneth L. Marvin - Director Of Lawyer Regulation, of your Tallahassee offices, he has offered us and thereby directed you to submit the above referenced case to the Chairman of the Grievance Committee for (15C). Additionally, upon direction from Mr. Marvin, we are requesting the following information be forwarded to the Company from the Chairman of the Grievance Committee

1. His name and past and present law firms that the chairperson has worked for, this to prevent any possible conflicts of interest.
2. Provide the Company with a detailed account of your review of each and every rule of professional conduct complained about against Mr. Wheeler that was cited in our initial complaint and what evidence and witnesses you have contacted, in regards to each claim in making your decision to close this matter.

We are saddened and shocked at our conversation with you last week whereby you stated that there was no opportunity to have this case further reviewed by anyone and that you



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Friday, October 29, 2004  
Page 2 of 7

were the last resort and nothing further could be done. The fact that you referred us to a general number at the main FL Bar office, instead of furthering it to the Grievance Chairperson at 15(c) is remarkable. Upon repeated requests and your refusal to give us the name and number of your superior, we were even more shocked when we called Mr. Marvin to find out that there were still available remedies to have this case further reviewed, contrary to your statements. Your comments that you were the final decision maker on this matter and that there was no other course of action for our complaint, seem to be completely contradicted by Mr. Marvin's suggestion that it should then be referred to the Chairperson for review as your regulations call for.

Also, in further review of your letter, we find that again your offices have failed to analyze any of the allegations we have levied against Mr. Wheeler and attempted to skirt many of the violations of the rules regulating the Florida Bar specifically outlined in our complaint against him. Repeatedly, letters from your offices have hinted to a review of the materials and an investigation that was then delayed by Mrs. Hoffman until the civil case was finished. It is finished and Mrs. Hoffman had informed us to petition your office again when it was so completed, as we did. None of the eyewitnesses provided to your offices have ever been contacted to our knowledge regarding specific allegations made of Mr. Wheeler's violations of the rules and regulations of professional conduct that we cite throughout our complaint.

Your letter also states that Mr. Wheeler and Proskauer Rose were not patent counsel, which contrary to their own billing statements, witnesses and evidence contrary becomes apparent that they were in fact patent oversight counsel and several partners including Mr. Wheeler and Mr. Rubenstein had billed for such services. Further, Mr. Rubenstein was on the Advisory Board of the Company and had conversations numerous times with Iviewit clients and investors and we submitted witness statements that contradict Mr. Rubenstein's statements under deposition and to the New York Bar, and Mr. Wheeler's statements to The Florida Bar, of not having done patent work as Mr. Wheeler attempts to state in his rebuttals. Mounds of evidence and witnesses have been submitted to your offices showing these statements to be factually untrue. Under deposition, Mr. Rubenstein is confronted with hosts of evidence showing that he did in fact deal with the Company and it's patents and then in a stunning reversal, writes to the court to explain his involvement. The conflicts of interest this represents for Wheeler/Rubenstein/Proskauer, since Proskauer/Rubenstein has factually the most to gain from our technologies through its control and revenues created by the MPEGLA and other patent pools controlled by Proskauer/Rubenstein, as unearthed in the Rubenstein deposition is undeniable. The fact that your letter states that Proskauer did not act as



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Friday, October 29, 2004  
Page 3 of 7

patent counsel as they represent in their false statements to the Florida Bar is to state that you have not reviewed the evidence, talked to eyewitnesses, reviewed contrary statements from Board members and investors in writing, and read the depositions of Rubenstein/Wheeler in the Florida Case of Proskauer v. Iviewit submitted, whereby it all becomes apparent that these statements are utterly untrue. We have expressed throughout our complaints that there was more evidence available in the case once proper protocol had been set up to receive highly confidential patent documents which support our claims, and yet you bother not to request them.

Proskauer Rose acted as patent counsel and further in an advisory board capacity with Rubenstein on the Advisory Board, as outlined in every business plan edited, reviewed, billed for and sent to Iviewit investors and hosts of others by Mr. Wheeler personally, this evidence has been submitted as well to your offices. In fact, witness statements consistently state that Mr. Rubenstein's patent review is the basis for their investments. Further, we provided here again, a letter from Mr. Wheeler stating that PR had reviewed the technologies, found them to be novel and had procured patent counsel. Nowhere in the letter provided does it mention any outside counsel and it is based on **their** review we engaged them and paid for them to perform (Exhibit 1) and this and numerous other documents similarly were sent to numerous investors by Mr. Wheeler directly. Further, since it was Rubenstein and Wheeler who referred the other counsel to file the patents, only a small portion of the patent work, they remained as overseer and eventual prosecutor of the patents. There are obligations they have for their lawyer referrals under their control as well, especially when the counsel they referred was initially brought to the Company disguised by Mr. Wheeler as Proskauer partners.

It appears by your letter and the factually incorrect statement that Proskauer did not act as patent counsel and only acted as general counsel, that this case has never truly been reviewed or investigated by your offices and thus is the reason we request, on the advice of Mr. Marvin of the Tallahassee office, that each and every allegation made by the Company of violations of Rules of Professional Conduct overseen by your offices be addressed as to why it is not being investigated and the actions taken by your offices in making such determinations, as well as the evidence reviewed. The fact that you claim Proskauer Rose did not do patent counsel and was simply general counsel is to have accepted Proskauer's rebuttal entirely without ever checking the accuracy of a single item presented to you, not one of your offices correspondences deal with one single item of hundreds of items of evidence presented. Further, it is to deny statements to the contrary from respectable eyewitnesses, shareholders and others, all stating that Proskauer Rose was intimately involved with all aspects of our patents, including raising funds from



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Friday, October 29, 2004  
Page 4 of 7

investors based on their patent opinions and further billed for such work. Furthermore, not only did the company complain against Mr. Wheeler for patent malfeasances but also for multiple violations of the general corporate work that he performed and these go unaddressed in your letter.

Again, in your opening paragraph you err in that you make the claim that we are making a claim for malpractice to your offices, which could not be further from the truth; we are making a claim for actions against Mr. Wheeler for specific violations of his professional conduct as cited in our complaint and taken directly from your rules as is evidenced in our correspondences and voluminous responses filed with your offices. We are unclear what our failure in a civil billing claim has to do with the complaint with your offices and why your offices have attempted to delay your actions based on that case, which was a billing case against the Company by Proskauer. Further, since the Court never heard any of the materials contained in our Counter-Complaint, the Company then noticed your offices of the allegations as suggested by Judge Labarga himself to have the attorney misconduct reported, we submitted the complaint along with the Counter-Complaint to your offices. The Counter-Complaint was simply submitted as a basis to understand the many claims of professional misconduct against Mr. Wheeler, Proskauer, and every single referral of Mr. Wheelers, as they relate to violations of the Rules and Regulations of the Florida Bar cited against Mr. Wheeler. Almost all of the claims in the Counter-Complaint run parallel to violations of the Rules of Professional conduct overseen by your offices in relation to Mr. Wheeler, similarly noted by Mrs. Hoffman. Your office, more particularly Mrs. Lorraine Hoffman, then stated that her hands were tied in investigating the case while it was still in litigation, despite knowledge that the claims other than billing dispute issues were not being heard in the civil case and that your offices would re-open the case when the litigation concluded, if the claims contained in the Counter-Complaint were not heard. Several calls to Mrs. Hoffman also yielded the same answer, that although she was fully cognizant that the Court denied the Counter-Complaint, she would have to wait and that she would maintain the records so that re-filing the evidence would not be necessary.

Finally, our request that you maintain the records for a 5-year period was specifically in response to Mrs. Hoffman's suggestion to write a letter to such effect and we request that if you are unable to maintain the documents that upon the date of termination, July 1, 2004, that the items be returned in entirety to the Company. Per Mrs. Hoffman, all we had to do was submit a written request for your offices to maintain the files, which we did. Perhaps, as with the review process that you mistakenly thought had no further



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Friday, October 29, 2004  
Page 5 of 7

outlet other than yourself, you should check with your procedural rules regarding the maintenance of records or check with Mrs. Hoffman as to her statements to the contrary.

Sincerely yours,

IVIEWIT HOLDINGS, INC.

By:

A handwritten signature in black ink, appearing to read "E.I. Bernstein", written in a cursive style.

Eliot I Bernstein  
Founder  
I View It Technologies, Inc.

And

P. Stephen Lamont  
CEO  
Iviewit Holdings, Inc.

cc: Kenneth L. Marvin



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Friday, October 29, 2004  
Page 6 of 7

## EXHIBIT 1



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Friday, October 29, 2004

Page 7 of 7

APR 26 1999 18:04 FR PROSKAUER ROSE

561 241 7145 TO 2410071#

P.02/02

**PROSKAUER ROSE LLP**

2255 Glades Road  
Suite 340 West  
Boca Raton, FL 33431-7360  
Telephone 561.241.7400  
Elsewhere in Florida  
800.432.7746  
Fax 561.241.7145

NEW YORK  
LOS ANGELES  
WASHINGTON  
NEWARK  
PARIS

**Christopher C. Wheeler**  
Member of the Firm

Direct Dial 561.995.4702  
cwheeler@proskauer.com

April 26, 1999

Mr. Richard Rosman  
Lewinter and Rosman  
16255 Ventura Blvd., Suite 600  
Encino, CA 91436

Re: iviewit, Inc.

Dear Richard:

Under separate cover I have forwarded you a revised Confidentiality Agreement.

As you know we have undertaken representation of iviewit, Inc. ("iviewit") and are helping them coordinate their corporate and intellectual property matters. In that regard, we have reviewed their technology and procured patent counsel for them. We believe the iviewit technology is far superior to anything presently available with which we are familiar. iviewit has filed a provisional patent application on a method for providing enhanced digital images on telecommunications networks. We are advised by patent counsel that the process appears novel and may be protected by the patent laws. While in all matters of this sort, it is far too early to make any final pronouncements, we do believe that there is an extremely good prospect that iviewit will protect their process which is novel and superior to any other format which we have seen.

Very truly yours,

Christopher C. Wheeler

CCW/gb

0894/40017-001 BRLIB1/227137 v1

04/22/99 03:57 PM (2743)

\*\* TOTAL PAGE.02 \*\*