

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
ELIOT I. BERNSTEIN, et al.

Plaintiffs,

-against-

**APPELLATE DIVISION FIRST
DEPARTMENT DEPARTMENTAL
DISCIPLINARY COMMITTEE, et al.**

Defendants
-----X

**DOCKET NO:
07Civ11196 (SAS)**

**NOTICE OF
MOTION**

**MOTION IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS BASED
ON MATERIAL AND SUBSTANTIAL EVIDENCE**

Should this Court have found no conflict in Plaintiffs April 1, 2008 Motion in Opposition to defendants Motion to Dismiss, then let this Motion stand as Plaintiffs supplemental Motion in Opposition to defendants Motion to Dismiss in addition to the April 1, 2008 Motion.

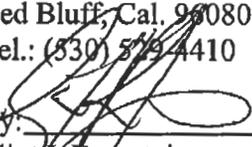
Should this Court have found conflict after review of Plaintiffs April 1, 2008 Motion in Opposition to defendants Motion to Dismiss that may have been tendered in conflict by the attorneys of The Florida Bar, which would ultimately force the withdrawal of Greenberg Traurig, P.A. (hereinafter "GT") as counsel to defendants, and thereby could force the withdrawal of their March 20, 2008 Motion if tendered in conflict, then Plaintiffs withdraw this supplemental Motion in Opposition and let the Court make no ruling on this supplemental Motion until such time as non-conflicted counsel can be retained by defendants and a new motion filed free of conflict.

On information and belief, this situation may point to the possibility that the defendants choice of the possibly conflicted GT, knowing through complaints filed with them stating that GT had been previously been retained to perform patent work and GT's

continuing to represent knowing they may be in conflict, may incite in the minds of the Plaintiffs, and thereafter this Court, that GT became part of the conspiracy either prior to or after working on the Iviewit IP and after conversations with Plaintiff Bernstein regarding the IP. As such, GT may be acting in concert with the Florida Bar allowing them to secure counsel that has a conflicting interest in the matter and thus enabling such conflicted counsel to assert frivolous, false and possibly misleading filings which could taint these proceedings. Counsel acting in conflict, if so determined, would give counsel to Florida Bar that may not truly be representative of the facts, as unbiased non conflicted counsel would be and will only add fuel to the fire that conflicts are allowed to prevail at a case related to an ethics case and the corruption of those involved in upholding ethics. As will be alleged in this case, this is not the first time, in fact only one of many, whereby attorneys acting in conflict and violation of their ethical obligations and public office duties, have misused their legal powers to deny due process and procedure as the only defense to the crimes alleged against them.

Attorney for Petitioners

Eliot I. Bernstein, Pro se
39 Little Avenue
Red Bluff, Cal. 96080
Tel.: (530) 529-4410

By: 
Eliot I. Bernstein

P. Stephen Lamont, Pro se
35 Locust Avenue
Rye, N.Y. 10580
Tel.: (914) 217-0038

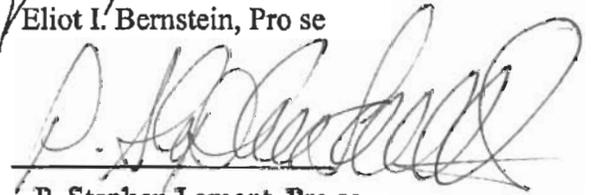
By: 
P. Stephen Lamont

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail this 9th day of April 2008.



Eliot I. Bernstein, Pro se



P. Stephen Lamont, Pro se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELIOT I. BERNSTEIN, et al.

DOCKET NO:
07Civ11196 (SAS)

Plaintiffs,

-against-

APPELLATE DIVISION FIRST
DEPARTMENT DEPARTMENTAL
DISCIPLINARY COMMITTEE, et al.

MOTION IN
OPPOSITION

Defendants
-----X

MOTION IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS BASED
ON MATERIAL AND SUBSTANTIAL EVIDENCE

PLAINTIFFS, ELIOT I. BERNSTEIN, Pro Se, individually and P. STEPHEN LAMONT, Pro Se and Plaintiff 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 other John Doe companies (collectively, “Iviewit Companies”), and patent interest holders, oppose Defendants’: The Florida Bar, John Anthony Boggs, Kenneth Marvin, Lorraine Hoffman, and Eric Turner (collectively, “The Florida Bar Defendants”), Motion to Dismiss based on:

MATERIAL AND SUBSTANTIAL EVIDENCE OF A PRIMA FACIE CASE

1. There is material and substantial evidence of the personal involvement of defendants Boggs, Marvin, Hoffman, Turner, and, in turn, by *respondeat superior*, The Florida Bar, that creates a *prima facie* case that is self-evident from the facts attached herein as Appendix A and in the attached draft of the forthcoming amended complaint in the section titled The Florida Conspiracy in the factual allegations, including:

a. In a letter from defendant Hoffman dated July 1, 2003, defendant Hoffman states “until a determination has been made by the civil court [Proskauer Rose LLP v. Iviewit, Case No. CA01-04671 AB in the Circuit Court in Palm Beach County, Florida]...I have dismissed your complaint and directed that The Florida Bar’s file on this matter be closed,” inapposite to the Rules Regulating The Florida Bar. Where Hoffman was noticed that the civil case cited was limited by the judge in that matter to strictly a billing dispute and that the bar complaint contained allegations of criminal acts not only against Plaintiffs but against the United States Government and foreign nations and where these two legal actions were wholly dissimilar. Hoffman continues to delay the investigation even after being apprised that the Counter Complaint she references was denied without hearing it. Even after being informed that civil case had ended months later, Hoffman refused to investigate the bar complaint matters against Wheeler.

b. In a letter from defendant Boggs dated July 9, 2004 (“Boggs Letter”), premised on discussion with defendant Marvin and referencing defendant Turner states “[Regarding the conflicted response of Proskauer Rose LLP Partner Matthew H. Triggs for Christopher C. Wheeler, a Partner of Proskauer Rose LLP] this is a *form over substance matter* (emphasis supplied). The fact that for a short period of time Mr. Triggs represented Mr. Wheeler without a waiver [Triggs recently had held a position at The Florida Bar that precluded him from making representation of anyone in a bar complaint for 1-year after his service with the Florida Bar] does not automatically create a conflict of interest,” thereby dismissing the Rules Regulating the Florida Bar which have no exception as inconvenient for defendants The Florida Bar, Boggs, Hoffman, Marvin, and Turner and providing Triggs, as an acting member of the Florida Bar in violation of the rules, to escape any charges for violating the rules as stated in the Rules Regulating the Florida Bar.

c. In the Boggs Letter, he cites §15.10 of the Rules Regulating the Florida Bar as codified law, when, factually, as of the July 9, 2004 date of the Boggs Letter, §15.10 was merely a proposal to the governing committee to

amend the Rules Regulating the Florida Bar. This action was an attempt to defend Triggs and fail to file and formally docket a bar complaint against Triggs for his conflict as cited by Boggs, as mandated in the Rules Regulating the Florida Bar and instead try to pull a fast one on Plaintiffs citing rules without codification, in effort to aid and abet Triggs in his illegal representation of his partner Wheeler in violation of the rules and in so doing aiding and abetting Triggs firm Proskauer and Wheeler in their underlying IP crimes using public offices.

d. The failure of Florida Bar to follow their governing rules of the Florida Bar, inapposite their intended purpose of providing attorney regulation for ethical misconduct and acting to protect consumers from abuse of process by lawyers, instead turned the Florida Bar into an attorney protection agency that worked not only against the consumer it was to protect but acted in conspiracy with other defendants to deny Plaintiffs their due process rights in order to further the crimes relating to the IP theft from Plaintiffs, allowing continued violation of both the ethics rules and the governing rules of the Florida Bar with scienter.

e. That Kelly Overstreet Johnson, President of the Florida Bar was given private and confidential information regarding these matters and so took such information on numerous occasions and failed to advise Plaintiffs that she was working as a direct underling to Wheeler's brother, James Wheeler, in a small boutique Florida law firm at the time. That further, those charged with oversight of The Florida Bar and members of the Florida Bar were all notified of this gross abuse of her office position and failed to take any actions but to further block Plaintiffs due process and procedure rights by failing to docket complaints with this information contained in them.

PARTIAL FACTUAL ALLEGATIONS OF DRAFT FROM TO BE FILED

AMENDED COMPLAINT

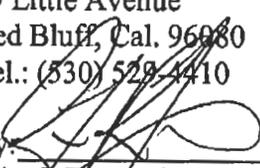
See Appendix B for a more in depth set of factual allegations stating a more in depth set of factual allegations regarding the Florida Bar Defendants and their relation to the conspiracy against Plaintiffs.

See Appendix B for a more in depth set of factual allegations stating a more in depth set of factual allegations regarding the Florida Bar Defendants and their relation to the conspiracy against Plaintiffs.

WHEREFORE, based on above material and substantial evidence of a *prima facie* case and the factual allegations in the forthcoming Amended Complaint attached herein in draft form, Plaintiffs respectfully request this Court to deny defendants Motion to Dismiss.

Respectfully submitted,

Attorney for Petitioners
Eliot I. Bernstein, Pro Se
39 Little Avenue
Red Bluff, Cal. 96080
Tel.: (530) 528-4410

By: 
Eliot I. Bernstein

P. Stephen Lamont, Pro se
35 Locust Avenue
Rye, N.Y. 10580
Tel.: (914) 217-0038

By: 
P. Stephen Lamont

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail this 9th day of April 2008.



Elliot A. Bernstein, Pro se



P. Stephen Lamont, Pro se

Letter of Lorraine Christine Hoffman Dated July 1, 2003



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 835
3908 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HANIKES, JR.
EXECUTIVE DIRECTOR

354/772-2245
www.FLABAR.org

July 1, 2003

PERSONAL/FOR ADDRESSEE ONLY

Mr. Eliot Bernstein
10158 Storehenge Circle #801
Boynton Beach, Florida 33437

Re: Your complaint against Christopher Clark Wheeler
The Florida Bar File No. 2003-51,109(15C)

Dear Mr. Bernstein:

I have completed my review of your complaint, Mr. Wheeler's response, your letter of rebuttal and Mr. Wheeler's response thereto. I have also reviewed the banker's box of civil pleadings and orders, deposition transcripts, legal billing statements and other materials you submitted with the foregoing. Based on this review, I have found no basis for a bar investigation at this time.

Apparently, you retained Mr. Wheeler's law firm in 1998 to handle matters on behalf of your corporation, Iviewit.Com, Inc. In 2001, the firm sued your company for non-payment of legal bills in excess of \$369,000. Thereafter, your company filed a counterclaim for damages, alleging the same misconduct set forth in your bar complaint, including malpractice. Significant discovery has taken place (and continues), and your case has been set for trial on July 29-31, 2003 (*Prokauer Rose LLP v. Iviewit*, Case No. CA01-04871 AB) in Circuit Court in Palm Beach County, Florida.

Accordingly, the matter you present is a civil dispute which may not be resolved by the intervention of The Florida Bar. This is not to say that The Florida Bar has considered and determined the veracity of Mr. Wheeler's position as to the validity of your specific charges. Rather, because Mr. Wheeler has advanced a viable position, the Bar has deferred its consideration of the matter until a determination has been made, on the merits, by the civil court before which the matter is currently pending.

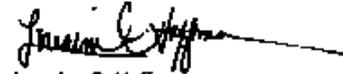
Based on the foregoing, and absent any basis for further ethical inquiry, I have dismissed your complaint and directed that The Florida Bar's file on this matter be closed. This determination does not preclude you from refileing this matter for further bar consideration, after the civil trial is concluded.

Please note that a copy of this file will be retained by The Florida Bar for one (1) year, at which time it will be destroyed. It is suggested to you and the attorney who is the subject of your complaint to maintain a complete copy of this file for future reference, if needed.

Mr. Eliot Bernstein
Page 2
July 1, 2003

On behalf of The Florida Bar, I thank you for the opportunity to review and respond to your complaint.

Sincerely,



Lorraine C. Hoffmann
Assistant Staff Counsel

LCH/dm

cc: Christopher Clark Wheeler

C:\CHR\Wheeler\cd1.spd

Letter of John Anthony Boggs Dated July 9, 2004



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-3300

JOHN F. HARRISS, JR.
EXECUTIVE DIRECTOR

850561-6608
WWW.FLBAR.ORG

July 9, 2004

Mr. Elliot Bernstein
Viewit Holdings, Inc.
10158 Stonehenge Circle
Suite 801
Boynton Beach, FL 33437-3546

Re: Eric Turner et al.

Dear Mr. Bernstein:

I have been regularly communicating with Mr. Marvin concerning your assertions and I have read a series of letters and/or email between you and staff of our Fort Lauderdale office or Mr. Marvin.

Recently you wrote (in one email) Mr. Marvin:

"As mentioned in our last conversation on 7/02/04 we have learned and notified you of a severe conflict of interest in the Wheeler complaint 2003-51 109 15c, whereby Matthew Triggs, with no formal disclosure, acted as Wheeler's counselor within the one-year period after serving as a Grievance Committee Member, thereby a conflict exists which has the additional appearance of impropriety and thus taints the entire Wheeler case, and your Turner decision, if such decision was formal. Due to the conflict and influence peddling at the Bar this may represent, the entire case should now be reviewed by an independent third-party. Triggs served from 4/1/99 to 3/31/02 and as illustrated in the attached letter to the bar, Triggs had already started representing Wheeler on March 21, 2003, clearly within the year prohibition."

Subsequently you wrote (in another email) Mr. Marvin:

"Please provide us with the rules and code that apply to internal review of complaints lodged against officers of the FL Bar and where we can find out how this process is handled. Also, since we have now notified you of the conflict of interest and appearance of impropriety in the Triggs response on behalf of the Wheeler complaint, we would like to add charges of conflict of interest and

appearance of impropriety to Mr. Turner's complaint. Would we need to establish another separate complaint or can you amend the existing "complaint"? We are certain that such charges would constitute a violation of Mr. Turner's professional ethics as regulated by the FL Bar and therefore constitute charges necessitating a formal complaint with formal process. In addition, do we need to file another case on Wheeler and Triggs for the conflict of interest, appearance of impropriety and the abuse of public office or is this something that the FL Bar needs to institute as you are now aware of the abuse of public office caused by Triggs and Wheeler? In light of the recent discoveries regarding such conflict, it seems that the FL Bar should re-open the Wheeler case, strike the tainted response of Triggs and charge Wheeler with all charges contained in his complaint, as if no response was given at all."

This is a form over substance issue. The fact that for a short period of time Mr. Triggs represented Mr. Wheeler without a waiver does not automatically create a conflict. Waiver would have been routinely granted under standing board policy and if the situation had come to our attention all that would have happened was notice to Mr. Triggs to submit a waiver request. Upon the expiration of 12 months from the end of his grievance committee service, the need for a waiver ceased. It is noteworthy that the grievance committee that heard your complaint against Mr. Wheeler is not the same committee on which Mr. Triggs served. Thus there was no actual conflict for the short time that a waiver was an issue.

15.10 Waiver of Disqualification as Attorney for Respondents.

- (a) **Authority for Waiver.** The Rules Regulating The Florida Bar disqualify partners, associates or other firm members of board members, grievance committee members and former staff attorneys from representing a respondent in a disciplinary matter. Further, the rule disqualifies the board members, grievance committee members and former staff attorneys from the same representation and extends all disqualification periods for 1 year after the termination of board, grievance committee or staff service. The rule allows for waiver of the disqualification by the board.

This policy is enacted to identify the instances in which the board will waive the rule.

- (c) **Grievance Committee Members.** No current member of a grievance committee may represent a respondent in a disciplinary matter. A member of the grievance committee member's law firm may represent a respondent while the grievance committee member is serving on the committee if:
- (1) the representation involves a grievance committee other than the 1 on which the member of the law firm serves; and
 - (2) the grievance committee member has no involvement with the representation and is screened from access to the file on the matter; and
 - (3) the attorney wishing to represent the respondent provides written notice of the disqualification to the executive director.

Former grievance committee members may represent a respondent in a disciplinary matter if the matter was not pending, before the committee on which the former member served, before the former member's term expired.

Members of the former grievance committee member's law firm may represent a respondent in a disciplinary matter during the 1-year disqualification period if the former member may also do so under the terms of this policy.

- (f) **Executive Director Authority.** The executive director is hereby granted the authority to issue waivers under the terms of this policy. The executive director shall not deviate from this policy and if the executive director is in doubt regarding issuance of a waiver, the request shall be referred to the board of governors for resolution. The executive director shall report to the board listing all waivers granted and all waivers denied.

We treated your complaint against Mr. Turner as an internal matter as you question his job performance. You employ other words and characterizations, but the thrust of what you say is that you do not accept his conclusions. There are no provisions in the Rules Regulating The Florida Bar for handling job performance based complaints and we have no written policies in this regard.

Also your labeling the matter concerning Mr. Turner as a complaint is a creative attempt to fashion a way to preserve the file in your prior complaint when routine record retention schedules require its purging. It is obvious that one of your goals is the preservation of the Wheeler file. It can be argued that this is the central issue of your goals at this time. We cannot use an artifice to avoid routine record keeping requirements.

Your assertions have received careful and repetitive review (bar counsel, chief branch discipline counsel, grievance committee chair, and designated reviewer have all reviewed your complaint against Mr. Wheeler and all agree with closure) and that file shall remain closed. Mr. Marvin and I lack authority to do otherwise.

Your criticism of Mr. Turner's job performance is noted and has been reviewed by Mr. Marvin and me. We respect your right to be critical, but we conclude that Mr. Turner has acted within the scope of his duties and authority. No personnel action will be initiated.

As to the website content issue, we have that matter under review and will act as all of the facts require. This review will be conducted out of our Fort Lauderdale office. By copy hereof I advise Mr. Turner to provide status information to you, Mr. Marvin and me.

Sincerely,



John Anthony Boggs
Director, Legal Division

cc: Kenneth L. Marvin
Eric M. Turner

g:\lawword\letters\07-2004\07 09 2004 Elliot Bernstein

APPENDIX B

Draft form of forthcoming Amended Complaint containing factual allegations against
The Florida Bar defendants.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

**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 ATTACHED
AS EXHIBIT B**

**DOCKET NO:
07-CV-11196 (SAS)**

Plaintiffs,

-against-

- 1. STATE OF NEW YORK,**
- 2. THE OFFICE OF COURT ADMINISTRATION
OF THE UNIFIED COURT SYSTEM,**
- 3. PROSKAUER ROSE LLP,**
- 4. STEVEN C. KRANE in his official capacity for
the New York State Bar Association and the
Appellate Division First Department Departmental
Disciplinary Committee, and, his individual
capacity,**
- 5. KENNETH RUBENSTEIN,**
- 6. ESTATE OF STEPHEN KAYE,**
- 7. ALAN S. JAFFE,**
- 8. ROBERT J. KAFIN,**
- 9. CHRISTOPHER C. WHEELER,**
- 10. MATTHEW M. TRIGGS in his official capacity
for The Florida Bar and individual capacity,**
- 11. ALBERT T. GORTZ,**
- 12. CHRISTOPHER PRUZASKI,**
- 13. MARA LERNER ROBBINS,**
- 14. DONALD “ROCKY” THOMPSON,**
- 15. GAYLE COLEMAN,**
- 16. DAVID GEORGE,**
- 17. GEORGE A. PINCUS,**
- 18. GREGG REED,**
- 19. LEON GOLD,**
- 20. MARCY HAHN-SAPERSTEIN,**

AMENDED COMPLAINT

21. KEVIN J. HEALY,
22. STUART KAPP,
23. RONALD F. STORETTE,
24. CHRIS WOLF,
25. JILL ZAMMAS,
26. JON A. BAUMGARTEN,
27. SCOTT P. COOPER,
28. BRENDAN J. O'ROURKE,
29. LAWRENCE I. WEINSTEIN,
30. WILLIAM M. HART,
31. DARYN A. GROSSMAN,
32. JOSEPH A. CAPRARO JR.,
33. JAMES H. SHALEK,
34. GREGORY MASHBERG,
35. JOANNA SMITH,
36. MELTZER LIPPE GOLDSTEIN &
BREITSTONE, LLP and its predecessors,
37. LEWIS S. MELTZER,
38. RAYMOND A. JOAO,
39. FRANK MARTINEZ,
40. FOLEY & LARDNER LLP,
41. MICHAEL C. GREBE,
42. WILLIAM J. DICK,
43. TODD C. NORBITZ,
44. ANNE SEKEL,
45. RALF BOER,
46. BARRY GROSSMAN,
47. JIM CLARK,
48. DOUGLAS A. BOEHM,
49. STEVEN C. BECKER,
50. BRIAN G. UTLEY,
51. MICHAEL REALE,
52. RAYMOND HERSCH,
53. GOLDSTEIN LEWIN & CO.,
54. DONALD J. GOLDSTEIN,
55. GERALD R. LEWIN,
56. ERIKA LEWIN,
57. STATE OF FLORIDA
58. OFFICE OF THE STATE COURTS
ADMINISTRATOR, FLORIDA
59. HON. JORGE LABARGA in his official and
individual capacity,
60. THE FLORIDA BAR
61. JOHN ANTHONY BOGGS in his official and
individual capacity,
62. individual capacity,
63. KELLY OVERSTREET JOHNSON in her official

and individual capacities,
64. LORRAINE CHRISTINE HOFFMAN in her official and individual capacities,
65. ERIC TURNER in his official and individual capacities,
66. KENNETH MARVIN in his official and individual capacities,
67. JOY A. BARTMON in her official and individual capacities,
68. JERALD BEER in his official and individual capacities,
69. THOMAS HALL in his official and individual capacity,
70. DEBORAH YARBOROUGH in her official and individual capacity,
71. BROAD & CASSEL,
72. JAMES J. WHEELER,
73. CITY OF BOCA RATON, FLA.
74. ROBERT FLECHAUS in his official and individual capacity,
75. ANDREW SCOTT in his official and individual capacity,
76. APPELLATE DIVISION FIRST JUDICIAL DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE
77. THOMAS J. CAHILL in his official and individual capacity,
78. JOSEPH WIGLEY in his official and individual capacity,
79. CATHERINE O'HAGEN WOLFE in her official and individual capacity,
80. PAUL CURRAN in his official and individual capacity,
81. MARTIN R. GOLD in his official and individual capacity,
82. HON. ANGELA M. MAZZARELLI in her official and individual capacity,
83. HON. RICHARD T. ANDRIAS in his official and individual capacity,
84. HON. DAVID B. SAXE in his official and individual capacity,
85. HON. DAVID FRIEDMAN in his official and individual capacity,
86. HON. LUIZ A. GONZALES in his official and individual capacity,
87. APPELLATE DIVISION SECOND JUDICIAL

**DEPARTMENT, DEPARTMENTAL DISCIPLINARY
COMMITTEE**

- 88. LAWRENCE DIGIOVANNA in his official and individual capacity,**
- 89. DIANA MAXFIELD KEARSE in her official and individual capacity,**
- 90. JAMES E. PELTZER in his official and individual capacity,**
- 91. HON. A. GAIL PRUDENTI in her official and individual capacity,**
- 92. HON. JUDITH S. KAYE in her official and individual capacity,**
- 93. STATE OF NEW YORK COMMISSION OF INVESTIGATION,**
- 94. LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK**
- 95. ELIOT SPITZER in his official and individual capacity,**
- 96. COMMONWEALTH OF VIRGINIA,**
- 97. VIRGINIA STATE BAR,**
- 98. ANDREW H. GOODMAN in his official and individual capacity,**
- 99. NOEL SENDEL in her official and individual capacity,**
- 100. MARY W. MARTELINO in her official and individual capacity,**
- 101. LIZBETH L. MILLER, in her official and individual capacity,**
- 102. MPEGLA, LLC,**
- 103. LAWRENCE HORN,**
- 104. REAL 3D, INC. and successor companies,**
- 105. GERALD STANLEY,**
- 106. DAVID BOLTON,**
- 107. TIM CONNOLLY,**
- 108. ROSALIE BIBONA,**
- 109. RYJO, INC.,**
- 110. RYAN HUISMAN,**
- 111. INTEL CORP.,**
- 112. LARRY PALLEY,**
- 113. SILICON GRAPHICS, INC.,**
- 114. LOCKHEED MARTIN,**
- 115. RFID CONSORTIUM, LLC,**
- 116. ENRON CREDITORS RECOVERY CORPORATION (FORMERLY ENRON CORPORATION)**
- 117. BLAKELY SOKOLOFF TAYLOR &**

ZAFMAN, LLP

118. **NORMAN ZAFMAN,**
119. **THOMAS COESTER,**
120. **FARZAD AHMINI,**
121. **GEORGE HOOVER,**
122. **WILDMAN, HARROLD, ALLEN & DIXON LLP**
123. **MARTYN W. MOLYNEAUX,**
124. **MICHAEL DOCKTERMAN,**
125. **HARRISON GOODARD FOOTE,**
126. **EUROPEAN PATENT OFFICE,**
127. **ALAIN POMPIDOU in his official and individual capacity,**
128. **WIM VAN DER EIJK in his official and individual capacity,**
129. **LISE DYBDAHL in her official and personal capacity,**
130. **YAMAKAWA INTERNATIONAL PATENT OFFICE,**
131. **MASAKI YAMAKAWA,**
132. **CROSSBOW VENTURES, INC.,**
133. **ALPINE VENTURE CAPITAL PARTNERS LP,**
134. **STEPHEN J. WARNER,**
135. **RENE P. EICHENBERGER,**
136. **H. HICKMAN "HANK" POWELL,**
137. **MAURICE BUCHSBAUM,**
138. **ERIC CHEN,**
139. **AVI HERSH,**
140. **MATTHEW SHAW,**
141. **BRUCE W. SHEWMAKER,**
142. **RAVI M. UGALE,**
143. **HUIZENGA HOLDINGS INCORPORATED,**
144. **TIEDEMANN INVESTMENT GROUP,**
145. **BRUCE T. PROLOW,**
146. **CARL TIEDEMANN,**
147. **ANDREW PHILIP CHESLER,**
148. **CRAIG L. SMITH,**
149. **HOUSTON & SHADY, P.A.,**
150. **FURR & COHEN, P.A.,**
151. **SACHS SAXS & KLEIN, P.A.,**
152. **SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP**
153. **RICHARD SCHIFFRIN,**
154. **ANDREW BARROWAY,**
155. **KRISHNA NARINE,**
156. **CHRISTOPHER & WEISBERG, P.A.,**
157. **ALAN M. WEISBERG,**

- 158. **MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A.,**
- 159. **ALBERTO GONZALES in his official and individual capacity,**
- 160. **JOHNNIE E. FRAZIER in his official and individual capacity,**
- 161. **individual capacity,**
- 162. **IVIEWIT, INC., a Florida corporation,**
- 163. **IVIEWIT, INC., a Delaware corporation,**
- 164. **IVIEWIT HOLDINGS, INC., a Delaware corporation (f.k.a. Uview.com, Inc.)**
- 165. **IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.),**
- 166. **IVIEWIT HOLDINGS, INC., a Florida corporation,**
- 167. **IVIEWIT.COM, INC., a Florida corporation,**
- 168. **I.C., INC., a Florida corporation,**
- 169. **IVIEWIT.COM, INC., a Delaware corporation,**
- 170. **IVIEWIT.COM LLC, a Delaware limited liability company,**
- 171. **IVIEWIT LLC, a Delaware limited liability company,**
- 172. **IVIEWIT CORPORATION, a Florida corporation,**
- 173. **NEW YORK STATE BAR ASSOCIATION**
- 174. **REPUBLICAN NATIONAL COMMITTEE**
- 175. **IBM CORPORATION**
- 176. **JOHN AND JANE DOES.**

Defendants

X

JURY TRIAL DEMANDED

PLAINTIFFS, ELIOT I. BERNSTEIN, Pro Se, individually and P. STEPHEN LAMONT, Pro Se and Plaintiff 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 other John Doe companies (collectively, “Iviewit Companies”), and patent interest holders attached as Exhibit A, and for their Complaint against the above captioned Defendants, state upon knowledge as to their own facts and upon information and belief as to all other matters:

PRELIMINARY STATEMENT

1. This is a civil action seeking injunctive relief, monetary relief, including past and on going economic loss, compensatory and punitive damages, disbursements, costs and fees for violations of rights brought pursuant to, including but not limited to, Article 1, Section 8, Clause 8 of The Constitution of the United States; Fifth, and Fourteenth Amendment to The Constitution of the United States; 15 U.S.C.A. §§ 1 and 2; Title VII of the Civil Rights Act of 1964 (as amended); 18 U.S.C. § 1961 through 18 U.S.C. § 1968; and, State law claims.

2. Specifically, Plaintiffs allege that the Defendants wantonly, recklessly, knowingly and purposefully, acting individually and in conspiracy with each other and in various combinations through a core group of original conspirators, sought to deprive Petitioners of title and pay through a pattern of violation of constitutional rights, violation of attorney ethics, misrepresentation, misinformation, fraud, fraud upon the United States Patent and Trademark Office and other Federal, state, and international agencies, and abuse of and manipulation of laws, rules, and regulations, conflicts of interests and abuse of public offices of including but not limited to the First Department Departmental Disciplinary Committee, Second Department Departmental Disciplinary Committee, The Florida Bar, and others, and appearances of impropriety^{1 2} to deprive Plaintiffs of interests in intellectual properties valued at approximately One Trillion Dollars (\$1,000,000,000,000.00).

3. Plaintiffs are aware of the imminent filing or already filed cases by no less than six other similarly situated plaintiffs seeking association.

4. Said acts were done knowingly with the consent and condonation of officers of including but not limited to the main conspiratorial parties of: Proskauer Rose LLP, Meltzer Lippe Breitstone LLP, Foley & Lardner LLP, and Intel Corporation

¹ See Unpublished Order incorporated herein by reference as if such appeared in this Amended Complaint: M3198 - Steven C. Krane & Proskauer Rose; M2820 Kenneth Rubenstein & Proskauer Rose; M3212 Raymond A. Joao and Meltzer Lippe Goldstein & Schlissel; and, Thomas J. Cahill – Special Inquiry #2004.1122.

² See Motion in the Matters of Complaints Against Attorneys and Counselors at Law; Thomas J. Cahill – Docket Pending Review by Special Counsel Martin R. Gold On Advisement of Paul J. Curran and Related Cases (Separate Motion Attached) Against Kenneth Rubenstein – Docket 2003.0531, Raymond A. Joao – Docket 2003.0532, Steven C. Krane – Docket Pending Review by Paul J. Curran, Esq. and The Law Firm of Proskauer Rose LLP incorporated herein by reference as if such appeared in this Amended Complaint.

(collectively, “Main Conspirators”) in collusion with the cover up participants including but not limited to: First Department Departmental Disciplinary Committee, the Second Department Departmental Disciplinary Committee, the New York State Supreme Court Appellate Division First Department, Supreme Court of the State of New York Appellate Division Second Judicial Department, State of New York Court of Appeals, the State of New York Commission of Investigation, Lawyers Fund for Client Protection of the State of New York, The Florida Bar, the Virginia State Bar, and other culpable defendants (collectively “Cover Up Participants”) named herein to cloak the sabotage of, theft of, and unauthorized use of intellectual properties with a value of more than ONE TRILLION DOLLARS (\$1,000,000,000,000) where the Main Conspirators either acting alone or in collusion with the Cover Up Participants, and other culpable defendants blocked due process with scienter in an effort to thwart the investigation of issues of patent sabotage and theft.

5. Consequently, and contained in this Complaint, Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, that runs so wide and so deep, that it tears at the very fabric, and becomes the litmus test, of what has come to be known as due process and free commerce in this country, and in that the circumstances involve inventors’ rights tears at the very fabric of the Constitution of the United States.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338 (federal question jurisdiction). Jurisdiction is premised upon Defendants’ breach of, among other federal statutes: Article 1, Section 8, Clause 8 of The Constitution of the United States; Fifth, and Fourteenth Amendment to The Constitution of the United States; Title VII of the Civil Rights Act of 1964 (as amended); 15 U.S.C.A. §§ 1 and 2; and, 18 U.S.C. § 1961 through 18 U.S.C. § 1968 -- Racketeer Influenced and Corrupt Organizations Act.

7. This Court has personal jurisdiction over the diverse Defendants because all factual allegations derive from: (i) intellectual property sabotage through violations of state, federal and international laws and treaties; (ii) the theft of intellectual properties, through a pattern of false patent oaths submitted to the United States Patent & Trademark Office and worldwide patent authorities and through a bait and switch in other instances

using similarly named corporate formations, unauthorized asset transfers, and unauthorized stock swaps; and (iii) the unauthorized use of, despite confidentiality agreements (“NDA’s”) or confidentiality clauses in strategic alliance contracts of proprietary intellectual properties; (iv) the denial of due process by Cover Up Participants, and other culpable defendants with scienter; where (i) to (iv) culminated in (v) a conspiratorial pattern of fraud, deceit, and misrepresentation not only against Plaintiffs but against the United States and foreign agencies and nations. For the sake of judicial expediency, this Court has supplemental jurisdiction over all other claims that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

8. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because the bulk of the Defendants transacts business and are found in this district, and for those Defendants that do not, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other Defendants that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

PARTIES

9. At all times relevant in this Complaint, Plaintiff BERNSTEIN, is a sui juris individual and resident of Red Bluff, Tehama County, California, and the Founder and principal inventor of the Iviewit Companies.

10. At all times relevant in this Complaint, Plaintiff LAMONT, is a sui juris individual and resident of Rye, Westchester County, New York, and former Chief Executive Officer (Acting) of the Iviewit Companies formed to commercialize the technology of the Iviewit Companies³.

11. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT HOLDINGS, INC., are sui juris persons of their respective states.

12. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT TECHNOLOGIES, INC., are sui juris persons of their respective states.

³ Upon information and belief, and pending ongoing investigations, the discovery of multiple, unauthorized, similarly named corporate formations and unauthorized stock swaps and unauthorized asset transfers; therefore, the authenticity of the Iviewit Companies cannot be ascertained at this time.

13. At all times relevant in this Complaint, Plaintiff shareholders of UVIEW.COM, INC., are sui juris persons of their respective states.

14. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT HOLDINGS, INC., are sui juris persons of their respective states.

15. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT.COM, INC., are sui juris persons of their respective states.

16. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT.COM, INC., are sui juris persons of their respective states.

17. At all times relevant in this Complaint, Plaintiff shareholders of I.C., INC., are sui juris persons of their respective states.

18. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT.COM LLC, are sui juris persons of their respective states.

19. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT LLC, are sui juris persons of their respective states.

20. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT CORPORATION, are sui juris persons of their respective states.

21. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT, INC., are sui juris persons of their respective states.

22. At all times relevant in this Complaint, Plaintiff shareholders of IVIEWIT, INC., are sui juris persons of their respective states.

23. At all times relevant to this Complaint, defendant STATE OF NEW YORK was an employer within the meaning of the Constitution of the State of New York and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

24. At all times relevant to this Complaint, defendant OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM (hereinafter "OCA") is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. At all times relevant herein, defendant OCA was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

25. At all times relevant to this Complaint, defendant PROSKAUER ROSE LLP, (hereinafter "Proskauer") is a domestic professional service limited liability company providing legal services to the public, located at 1585 Broadway, New York, New York 10036.

26. At all times relevant to this Complaint, defendant STEVEN C. KRANE (hereinafter "Krane"), sued here in his official capacity as a member of the First Department Departmental Disciplinary Committee, in his official capacity as President of the New York State Bar Association, his individual capacity, and as partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Krane has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

27. At all times relevant to this Complaint, defendant KENNETH RUBENSTEIN (hereinafter "Rubenstein"), sued here in his individual capacity, and as partner of defendant law firm Proskauer, is an attorney, and cross currently is the patent evaluator and counsel to defendant MPEG LA LLC, who, upon information and belief, resides in the State of New Jersey. At all times relevant herein, defendant Rubenstein has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

28. At all times relevant to this Complaint, defendant ESTATE OF STEPHEN KAYE (hereinafter "S. Kaye"), is a deceased individual and his estate is sued here in its _____ capacity, was an attorney, who, upon information and belief, resided in the State of New York and is the former husband of the now widow Hon. Judith S. Kaye. At all times relevant herein, defendant S. Kaye had been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.,

29. At all times relevant to this Complaint, defendant ALAN S. JAFFE (hereinafter "Jaffe"), sued here in his individual capacity, and as partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Jaffe has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

30. At all times relevant to this Complaint, defendant ROBERT J. KAFIN (hereinafter "Kafin"), sued here in his individual capacity, and as partner of defendant

law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Kafin has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

31. At all times relevant to this Complaint, defendant CHRISTOPHER C. WHEELER (hereinafter "Wheeler"), sued here in his individual capacity, and as partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Wheeler has been a partner in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

32. At all times relevant to this Complaint, defendant MATTHEW M. TRIGGS (hereinafter "Triggs"), sued here in his individual capacity, in his official capacity as an officer of The Florida Bar and as partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Triggs has been a partner in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

33. At all times relevant to this Complaint, defendant ALBERT T. GORTZ (hereinafter "Gortz"), sued here in his individual capacity, and as partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Gortz has been a partner in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

34. At all times relevant to this Complaint, defendant CHRISTOPHER PRUZASKI (hereinafter "Pruzaski"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Pruzaski had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

35. At all times relevant to this Complaint, defendant MARA LERNER ROBBINS (hereinafter "Robbins"), sued here in her individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Robbins had

been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

36. At all times relevant to this Complaint, defendant DONALD “ROCKY” THOMPSON (hereinafter "Thompson"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Thompson had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

37. At all times relevant to this Complaint, defendant DAVID GEORGE (hereinafter "George"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant George had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

38. At all times relevant to this Complaint, defendant GEORGE A. PINCUS (hereinafter "Pincus"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Pincus had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

39. At all times relevant to this Complaint, defendant GREGG REED (hereinafter "Reed"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Reed had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

40. At all times relevant to this Complaint, defendant LEON GOLD (hereinafter "Gold"), sued here in his individual capacity, and as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Gold had been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

41. At all times relevant to this Complaint, defendant MARCY HAHN-SAPERSTEIN (hereinafter "Saperstein"), sued here in her individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Saperstein is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

42. At all times relevant to this Complaint, defendant KEVIN J. HEALY (hereinafter "Healy"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Healy is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

43. At all times relevant to this Complaint, defendant STUART KAPP (hereinafter "Kapp"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Kapp is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

44. At all times relevant to this Complaint, defendant RONALD F. STORETTE (hereinafter "Storette"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Storette is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

45. At all times relevant to this Complaint, defendant CHRIS WOLF (hereinafter "Wolf"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Wolf is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

46. At all times relevant to this Complaint, defendant JILL ZAMMAS (hereinafter "Zammas"), sued here in her individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Zammas is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

47. At all times relevant to this Complaint, defendant JON A. BAUMGARTEN (hereinafter "Baumgarten"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Baumgarten is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

48. At all times relevant to this Complaint, defendant SCOTT P. COOPER (hereinafter "Cooper"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Cooper is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

49. At all times relevant to this Complaint, defendant BRENDAN J. O'ROURKE (hereinafter "O'Rourke"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant O'Rourke is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

50. At all times relevant to this Complaint, defendant LAWRENCE I. WEINSTEIN (hereinafter "Weinstein"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Weinstein is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

51. At all times relevant to this Complaint, defendant WILLIAM M. HART (hereinafter "Hart"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Hart is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

52. At all times relevant to this Complaint, defendant DARYN A. GROSSMAN (hereinafter "Grossman"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Grossman is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

53. At all times relevant to this Complaint, defendant JOSEPH A. CAPRARO JR (hereinafter "Capraro"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Capararo is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

54. At all times relevant to this Complaint, defendant JAMES H. SHALEK (hereinafter "Shalek"), sued here in his individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Shalek is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

55. At all times relevant to this Complaint, defendant GREGORY MASHBERG (hereinafter "Mashberg"), sued here in his individual capacity, and as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Mashberg had been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

56. At all times relevant to this Complaint, defendant JOANNA SMITH (hereinafter "Smith"), sued here in her individual capacity, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Smith had been an associate in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

57. At all times relevant to this Complaint, defendant MELTZER LIPPE GOLDSTEIN & BREITSTONE, LLP and its predecessors, (hereinafter "MLG") is a domestic professional service limited liability company providing legal services to the public, located at 190 Willis Avenue, Mineola, New York 11501.

58. At all times relevant to this Complaint, defendant LEWIS S. MELTZER (hereinafter "Meltzer"), sued here in his individual capacity, and as a partner of defendant law firm MLG, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Meltzer had been a partner in the defendant law firm MLG located at 190 Willis Avenue, Mineola, New York 11501.

59. At all times relevant to this Complaint, defendant RAYMOND A. JOAO (hereinafter "Joao"), sued here in his individual capacity, and as an Of Counsel of defendant law firm MLG, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Joao had been a partner in the defendant law firm MLG located at 190 Willis Avenue, Mineola, New York 11501.

60. At all times relevant to this Complaint, defendant FRANK MARTINEZ (hereinafter "Martinez"), sued here in his individual capacity, and as a partner of defendant law firm MLG, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Martinez had been a partner in the defendant law firm MLG located at 190 Willis Avenue, Mineola, New York 11501.

61. At all times relevant to this Complaint, defendant FOLEY & LARDNER LLP (hereinafter "Foley") is a domestic professional service limited liability company providing legal services to the public, located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

62. At all times relevant to this Complaint, defendant MICHAEL C. GREBE (hereinafter "Grebe"), sued here in his individual capacity, and as a partner of defendant

law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. At all times relevant herein, defendant Grebe had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

63. At all times relevant to this Complaint, defendant WILLIAM J. DICK (hereinafter "Dick"), sued here in his individual capacity, and as an Of Counsel of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Dick had been an Of Counsel in the defendant law firm Foley headquartered at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

64. At all times relevant to this Complaint, defendant RALF BOER (hereinafter "Boer"), sued here in his individual capacity, and as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. At all times relevant herein, defendant Boer had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

65. At all times relevant to this Complaint, defendant BARRY GROSSMAN (hereinafter "Grossman"), sued here in his individual capacity, and as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. At all times relevant herein, defendant Grossman had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

66. At all times relevant to this Complaint, defendant JIM CLARK (hereinafter "Clark"), sued here in his individual capacity, and as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. At all times relevant herein, defendant Clark had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

67. At all times relevant to this Complaint, defendant DOUGLAS A. BOEHM (hereinafter "Boehm"), sued here in his individual capacity, and as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of

Illinois. At all times relevant herein, defendant Boehm had been a partner in the defendant law firm Foley headquartered at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

68. At all times relevant to this Complaint, defendant STEVEN C. BECKER (hereinafter "Becker"), sued here in his individual capacity, and as an associate of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. At all times relevant herein, defendant Becker had been an associate in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

69. At all times relevant to this Complaint, defendant TODD C. NORBITZ (hereinafter "Norbitz"), sued here in his individual capacity, and as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Norbitz had been a partner in the defendant law firm Foley located at 90 Park Avenue New York, NY 10016.

70. At all times relevant to this Complaint, defendant ANNE SEKEL (hereinafter "Sekel"), sued here in her individual capacity, and as an associate of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Sekel had been an associate in the defendant law firm Foley located at 90 Park Avenue New York, NY 10016. ,

71. At all times relevant to this Complaint, defendant BRIAN G. UTLEY (hereinafter "Utley"), sued here in his individual capacity, who, upon information and belief, resides in the State of _____. At all times relevant herein, defendant Utley was employed by defendant Delaware corporation, Iviewit Holdings, Inc. as President & COO located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

72. At all times relevant to this Complaint, defendant MICHAEL REALE (hereinafter "Reale"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Reale was employed by defendant Delaware corporation, Iviewit Holdings, Inc. as Vice President of Operations located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

73. At all times relevant to this Complaint, defendant RAYMOND HERSCH (hereinafter "Hersch"), sued here in his individual capacity, who, upon information and

belief, resides in the State of Florida. At all times relevant herein, defendant Hersch was employed by defendant Delaware corporation, Ivewit Holdings, Inc. as Chief Financial Officer located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

74. At all times relevant to this Complaint, defendant GOLDSTEIN LEWIN & CO. (hereinafter "GL") is a domestic professional service limited liability company providing accounting services to the public, located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431

75. At all times relevant to this Complaint, defendant DONALD J. GOLDSTEIN (hereinafter "Goldstein"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Goldstein was a certified public accountant employed by defendant GL located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431

76. At all times relevant to this Complaint, defendant GERALD R. LEWIN (hereinafter "Lewin"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Lewin was a certified public accountant employed by defendant GL located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431

77. At all times relevant to this Complaint, defendant ERIKA LEWIN, (hereinafter "E. Lewin"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant E. Lewin was a certified public accountant employed by defendant GL located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431

78. At all times relevant to this Complaint, defendant STATE OF FLORIDA was an employer within the meaning of the Constitution of the State of Florida and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

79. At all times relevant to this Complaint, defendant OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA and the Florida Supreme Court (collectively hereinafter "OSCA") are and were at all relevant times governmental entities created by and authorized under the laws of the State of Florida. At all times relevant

herein, defendant OSCA was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

80. At all times relevant in this Complaint, Defendant the HON. JORGE LABARGA (hereinafter "Labarga") sued here in his official and individual capacity, was at all relevant times and upon information and belief, a citizen of the United States residing in the State of Florida. At all times relevant herein, defendant Labarga was the Presiding Justice of the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida.

81. At all times relevant to this Complaint, defendant THE FLORIDA BAR (hereinafter "TFB") is and are at all relevant times a governmental entity created by and authorized under the laws of the State of Florida. At all times relevant herein, defendant TFB was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida and the recipient of attorney discipline complaints for Wheeler and Triggs.

82. At all times relevant to this Complaint, defendant JOHN ANTHONY BOGGS (hereinafter "Boggs"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Boggs was employed as Disciplinary Procedure and Review attorney for the defendant TFB.

83. At all times relevant to this Complaint, defendant KELLY OVERSTREET JOHNSON (hereinafter "Johnson"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Johnson was employed as an attorney for and immediate former President of the defendant TFB.

84. At all times relevant to this Complaint, defendant LORRAINE CHRISTINE HOFFMAN (hereinafter "Hoffman"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Hoffman was employed as an attorney for the defendant TFB.

85. At all times relevant to this Complaint, defendant ERIC TURNER (hereinafter "Turner"), sued here in his official and individual capacity, is an attorney,

who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Turner was employed as an attorney for the defendant TFB.

86. At all times relevant to this Complaint, defendant KENNETH MARVIN (hereinafter "Marvin"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Marvin was employed as Disciplinary Procedure and Review attorney for the defendant TFB.

87. At all times relevant to this Complaint, defendant JOY A. BARTMON (hereinafter "Bartmon"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Bartmon was employed as an attorney for the defendant TFB.

88. At all times relevant to this Complaint, defendant JERALD BEER (hereinafter "Beer"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Beer was employed as an attorney for the defendant TFB.

89. At all times relevant in this Complaint, Defendant THOMAS HALL (hereinafter "Hall") sued here in his official and individual capacity, is an attorney, who, under information and belief resides in the State of Florida. At all times relevant herein, Defendant Hall was employed as Clerk of the Florida Supreme Court.

90. At all times relevant in this Complaint, Defendant DEBORAH YARBOROUGH (hereinafter "Yarborough") sued here in his official and individual capacity, is an administrative clerk who, under information and belief resides in the State of Florida. At all times relevant herein, Defendant Yarborough was employed as an administrative clerk of the Florida Supreme Court.

91. At all times relevant to this Complaint, defendant BROAD & CASSEL (hereinafter "BC") is a domestic professional service limited liability company providing legal services to the public, located at 7777 Glades Road, Suite 300, Boca Raton, Fla. 33434.

92. At all times relevant to this Complaint, defendant JAMES J. WHEELER (hereinafter "J. Wheeler"), sued here in his individual capacity, and as a partner of defendant law firm BC, is an attorney, who, upon information and belief, resides in the

State of Florida. At all times relevant herein, defendant J. Wheeler had been a partner in the defendant law firm BC located at 7777 Glades Road, Suite 300, Boca Raton, Fla. 33434

93. At all times relevant to this Complaint, defendant CITY OF BOCA RATON, FLA (hereinafter "Boca") was an employer within the meaning of the Constitution of the State of Florida and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

94. At all times relevant to this Complaint, defendant ROBERT FLECHAUS (hereinafter "Flechaus"), sued here in his official and individual capacity, is an detective, who , upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Flechaus was employed by the defendant BC as a detective.

95. At all times relevant to this Complaint, defendant ANDREW SCOTT (hereinafter "Scott"), sued here in his official and individual capacity, is an police officer, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Scott was employed by the defendant BC as a Chief of Police.

96. At all times relevant to this Complaint, defendant APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE (collectively hereinafter "1st DDC") is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. At all times relevant herein, defendant 1st DDC was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

97. At all times relevant to this Complaint, defendant THOMAS J. CAHILL (hereinafter "Cahill"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of Connecticut. At all times relevant herein, defendant Cahill was employed as Chief Counsel for the defendant 1st DDC.

98. At all times relevant to this Complaint defendant JOSEPH WIGLEY (hereinafter "Wigley"), sued in his official and individual capacity, was upon information

and belief, a citizen of the United States, residing in the State of Florida. At all times relevant herein, defendant Wigley was employed by the 1st DDC as an investigator.

99. At all times relevant in this Complaint, Defendant CATHERINE O'HAGEN WOLFE (hereinafter "WOLFE") sued here in her official and individual capacity, is an attorney, who, under information and belief resides in the State of New York. At all times relevant herein, Defendant WOLFE was employed as Clerk of the Court of the Appellate Division, First Judicial Department.

100. At all times relevant to this Complaint, defendant PAUL CURRAN (hereinafter "Curran"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Curran was employed as Chairman for the defendant 1st DDC.

101. At all times relevant to this Complaint, defendant MARTIN R. GOLD (hereinafter "Gold"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Gold was employed as a reviewer of in-house attorneys for the defendant 1st DDC.

102. At all times relevant in this Complaint, Defendant the HON. ANGELA M. MAZZARELLI (hereinafter "Mazzarelli") sued here in her official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant Mazzarelli was a Justice of the New York State Supreme Court Appellate Division First Department.

103. At all times relevant in this Complaint, Defendant the HON. RICHARD T. ANDRIAS (hereinafter "Andrias") sued here in his official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant Andrias was a Justice of the New York State Supreme Court Appellate Division First Department.

104. At all times relevant in this Complaint, Defendant the HON. DAVID B. SAXE (hereinafter "Saxe") sued here in his official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant Saxe was a Justice of the New York State Supreme Court Appellate Division First Department.

105. At all times relevant in this Complaint, Defendant the HON. DAVID FRIEDMAN (hereinafter "Friedman") sued here in his official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant Friedman was a Justice of the New York State Supreme Court Appellate Division First Department.

106. At all times relevant in this Complaint, Defendant the HON. LUIZ A. GONZALES (hereinafter "Gonzales") sued here in his official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant Gonzales was a Justice of the New York State Supreme Court Appellate Division First Department.

107. At all times relevant to this Complaint, defendant APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE (collectively hereinafter "2nd DDC") is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. At all times relevant herein, defendant 2nd DDC was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

108. At all times relevant to this Complaint, defendant LAWRENCE F. DIGIOVANNA (hereinafter "DiGiovanna"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant DiGiovanna was employed as Chairman for the defendant 2nd DDC.

109. At all times relevant to this Complaint, defendant DIANA MAXFIELD KEARSE (hereinafter "Kearse"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Kearse was employed as Chief Counsel for the defendant 2nd DDC.

110. At all times relevant in this Complaint, Defendant JAMES E. PELTZER (hereinafter "Peltzer") sued here in his official and individual capacity, is an attorney, who, under information and belief resides in the State of New York. At all times relevant

herein, Defendant Peltzer was employed as Clerk of the Court of the Appellate Division, Second Judicial Department.

111. At all times relevant in this Complaint, Defendant the HON. A. GAIL PRUDENTI (hereinafter "Prudenti") sued here in her official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant Prudenti was the Presiding Justice of the New York State Supreme Court Appellate Division Second Department.

112. At all times relevant in this Complaint, Defendant the HON. JUDITH S. KAYE (hereinafter "J. Kaye") sued here in her official and individual capacity, was at all relevant times and upon information and belief, resides in the State of New York. At all times relevant herein, defendant J. Kaye was the Chief Judge of the State of new York Court of Appeals.

113. At all times relevant to this Complaint, defendant STATE OF NEW YORK COMMISSION OF INVESTIGATION (hereinafter "COI") is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. At all times relevant herein, defendant COI was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

114. At all times relevant to this Complaint, defendant LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK (hereinafter "LFCP") is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. At all times relevant herein, defendant LFCP was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

115. At all times relevant to this Complaint, defendant ELIOT SPITZER (hereinafter "Spitzer"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Spitzer was employed by the State of New York as Attorney General of the United States.

116. At all times relevant to this Complaint, defendant COMMONWEALTH OF VIRGINIA was an employer within the meaning of the Constitution of the State of

Virginia and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Virginia.

117. At all times relevant to this Complaint, defendant VIRGINIA STATE BAR (hereinafter "VSB") is and was at all relevant times a governmental entity created by and authorized under the laws of the Commonwealth of Virginia. At all times relevant herein, defendant VSB was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Virginia.

118. At all times relevant to this Complaint, defendant ANDREW H. GOODMAN (hereinafter "Goodman"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. At all times relevant herein, defendant Goodman was employed as a member of the Standing Committee on Lawyer Discipline for the defendant VSB.

119. At all times relevant to this Complaint, defendant NOEL SENDEL (hereinafter "Sengel"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. At all times relevant herein, defendant Sengel was employed as Senior Assistant Bar Counsel for the defendant VSB.

120. At all times relevant to this Complaint, defendant MARY W. MARTELINO (hereinafter "Martelino"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. At all times relevant herein, defendant Martelino was employed as Senior Assistant Bar Counsel for the defendant VSB.

121. At all times relevant to this Complaint, defendant LIZBETH L. MILLER (hereinafter "Miller"), sued here in her official and individual capacity, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. At all times relevant herein, defendant Miller was employed as Senior Assistant Bar Counsel for the defendant VSB.

122. At all times relevant to this Complaint, defendant MPEGLA, LLC⁴ (hereinafter "MPEG") is a domestic limited liability company providing alternative

⁴ Plus royalties derived from patent pools including but not limited to: MPEG-2, ATSC, AVC/H.264, VC-1, MPEG-4 Visual, MPEG-2 Systems, DVB-T, 1394, MPEG-4 Systems, other programs in development.

technology licenses to the public, located at 6312 S Fiddlers Green Circle, Suite 400E, Greenwood Village, Colorado 80111.

123. At all times relevant to this Complaint, defendant LAWRENCE A. HORN (hereinafter "Horn"), sued here in his individual capacity, who, upon information and belief, resides in the State of Colorado. At all times relevant herein, defendant Horn was Chief Executive Officer employed by defendant MPEG located at 6312 S Fiddlers Green Circle, Suite 400E, Greenwood Village, Colorado 80111.

124. At all times relevant to this Complaint, defendant REAL 3D, INC. and successor companies (hereinafter "Real"), upon information and belief, was a domestic Florida corporation that develops and produces real-time three-dimensional (3-D) graphics technology products, and former strategic alliance partner with the Iviewit Companies, located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

125. At all times relevant to this Complaint, defendant GERALD W. STANLEY (hereinafter "Stanley"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Stanley was Chairman, President and Chief Executive Officer employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

126. At all times relevant to this Complaint, defendant DAVID BOLTON (hereinafter "Bolton"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Bolton was General Counsel employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

127. At all times relevant to this Complaint, defendant TIM CONNOLLY (hereinafter "Connolly"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Connolly was _____ employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

128. At all times relevant to this Complaint, defendant ROSALIE BIBONA (hereinafter "Bibona"), sued here in her individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Bibona was

and engineer employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

129. At all times relevant to this Complaint, defendant RYJO, INC. (hereinafter "Ryjo"), upon information and belief, was a domestic Florida corporation that develops latest technologies to deliver solutions to your business problems and former strategic alliance partner with the Iviewit Companies, located at 12135 Walden Woods Drive, Orlando, Fla. 32826

130. At all times relevant to this Complaint, defendant RYAN HUISMAN (hereinafter "Huisman"), sued here in his individual capacity, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Huisman was the founder of defendant Ryjo located at 12135 Walden Woods Drive, Orlando, Fla. 32826.

131. At all times relevant to this Complaint, defendant INTEL CORP. (hereinafter "Intel"), upon information and belief, is a domestic Delaware corporation and the acquirer of the capital stock and/or the successor in interest to the technologies of defendant Real located at 2200 Mission College Boulevard, Santa Clara, CA 95054.

132. At all times relevant to this Complaint, defendant LARRY PALLEY (hereinafter "Palley"), sued here in his individual capacity, who, upon information and belief, resides in the State of California. At all times relevant herein, defendant Palley was _____ employed by defendant Intel located at 2200 Mission College Boulevard, Santa Clara, CA 95054.

133. At all times relevant to this Complaint, defendant SILICON GRAPHICS, INC. (hereinafter "SGI"), upon information and belief, is a domestic Delaware corporation and the past holder of an equity interest in defendant Real located at 1140 E. Arques Ave., Sunnyvale, Cal. 94085.

134. At all times relevant to this Complaint, defendant LOCKHEED MARTIN CORPORATION (hereinafter "Lockheed"), upon information and belief, is a domestic Delaware corporation and the past holder of an equity interest in defendant Real located at 6801 Rockledge Drive, Bethesda, Md. 20817.

135. At all times relevant to this Complaint, defendant RFID CONSORTIUM, LLC (hereinafter "RFID"), upon information and belief, is a domestic Delaware limited

liability company and the licensor of essential ultra-high frequency radio frequency identification technologies located at _____.

136. At all times relevant to this Complaint, defendant ENRON BROADBAND (hereinafter "Enron") in partnership with Blockbuster which together attempted a strategic alliance with the Iviewit Companies, upon information and belief, was a unit of Enron Corporation a former domestic Delaware corporation.

137. At all times relevant to this Complaint, defendant BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP (hereinafter "BSTZ") is a domestic professional service limited liability partnership providing legal services to the public, and former patent counsel to the Iviewit Companies, located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.

138. At all times relevant to this Complaint, defendant NORMAN ZAFMAN (hereinafter "Zafman"), sued here in his individual capacity, and as a partner of defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. At all times relevant herein, defendant Zafman has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025

139. At all times relevant to this Complaint, defendant THOMAS COESTER (hereinafter "Coester"), sued here in his individual capacity, and as a partner of defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. At all times relevant herein, defendant Coester has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.

140. At all times relevant to this Complaint, defendant FARZAD AHMINI (hereinafter "Ahmini"), sued here in his individual capacity, and as a partner of defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. At all times relevant herein, defendant Ahmini has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.,

141. At all times relevant to this Complaint, defendant GEORGE HOOVER (hereinafter "Hoover"), sued here in his individual capacity, and as a partner of defendant

law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. At all times relevant herein, defendant Hoover has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.

142. At all times relevant to this Complaint, defendant WILDMAN, HARROLD, ALLEN & DIXON LLP (hereinafter "Wildman") is a domestic professional service limited liability partnership providing legal services to the public, located at 225 West Wacker Drive, Suite 3000, Chicago, IL 60606.

143. At all times relevant to this Complaint, defendant MICHAEL DOCKTERMAN (hereinafter "Dockterman"), sued here in his individual capacity, and as a partner of defendant law firm Wildman, is an attorney, who, upon information and belief, resides in the State of Illinois. At all times relevant herein, defendant Dockterman has been a partner in the defendant law firm Wildman located at 225 West Wacker Drive, Suite 3000, Chicago, IL 60606.

144. At all times relevant to this Complaint, defendant HARRISON GOODARD FOOTE (hereinafter "Harrison") is an concern organized under the laws of Great Britain providing legal services to the public, located at 106 Micklegate, York YO1 6JX (GB).

145. At all times relevant to this Complaint, defendant MARTYN W. MOLYNEAUX, (hereinafter "Molyneaux"), sued here in his individual capacity, and as a partner of defendant law firm Harrison, is an attorney, who, upon information and belief, resides in Great Britain. At all times relevant herein, defendant Molyneaux had been a partner in the defendant law firm Wildman, now presently employed at defendant law firm Harrison, located at located at 106 Micklegate, York YO1 6JX (GB) and the Iviewit Companies' former professional representative before the European Patent Office when employed by defendant law firm Wildman retained by defendant law firm BSTZ.

146. At all times relevant to this Complaint, defendant EUROPEAN PATENT OFFICE (hereinafter "EPO") is an intergovernmental organization that provides a uniform application procedure for individual inventors and companies seeking patent protection in up to 38 European countries, located at Postbus 5818, 2280 HV Rijswijk, The Hague, Netherlands.

147. At all times relevant to this Complaint, defendant ALAIN POMPIDOU (hereinafter "Pompidou"), sued here in his official and individual capacity, who, upon information and belief, resides in Munich, Germany. At all times relevant herein, defendant Pompidou was President of defendant EPO located at Postbus 5818, 2280 HV Rijswijk, The Hague, Netherlands.

148. At all times relevant to this Complaint, defendant WIM VAN DER EIJK (hereinafter "Van Der Eijk"), sued here in his official and individual capacity, who, upon information and belief, resides in Munich, Germany. At all times relevant herein, defendant Van Der Eijk was Principal Director International Legal Affairs & Patent Law, European Patent Office, Munich located at 80298 Munich, Germany.

149. At all times relevant to this Complaint, defendant LISE DYBDAHL (hereinafter "Dybdahl"), sued here in her official and individual capacity, who, upon information and belief, resides in Munich, Germany. At all times relevant herein, defendant Dybdahl was Head of the Legal Division, European Patent Office, located at 80298 Munich, Germany. in her official and personal capacity.

150. At all times relevant to this Complaint, defendant YAMAKAWA INTERNATIONAL PATENT OFFICE (hereinafter "YIPO") is, upon information and belief, an organization formed under the laws of Japan that provides its domestic and foreign clients with legal services with regard to intellectual properties, located at Shuwa Tameike Building 4-2, Nagata-Cho 2-Chome, Chiyoda-Ku Tokyo 100-0014, Japan.

151. At all times relevant to this Complaint, defendant MASAKI YAMAKAWA (hereinafter "Yamakawa"), sued here in his official and individual capacity, who, upon information and belief, resides in Tokyo, Japan. At all times relevant herein, defendant Yamakawa was President of defendant YIPO, located at Shuwa Tameike Building 4-2, Nagata-Cho 2-Chome, Chiyoda-Ku Tokyo 100-0014, Japan.

152. At all times relevant to this Complaint, defendant CROSSBOW VENTURES, INC. (hereinafter "Crossbow"), upon information and belief, is a domestic Florida corporation and the holder of an equity interest through defendant Alpine Venture Capital Partners, L.P. in defendant Iviewit Holdings, Inc., a Delaware corporation located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401-5523.

153. At all times relevant to this Complaint, defendant ALPINE VENTURE CAPITAL PARTNERS LP (hereinafter "Alpine"), upon information and belief, is a domestic Small Business Investment Company program participant and the holder of an equity interest in defendant Iviewit Holdings, Inc., a Delaware corporation located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

154. At all times relevant to this Complaint, defendant STEPHEN J. WARNER (hereinafter "Warner"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Warner has been a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

155. At all times relevant to this Complaint, defendant RENE P. EICHENBERGER (hereinafter "Eichenberger"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Eichenberger has been a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

156. At all times relevant to this Complaint, defendant H. HICKMAN "HANK" POWELL (hereinafter "Powell"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Powell was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

157. At all times relevant to this Complaint, defendant MAURICE BUCHSBAUM (hereinafter "Buchsbaum"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Buchsbaum was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

158. At all times relevant to this Complaint, defendant ERIC CHEN (hereinafter "Chen"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Buchsbaum was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

159. At all times relevant to this Complaint, defendant AVI HERSH (hereinafter "Hersh"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Hersh was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

160. At all times relevant to this Complaint, defendant MATTHEW SHAW (hereinafter "Shaw"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Shaw was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

161. At all times relevant to this Complaint, defendant BRUCE W. SHEWMAKER (hereinafter "Shewmaker"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Shewmaker was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

162. At all times relevant to this Complaint, defendant RAVI M. UGALE (hereinafter "Ugale"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. At all times relevant herein, defendant Ugale was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

163. At all times relevant to this Complaint, defendant HUIZENGA HOLDINGS INCORPORATED (hereinafter "Huizenga"), upon information and belief, is a domestic Florida corporation and the holder of an equity interest in defendant Iviewit Holdings, Inc., a Delaware corporation located at 450 E Las Olas Blvd Ste 1500, Fort Lauderdale, Fla.

164. At all times relevant to this Complaint, defendant TIEDEMANN INVESTMENT GROUP (hereinafter "TIG"), upon information and belief, is a domestic New York corporation and the holder of an equity interest in defendant Iviewit Holdings, Inc., a Delaware corporation located at 535 Madison Avenue, New York, New York 10022.

165. At all times relevant to this Complaint, defendant BRUCE T. PROLOW (hereinafter "Prolow"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Prolow was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

166. At all times relevant to this Complaint, defendant CARL TIEDEMANN (hereinafter "Tiedemann"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Tiedemann was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

167. At all times relevant to this Complaint, defendant ANDREW PHILIP CHESLER (hereinafter "Chesler"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Chesler was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

168. At all times relevant to this Complaint, defendant CRAIG L. SMITH (hereinafter "Smith"), sued here in his individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. At all times relevant herein, defendant Smith was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

169. At all times relevant to this Complaint, defendant HOUSTON & SHADY, P.A. (hereinafter "SH"), and its shareholders who acted *ultra vires*, is a domestic professional service association providing legal services to the public, and former counsel to Utley, Hersch, Reale, and Ryjo in a frivolous involuntary bankruptcy suit against the Iviewit Companies, located at _____

170. At all times relevant to this Complaint, defendant FURR & COHEN, P.A. (hereinafter "FC"), and its shareholders who acted *ultra vires*, is a domestic professional service association providing legal services to the public, and former counsel to the Iviewit Companies, located at 2255 Glades Road Suite 337W Boca Raton, FL 33431.

171. At all times relevant to this Complaint, defendant SACHS SAXS & KLEIN, P.A. (hereinafter "SSK"), and its shareholders who acted *ultra vires*, is a

domestic professional service association providing legal services to the public, and former counsel to the Iviewit Companies, located at _____.

172. At all times relevant to this Complaint, defendant SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP (f.k.a. Schiffrin & Barroway, LLP) (hereinafter "SB") is a domestic professional service limited liability partnership providing legal services to the public, and former strategic alliance partner and legal counsel to the Iviewit Companies, located at 280 King of Prussia Road, Radnor, PA 19087.

173. At all times relevant to this Complaint, defendant RICHARD SCHIFFRIN (hereinafter "Schiffrin"), sued here in his individual capacity, and as a partner of defendant law firm SB, is an attorney, who, upon information and belief, resides in the State of Pennsylvania. At all times relevant herein, defendant Schiffrin has been a partner in the defendant law firm SB located at 280 King of Prussia Road, Radnor, PA 19087.

174. At all times relevant to this Complaint, defendant ANDREW BARROWAY (hereinafter "Barroway"), sued here in his individual capacity, and as a partner of defendant law firm SB, is an attorney, who, upon information and belief, resides in the State of Pennsylvania. At all times relevant herein, defendant Barroway has been a partner in the defendant law firm SB located at 280 King of Prussia Road, Radnor, PA 19087.

175. At all times relevant to this Complaint, defendant KRISHNA NARINE (hereinafter "Narine"), sued here in his individual capacity, and as a partner of defendant law firm SB, is an attorney, who, upon information and belief, resides in the State of Pennsylvania. At all times relevant herein, defendant Narine has been a partner in the defendant law firm SB located at 280 King of Prussia Road, Radnor, PA 19087.

176. At all times relevant to this Complaint, defendant CHRISTOPHER & WEISBERG, P.A., (hereinafter "CW") is a domestic professional service association providing legal services to the public, and former patent counsel to the Iviewit Companies, located at 200 East Las Olas Boulevard, Suite 2040, Fort Lauderdale, Florida 33301.

177. At all times relevant to this Complaint, defendant ALAN M. WEISBERG (hereinafter "Weisberg"), sued here in his individual capacity, is an attorney, who, upon information and belief, and former patent counsel to the Iviewit Companies, resides in the State of Florida. At all times relevant herein, defendant Weisberg has been a shareholder in the defendant law firm CW located at 200 East Las Olas Boulevard, Suite 2040, Fort Lauderdale, Florida 33301.

178. At all times relevant to this Complaint, defendant MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A. (hereinafter "MMSS"), and its shareholders who acted *ultra vires*, is a domestic professional service association providing legal services to the public, and former _____, located at 800 Corporate Drive Suite 500 Fort Lauderdale, FL 33334.

179. At all times relevant to this Complaint, defendant ALBERTO GONZALES (hereinafter "Gonzales"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the District of Columbia. At all times relevant herein, defendant Gonzales was employed by the United States Justice Department as Attorney General of the United States.

180. At all times relevant to this Complaint, defendant JOHNNIE E. FRAZIER (hereinafter "Frazier"), sued here in his official and individual capacity, is an attorney, who, upon information and belief, resides in the District of Columbia. At all times relevant herein, defendant Frazier was employed by the United States Department of Commerce as Inspector General at the U.S. Department of Commerce.

181. At all times relevant to this Complaint, defendant IVIEWIT, INC., upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit, Inc. Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

182. At all times relevant to this Complaint, defendant IVIEWIT, INC., upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit, Inc. Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

183. At all times relevant to this Complaint, defendant IVIEWIT HOLDINGS, INC., (f.k.a. Uview.com, Inc.) upon information and belief, is a domestic Delaware

corporation (hereinafter "Iviewit Holdings Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

184. At all times relevant to this Complaint, defendant IVIEWIT TECHNOLOGIES, INC., (f.k.a. Iviewit Holdings, Inc.) upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit Technologies Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

185. At all times relevant to this Complaint, defendant IVIEWIT HOLDINGS, INC., upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit Holdings Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

186. At all times relevant to this Complaint, defendant IVIEWIT.COM, INC., upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit.com Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

187. At all times relevant to this Complaint, defendant I.C., INC., upon information and belief, is a domestic Florida corporation (hereinafter "I.C. Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

188. At all times relevant to this Complaint, defendant IVIEWIT.COM, INC., upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit.com Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

189. At all times relevant to this Complaint, defendant IVIEWIT.COM LLC, upon information and belief, is a domestic Delaware limited liability company (hereinafter ".com LLC Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

190. At all times relevant to this Complaint, defendant IVIEWIT LLC, upon information and belief, is a domestic Delaware limited liability company (hereinafter

"LLC Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

191. At all times relevant to this Complaint, defendant IVIEWIT CORPORATION, upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

192. At all times relevant to this Complaint, defendant NEW YORK STATE BAR ASSOCIATION, upon information and belief, is an organization formed to cultivate the science of jurisprudence, promote reform in the law, facilitate the administration of justice, and elevate the standards of integrity, honor, professional skill and courtesy in the legal profession (hereinafter, "NYSBA"), located at 1 Elk Street, Albany, New York 12207.

193. At all times relevant to this Complaint, defendant REPUBLICAN NATIONAL COMMITTEE, is an organization that was born in the early 1850's by anti-slavery activists and individuals who believed that government should grant western lands to settlers free of charge (hereinafter, "RNC"), located at 310 First Street, Washington, D.C. 20003.

194. At all times relevant to this Complaint, defendant IBM CORPORATION an information technology company (hereinafter "IBM"), located One New Orchard Road, Armonk, New York 10504.

195. Other interested party, Glenn Fine, is the Inspector General for the United States Department of Justice, where a complaint has been filed by Plaintiffs and is under review.

196. Other interested party, H. Marshall Jarrett, is the Chief Counsel of the Federal Bureau of Investigation, Office of Professional Responsibility, and was referred by Glenn Fine to begin investigation of Plaintiffs' missing files at the Federal Bureau of Investigation and the United States Attorney General's office concerning Iviewit Companies matters and a car bombing of Plaintiff BERNSTEIN's minivan.

197. Other interested party, Harry I. Moatz, is the Director of the Office and Enrollment and Discipline for the United States Patent and Trademark Office, whereby a

complaint has been filed by Plaintiffs and has led to a formal investigation of up to nine attorneys and law firms complained of herein including Proskauer, Rubenstein, Joao, Foley, Dick, Boehm and Becker.

198. Other interested party, Jon W. Dudas, is Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, after initial investigation by Moatz, Plaintiffs were directed by Moatz to file a charge of fraud upon the United States Patent and Trademark Office by those attorneys and law firms of the Federal Patent Bar; request of patent suspension was granted pending outcome of Moatz and the United States Patent and Trademark Office investigations.

199. Other interested party, Eric M. Thorsen, Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

200. Other interested party, Daniel O'Rourke, is Assistant to Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

201. Other interested party, David Gouvaia, is the Duty Agent, Treasury Inspector General for Tax Administration, as a result of Plaintiffs' ongoing complaint.

202. Other interested party, George Pataki, is the former Governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

203. Other interested party, Eliot Spitzer, is the governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

204. Other interested party, Andrew Coumo, is the Attorney General of the State of New York, as a result of Plaintiffs' ongoing complaint.

205. Other interested party, Robert Morgenthau, is the District Attorney for New York County, New York, as a result of Plaintiffs' ongoing complaint.

206. Other interested party, Hillary R. Clinton, is a United States Senator from New York, as a result of Plaintiffs' ongoing complaint.

207. Other interested party, Chris P. Mercer, is the President of the Institute of Professional Representatives Before the European Patent Office, as a result of Plaintiffs' ongoing complaint whereby evidence of document tampering has surfaced with responses to formal office actions.

FACTUAL BACKGROUND

...Work in progress...insert Factual Background from 1998 to 2003...

PREFACE

208. Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, the misappropriation of intellectual properties (“IP”) from inventors, that runs so wide and so deep it tears at the very fabric of what has come to be known as free commerce in this country, and in that the circumstances begin with the deprivation of inventors’ rights to their property by their counsel, they tear at the very fabric of the Constitution of the United States and those obliged to uphold those rights. When caught by Plaintiffs, in order to deflect complaints filed against them locally, statewide, federally and internationally, powerhouse law firms hired by Plaintiffs to protect them, turned against them to destroy them and then began a desecration of the legal system to stymie and delay due process through using their legal prowess and clout to create blocks to due process at almost every legal venue Plaintiffs could file at and seizing these institutions from the top down in a power grab, where failure meant their loss of everything. How high does it go will be left to this Court now to decide and only in that it provides fair and impartial due process where others have failed and in so doing corrects the history of invention, one of the most beautiful and prophetic technologies returned to the rightful owners and the truth of who and how they were delivered to the people while paving a profound shift in the digital world.

209. The conspiracy contained in the RICO statement attached in draft herein as Exhibit 1 and throughout the complaint is best told in stages to minimize confusion and stay focused on key element, where IP theft by IP attorneys and their accomplices, takes center stage. Yet, a conspiracy with a history that appears to have been prior formulated to deprive others of their IP through not only fraud on the victims but fraud on the United States and foreign nations, in an effort to circumvent Article 1, Section 8, Clause 8, the backbone to free commerce in America, and other federal civil and criminal laws, the right to ones intellectual properties. A siege on the United States Patent and Trademark Offices and the Commerce Department treason against the Constitution and everything free commerce stands for. The first conspiracy will thus focus on those mainly large United States law firms alleged to have had direct involvement in the federal and international IP crimes, “the original conspirators”.

210. Next we have focused on the conspiracy that unfolded to block due process and procedure, how it was effectuated, how public offices were violated, as indicated in *Anderson, et al. v. the State of New York, et al*, (U.S. District Court, S.D.N.Y.) (October 26, 2007) (*hereinafter, Anderson*”) and, how we speculate from the fragmented evidence at hand to explain how the criminal organization operates within the legal system to protect the criminals, members of the legal community. This conspiracy is again not only against the Plaintiff victims but against the United States and our Constitution’s entire legal protections such as right to due process and procedure, rights to the courts, rights to counsel and a deprivation of rights like only lawyers could achieve, excuse us, lawyers who are criminals with law licenses, as those described herein. These conspirators come dressed in the finest legal garbs, hold immensely powerful titles, hold incredible political power and this has enabled them to hold off due process with brute force, no legal victories per se have been won in these matters, just pure evasion of process and procedure through violations of everything true to law. The highest and most trusted ethics attorneys charged herein with the most heinous and massive violations of ethics, again, as will be evidenced herein, they will be shown to be merely criminals using legal judo to perfect crime not administer justice. With the corruptions in the legal community exposed through the US Attorney firings and the resignation of Alberto Gonzales, to the changes in laws regarding human torture by lawyers Bybee, Yoo and Gonzales, to the Eliot Spitzer disgrace upon New York’s criminal attorneys, the case before this Court now seems of less significance yet it may also provide the key to understanding how the “fox got into the henhouse” and all the lawlessness in the country since 2000.

211. No ordinary power grab could stop due process, in order to fend off the massive amount of crimes falling under civil, federal and international laws violated alleged herein, and the siege on the United States would take power from the top down at the Executive, Judicial and Legislative branches of the United States and foreign agencies to pull off. As the inventors in this Complaint are small and lacking the power of major law firms and lacking the royalties rightfully theirs through conversion by their former attorneys to themselves instead to be used against these small inventors, all we come armed with is the Constitution, thus this case forms the litmus test for the value of the

Constitution in protecting the “ma and pa” inventor who turns to the legal system to protect her/his inventions and to protect them when that system wholly fails to protect them and in fact turns against them.

212. On or about 1997, Iviewit’s founder, Eliot I. Bernstein and other inventors came upon inventions pertaining to what industry experts have heretofore described as profound shifts from traditional techniques in video and imaging then overlooked in the annals of digital video and imaging technologies. The main inventor, Plaintiff Bernstein has described them as divine technologies that came in dreams, as an integral part of journey he has been on since awakening from a coma at 19 years old, in pursuit of a Thought Journal, a phantasmagorical technology whereby children of all color come together to protect the earth and her creatures, from their parents who have forgotten that that must come first. That the technologies delivered in the dreams have now shaped almost every form of digital imaging and video taking these technologies from the phantasmagorical surreal world into your everyday world, shaping everything to do with your digital world.

213. Factually, the main video technology is one of capturing a video frame at a, including but not limited to, 320 by 240 frame size (roughly, 1/4 of a display device) at a frame rate of one (1) to infinity frames per second (“fps” and at the twenty four (24) to thirty (30) range commonly referred to as “full frame rates” to those skilled in the art). Moreover, once captured, and in its simplest terms, the scaled frames are then digitized (if necessary), filtered, encoded, and delivered to an agnostic display device and then scaled to a full frame size of, including but not limited to, 1280 by 960 at the full frame rates of 24 to 30 fps. The result is, when combined with other proprietary technologies, high quality video at bandwidths of 56 or more Kbps to 6 Mbps per second, at a surprising seventy five percent (75%!) savings in throughput/bandwidth on any digital delivery system such as digital terrestrial, cable, satellite, multipoint-multichannel delivery system, or the Internet, and a similar 75% savings in storage on mediums such as digital video discs “DVD’s” and the hard drives of many consumer electronic devices. Also, these savings result in a 75% decrease in the necessary processing power to encode the video, making old school concepts of parallel processors obsolete and allowing the process of encoding to occur on even a laptop. Therefore, the video technology opened

new markets therefore in both low bandwidth video as is found on cell phones and the Internet to the other end of the spectrum to high end video such as HDDVD, etc. changing even the way television was created, transmitted and viewed, a change from interlacing to the new Iviewit scaling processes, allowing cable companies to increase channel throughput by 75%! Moreover, on the imaging side, the Iviewit inventions are used on almost every digital camera and present screen design and other devices that utilize the feature of “digital zoom,” whereby the imaging technology provided a way to zoom almost infinitely on a low resolution file with clarity, solving for pixilation that was inherent in the prior art. Furthermore, industry observers who benefited from the Iviewit disclosures have gone on to claim "you could have put 10,000 engineers in a room for 10,000 years and they would never have come up with these ideas..." These engineers and IP attorneys similarly claimed, to a broad audience, that the technologies were "priceless," the "Holy Grail" of the digital imaging and video world.

214. As such, , it should be entirely clear, as it relates to the inventions, that we are not talking about some rudimentary software that will be rendered obsolete as newer versions emerge, but that the Plaintiffs video scaling and image overlay systems are THE backbone, enabling technologies for the transmission of video and images across all transmission networks and viewable on all display devices, where the inventors went back to square one to create a wholly novel elegant upstream solution (towards the content creator) of reconfiguring video and image frames to unlock former bandwidth constraints, led to new processing and storage capabilities and took the video and imaging worlds to a new dimension, a major paradigm shift.

215. Moreover, if these inventions become the subject of say a court ordered injunction while investigations are ongoing, imagine it would preclude the use of the technologies while the courts resolve these matters, similar to the recent case almost brought in the RIM/Blackberry matter. Although dwarfed in comparison, that injunction would have shut Blackberry down to users had the parties not settled the matters, by way of tremendous pressure from the Court, the courts being on of the biggest users of that technology. The results of an injunction to use of Plaintiffs technologies would be catastrophic to the country in that the product recall alone would be devastating to commerce, shutting down video across the Internet, recalling low bandwidth cell phones,

recalling digital camera's with digital zoom, halting the transmission of 75% of cable channels, recalling medical devices that use scaled zoom, recalling technologies on the Hubble Space Telescope and other government uses, such as flight and space simulators, advanced weapons systems, etc.

MAIN CONSPIRATORIAL ENTERPRISE

CERTAIN DEFENDANTS FOUND TO HAVE CONSPIRED TO STEAL IP PRIOR TO ATTEMPTING SAME ON PLAINTIFFS, BEGINNING POSSIBLY AT THE IBM CORP.

216. Upon information and belief, several of the key Defendants in the present criminal cluster have a prior history together of IP theft establishing that the criminal organization described herein is a well greased wheel with a history of priors. Based on statements made by Monte Friedkin of Florida ("Friedkin"), to Plaintiffs former consultant for counsel and other matters, Caroline Prochotska Rogers, Esquire ("Rogers"), Friedkin reveals a similar attempted theft of IP and fraud committed upon him by several of the same original conspirators described herein. This crime was attempted immediately prior to certain of the defendants learning of the Iviewit Companies inventions and being retained and hired by the Iviewit Companies and Plaintiff Bernstein. An attempt to remove valuable hydro mechanical IP from Friedkin's company, Diamond Turf Equipment, Inc. through similar false oaths to the USPTO for IP applications, again constituting fraud not only upon Friedkin but the federal offense of filing false patent oaths, committed by those entrusted and hired by Friedkin to protect his properties!

217. The Friedkin illustration demonstrates that key members of the original conspiratorial ring against the Iviewit Companies, consisting of, including but not limited to, Christopher C. Wheeler ("Wheeler")⁵ of Proskauer Rose LLP ("Proskauer")⁶, William

⁵ Arrested in Del Ray Beach, Florida for Driving Under the Influence with Injury, Case No. FLO 500 400, a felony DUI requiring a warrant for his arrest. Quoting from the Police Report "Additionally, the Defendants wife, Deanna Wheeler, was following her husband and told me that her husband had taken off from the red light at 1000 South Congress Ave. at a high rate of speed for unknown reasons and had been drinking. Moments later, he struck the vehicle ahead of him. She then told me that her husband shouldn't have been driving and expressed concerns for the victim still trapped in his car."

⁶ It will become important for this Court to note here that, on information and belief, Congressional records show that Joseph Proskauer, a founding partner of Proskauer and Supreme Court Justice at the First

J. Dick (“Dick”) of Foley & Lardner LLP (“Foley”), and Brian G. Utley (“Utley”) former President of the Iviewit Companies who was placed by Proskauer with a materially false resume, was **not** formed solely to deprive Plaintiffs of royalties deriving from its technologies, but was an ongoing criminal enterprise, perhaps hailing back to a criminal cartel that started at the IBM Corporation⁷ (“IBM”).

218. Involving IBM? upon information and belief, this same cast of characters worked together at IBM where Dick was IBM’s far eastern patent counsel in Boca Raton, FL (“Boca”), Utley was GM of IBM Boca, Wheeler handled real-estate transactions through Proskauer for IBM Boca and upon information and belief, Hon. Judith S. Kaye (“Judge Kaye”) was also an IBM employee in the legal affairs department, the time and place of where and when, and whether she had known Dick or Utley fails to appear in any biographical information of Judge Kaye whom provides a variety of resume backgrounds some listing IBM and others not.

219. The Friedkin affair was wholly concealed as these conspirators were brought in to aid the inventors and shareholders of the Iviewit Companies. Wheeler never made mention of his involvement with Utley in the setting up of the company

Department was involved as a stooge for JP Morgan, in the 1934 coup to overthrow FDR and have the United States join forces with Nazi Germany. The coup, know as the “Business Plot” was exposed and foiled by Smedley Darlington Butler, one of the most decorated war veterans of all time, a hero to this great nation whom the treasonous group tried to recruit to turn the US military against the People and suppress any rebellion that might follow with military force. Congressional hearings were held into the matters and much of the plot was confirmed as stated in Wikipedia “In 1934, Butler came forward and reported to the U.S. Congress that a group of wealthy pro-Fascist industrialists had been plotting to overthrow the government of President Franklin D. Roosevelt in a military coup. Even though the congressional investigating committee corroborated most of the specifics of his testimony, no further action was taken.” The coup was thwarted, brought into the light by the McCormack-Dickstein House Committee, but the treasonous traitors’ evaded prosecution. It will be presented herein, that the actual conspiratorial ring begins here and has been operating through secret cults, including but not limited to, Yale’s Skull and Bones, to plant members in prominent government posts to again plan a takeover of the United States government. It should also be noted that, on information and belief and directly from their client list on their website, Proskauer represents both Yale and Yale Law School. Joseph Meyer Proskauer was involved in the coup through the American Liberty League of which he was Advisory Council and on its Executive Committee, he was also an executive of the American Jewish Committee which, during the 1930s, opposed efforts by the American Jewish Congress to promote a widespread public boycott of German products. A Jew who aids and abets Nazi efforts is termed “Judenräte” <http://en.wikipedia.org/wiki/Judenrat> , a term applied to the Jews who welcomed concentration camp victims to the showers and ovens, promising in Hebrew warm water and cookies, in exchange for Nazi favors, at the expense of the soul.

⁷ IBM has recently been linked to Nazi atrocities in Edwin Black's book "IBM and the Holocaust: The Strategic Alliance Between Nazi Germany and America's Most Powerful Corporation". Per the IBM website “In 2007, IBM received 3,125 U.S. patents from the USPTO. This is the fifteenth consecutive year that IBM has received more US patents than any other company in the world.” Also http://en.wikipedia.org/wiki/History_of_IBM#IBM.27s_role_in_WWII_and_the_Holocaust

where the IP of Friedkin was attempted to be absconded with, until his deposition in a civil billing case. Upon referring Utley to the Iviewit Companies, the Friedkin information was in fact falsified by Wheeler and Utley in submitting a fraudulent resume to shareholders that with scienter covers up, and in fact lies about the incidence at Friedkin's, claiming the Company went on to be a leader from Utley's acts as CEO, when in fact it was immediately closed as Utley was fired with cause for his attempted theft, costing a several million dollar loss to Friedkin. Finally, upon Wheeler and Utley referring their good friend Dick from IBM who was now at Foley and Lardner to Iviewit, again their dirty little secret was not disclosed to the Iviewit Companies shareholders, board or management, Dicks involvement in filing the IP of Friedkin's for Utley solely, into the Utley company formed by Wheeler, all with intent.

220. This establishes that this ring has worked together in the past and exhibits a conspiratorial pattern showing intent to swindle the Iviewit Companies right from the start of their IP, almost identical to the crime effectuated against Friedkin as will be depicted herein and supported with endless evidence according to proof at trial. Their prior crime and their parts in that crime were confirmed in statements made by Utley and Wheeler under sworn depositions and Dick in a sworn response to the Virginia Bar complaint filed against him, whereby Wheeler confirms in deposition that he, via Proskauer, opened companies for Utley, Utley denies in deposition that IP applications were ever filed for the Friedkin IP, yet in a sworn written statement to the Virginia Bar, Dick contradicts Utley's deposition statement stating he filed patents for the Diamond Turf, Inc. inventions while being hired by Utley for Utley's personal company, presumably that company set up by Wheeler.

221. How far back in time this group goes and how many times this IP scam has been committed on inventors will take further discovery and perhaps investigations spearheaded by criminal investigators, as many of the crimes being committed are not only against the IP rightful owners but in order to perfect the crime, crimes are also committed directly against United States agencies as defined further herein. Have other inventors been robbed and perhaps then murdered, as the car bombing of inventor Bernstein may indicate, prior to Friedkin and the Iviewit Companies? This will become an issue that this Court may have to review as discovery continues in these matters.

PROSKAUER & MELTZER THE FIRST ON THE SCENE OF THE INVENTIONS

222. By Plaintiffs grouping the Defendants according to their affiliation, this section includes, Christopher C. Wheeler, Kenneth Rubenstein, Steven C. Krane, the Estate of Stephen Kaye, and any other partners, associates, or support staff of Proskauer that discovery may indicate responsible in whole or in part, who have participated in the crimes depicted herein.

223. On or about 1998, Iviewit retained Proskauer to review and procure IP for a number of inventions pertaining to digital video and imaging.

224. The Plaintiffs and the Iviewit Companies have fallen into trouble from a host of local, state, federal and international criminal activities, all emanating from the attempted theft of the IP Proskauer was to procure for Iviewit. All roads to the criminal conspiracy, no matter how tangled they get emanate from Proskauer as the initial source of the “Big Bang”.

225. On or about 1998 Plaintiff Bernstein, through his personal accountant, defendant Gerald Lewin, referred Iviewit to Proskauer attorney defendant Albert Gortz, Lewin’s good friend and Gortz’s partner Wheeler. Gortz an estate planner and Wheeler a real estate attorney. Wheeler then misrepresented partners of Proskauer, Kenneth Rubenstein and Raymond Joao, to protect and secure the technologies discovered by Eliot Bernstein, Zakirul Shirajee, Jude Rosario, Jeffrey Friedstein, James F. Armstrong and others, to secure IP for the to be formed Iviewit, Inc. company that Proskauer was to set up.

226. Upon information and belief, after a thorough review by Rubenstein, Proskauer took on the role of securing IP, including but not limited to, patent, trademark, trade-secret and copyright for the inventors with the intent of forming a company to include various shareholders and investors, including Proskauer. Proskauer did not know prior to getting in knee deep that they would be offered a significant share of the company as Plaintiff Bernstein believes that those who aided the technologies to fruition were to be rewarded with founding shares. Perhaps if Proskauer knew they would be so generously rewarded they would have never began a criminal undertaking to usurp the IP from the inventors, in fact, looking back Proskauer could have had a major share of the

companies with their friends had they gone about it the legal way. Friedkin offers insight into the fact that their intent from the start though was far more devious as will be depicted and proven according to trial in this case.

227. Rubenstein was acting as both lead retained IP counsel and later sat on the Board of Directors, as well as, reviewing the technologies later to determine if Proskauer would be a shareholder of 2.5% in Iviewit, Inc., as Wheeler stated Proskauer had never done this before and claimed that only after Rubenstein's opinion could they have a partners meeting to vote if they could take an equity interest in the Iviewit Companies. As the shares were presented as a gift in exchange for their work to that point that led to the IP being heralded as "holy grail" inventions, it became almost impossible for them to say no to purchasing the founding shares without creating speculation as to their reason and so they purchased the founding shares in the company they then formed.

228. Upon information and belief, Rubenstein was hired by Proskauer after Wheeler had taken certain of the inventions to Rubenstein and Joao and Rubenstein and Joao had disclosures with inventors of certain of the inventions both acting as Proskauer partners at that time. Yet both Rubenstein and Joao were at another firm to give the impression that Proskauer had a long standing IP department in New York which just happened to have what Wheeler deemed the guru of digital imaging and IP law, Rubenstein, who was gatekeeper and counsel to MPEGLA LLC, the to be largest user of the inventions. It was later learned that neither Rubenstein nor Joao were with Proskauer at that time they were represented as partners of the firm, after claims to seed investors by Wheeler that Rubenstein was with Proskauer. Wheeler had misrepresented Rubenstein and Joao who were factually found at the time to be with Meltzer instead.

229. That after confronting Wheeler with the information discovered by certain investors that Rubenstein was with another firm, Wheeler then claimed that Proskauer was in the midst of acquiring the Meltzer IP department, including Joao and Rubenstein and almost overnight Rubenstein was the head partner of the newly formed Proskauer IP department, leaving Joao at Meltzer despite claiming he was transferring when he finished the work for Rubenstein and himself at Meltzer which then forced Iviewit to retain now both Proskauer and additionally Meltzer until Joao was to be transferred.

230. Rubenstein, while at Meltzer was IP counsel to a small IP pool MPEGLA, LLC. and that account then transferred to Proskauer. MPEGLA LLC now has bundled and tied the Iviewit technologies to their pool license in combination with an endless number of hardware, software, DVD, multimedia and chip applications and Iviewit has not received a dollar of royalty from the companies using them and where Proskauer inures benefit from these pools as well.

231. Proskauer acting as retained lead counsel then brought into the Iviewit Companies, IP counsel all under the direction of Rubenstein in New York including patent counsel, trademark counsel, copyright counsel, trade-secret counsel, all under the direction of Rubenstein. Wheeler brought and headed Proskauer's corporate counsel, immigration counsel, real-state counsel, securities counsel and others, all to protect the inventions and form the vehicles to hold them and various other legal services.

232. Further, Proskauer brought in officers to run the company and investment partners (including the first large seed capital partner Wayne Huizenga and Wayne Huizenga Jr.), top technology teams to evaluate and opine on the efficacies and efficiencies of the technologies including Real 3D, Inc. (a consortium at the time composed of Intel, Silicon Graphics Inc. and Lockheed Martin later wholly acquired by Intel) and their clients under NDA's, licensing contracts and other agreements. Proskauer then attended almost every meeting of the Iviewit Companies, selling the technologies in sales meetings, opining to investors on the "novel" aspects of the technologies and was all the while supposedly acting to get the IP filed and approved and then placed into the MPEGLA LLC pools. Rubenstein was to get the IP into the pools, as the backbone technologies to video and imaging for the Internet so that Iviewit Companies would share in the massive royalties they would bring when bundled. With Rubenstein as retained counsel this was a slam dunk, investors were led to believe that within a few years the IP would provide revenue from the pools, Rubenstein was said to be waiting to apply the inventions when they were approved by the USPTO, although initially Wheeler represented that Rubenstein could begin having the pools pay on his opinion on the Provisional IP filings alone.

233. Proskauer billed Iviewit approximately One Million Dollars \$1,000,000.00 for these services. Wheeler had secured office space for Iviewit directly

across the hall from Proskauer in Boca Raton, Florida; Proskauer then converged daily on the Iviewit Companies office for business meetings, strategy meetings, sales meetings, Board of Directors meetings, etc.

234. While Meltzer was retained by Iviewit at Proskauer's insistence until defendant Joao transferred formally, Joao would come to Boca Raton from New York to meet with the main inventors, Bernstein, Shirajee and Rosario periodically and it was believed that he was going back to New York to file for the IP under the direction of his former associate Rubenstein. To clarify, since Proskauer had not had an IP department for its 200 year history, it was told to Iviewit Companies that Rubenstein was using Joao to file the applications, which he claimed was not his function at Meltzer or Proskauer and so he needed Joao to handle the filings as Proskauer did not have anyone yet in their newly formed IP department.

THE FIRST SIGNS OF IP FRAUD

235. Plaintiffs claim that Joao, almost immediately after being introduced and then retained by Iviewit Companies and Plaintiff Bernstein began a series of actions that caused immediate suspicion of both his actions on behalf of the inventors and the Iviewit Companies in the filings he was making and not making and shortly thereafter for his actions on behalf of filing for himself as a possible inventor, inventing ideas learned through Iviewit Companies inventor disclosures, inventions he was to be patenting for the inventors and Iviewit Companies. Proskauer was charged with investigating these allegations and charged for such, which seemed unbelievable and later after learning that Joao had delayed filings and not filed all the IP he was supposed to, Proskauer claimed they were bringing in replacement counsel to fix the errors of Joao, file the missing IP, correct the inventors and investigate his possible stealing of intellectual properties.

FOLEY AND LARDNER

236. Joao was then terminated for cause as counsel and upon termination, Wheeler and Utley recommended their "good friend" Dick from Foley, whom brought in defendants Boehm and Becker also of Foley, retained to first investigate and correct what appeared at the time to be deficient work of Joao (later learned to be almost wholly fraudulent work), as well as, contacting the appropriate authorities regarding the possible crimes committed by Joao and finally to file to protect the IP worldwide wholly replacing

Joao and Meltzer. Again, all this was explained by Wheeler to be under the oversight of Rubenstein who was directing the overall Iviewit IP pool of Iviewit Companies patents, copyrights, trademarks and trade secrets.

237. It was later learned by Joao's publicity in newsprint that Joao had 90+ patents in his name, a claim he never told anyone while working with Iviewit, wherein many of Joao's inventions appear to be directly lifted from the Iviewit Companies inventors and shareholders he was retained to protect.

238. Plaintiffs later learn that Foley attorneys acting to further the conspiracy, continued in Joao's spirit with the false filing of patents through falsified patent applications and oaths with the USPTO (again a federal offense and a direct crime against the United States), again filing fraudulent inventors, owners and assignees, inapposite with what they claimed to be doing. Joao had filed one European patent application and one non-provisional application before his termination and Foley filed the non-provisional applications at the USPTO and then filed the remainder of filings at the EPO, the JPO and the KPO filings.

239. Evidence will show that Foley upon reviewing the Joao filings found a multitude of problems that they claimed to Iviewit Companies investors and inventors that they were fixing, yet instead of protecting the inventors and shareholders by fixing the IP, it will be proven that they instead conspired with Proskauer and others to continue the crimes by, including but not limited to;

- i. further writing the IP into a series of illegitimate fraudulent Iviewit Companies set up by Proskauer with similarly and identically named companies to the legitimate Iviewit Companies,
- ii. filing fraudulent applications for IP written with Utley's name as the sole inventor, for inventions as profound as "Zoom and Pan on a Digital Camera" which reminiscent to the Friedkin affair these unknown filings were being directed to Utley's home address, not the legitimate Iviewit Companies offices,

- iii. in other instances, where Utley never invented anything with the Iviewit Companies inventors, Utley is secretly added on to other inventors' inventions replacing original inventors with Utley,
- iv. creating two sets of almost identical patents, one destined to fail in the Iviewit companies, one set to be stolen off with in the illegitimate companies Proskauer formed to steal them in,
- v. sabotaging the filings in substance including using factually incorrect math,
- vi. failing to properly assign the properties to the rightful owners and assignees, and,
- vii. failing to correct the inventors to the true and correct inventors that Joao had initially failed to properly file for.

240. All these crimes Plaintiffs claim to be an almost exact repeat of the attempted theft committed upon Friedkin by Wheeler, Utley and Dick and all a direct attempt to steal the Iviewit Companies IP. Foley was working in conspiracy with Proskauer and both attempting to cover Joao's tracks and prevent his exposure and convincing the Iviewit Companies shareholders and management that the IP was being corrected and filed properly. In fact, the work Foley did with the inventors was later found to be completely changed in transit to the USPTO and foreign IP offices from what the Iviewit Companies were told they were filing.

THE AUDIT BY ARTHUR ANDERSEN ("AA"), INSTIGATED BY CROSSBOW VENTURES ON BEHALF OF THEIR LOANS AND SMALL BUSINESS ADMINISTRATION LOANS THAT EXPOSES EVEN MORE POSSIBLE CRIMES BEING COMMITTED IN THE IVIEWIT CORPORATE MATTERS

241. It should be noted here that, on or about 2000, an audit of the financial records of the Iviewit Companies by Arthur Andersen LLP⁸ was already underway whereby while conducting such audit for the legitimate Iviewit Companies' largest investor, Crossbow Ventures through Alpine Venture Capital Partners, L.P. , a side car fund using SBA funds in addition, AA found possible illegitimate Iviewit Companies that were similarly and identically named and other misleading corporate information, including missing stock for several entities, causing AA to request further information from, including but not limited to, Proskauer, Goldstein, Lewin and Erika Lewin, CPA, daughter of the accountancy firms partner Gerald Lewin. Erika Lewin was an Iviewit Companies W2 employee for internal accounting at the Iviewit Companies while also working for the firm Goldstein.

242. On or about this same time, in a bizarre instance, Utley was caught holding two varied sets of IP portfolios by Plaintiff Bernstein and James Armstrong, where the legitimate Iviewit Companies had only been aware of one prior. In these volumes Iviewit found a set where owners, assignees and inventors all appeared fraudulently misstated when compared to the IP dockets and other IP documentation given to Iviewit Companies investors and the inventors. Two sets of IP books and two sets of corporations, at the time all of this appeared non inter-related, in fact, the link between the AA discovery of possible illegitimate companies and the unearthing of a second set of IP appeared not related but evoked more and more probing of the retained counsel and accountants responsible for these inconsistencies. This second set of IP books was never shown or submitted with investment documents to the legitimate Iviewit Companies Board(s), management, inventors and shareholders, including the SBA.

⁸ “On June 15, 2002, Andersen was convicted of obstruction of justice for shredding documents related to its audit of Enron, resulting in the Enron scandal. Nancy Temple (Andersen Legal Dept.) and David Duncan (Lead Partner for the Enron account) were cited as the responsible managers in this scandal as they had given the order to shred relevant documents. Since the U.S. Securities and Exchange Commission does not allow convicted felons to audit public companies, the firm agreed to surrender its licenses and its right to practice before the SEC on August 31, 2002, effectively ending the company's operations. The Andersen indictment also put a spotlight on its faulty audits of other companies, most notably Sunbeam and WorldCom. The subsequent bankruptcy of WorldCom, which quickly surpassed Enron as the biggest bankruptcy in history, led to a domino effect of accounting and like corporate scandals that continue to tarnish American business practices.” Source Wikipedia
http://en.wikipedia.org/wiki/Arthur_Andersen

243. On or about that time, Proskauer prepared and disseminated a Wachovia Private Placement for the Iviewit Companies; this had no mention of these IP's and where they contradicted much of the information given by Foley, Proskauer, Utley, Lewin and Wheeler to Wachovia and other investors for due diligence, later Foley admitted that the assignments they claimed to have been executed were never filed and the inventors had not been changed.

244. Further damning and bizarre events also came to light at this point, the mathematical claims made by Foley in the IP in one set were mathematically incorrect, and the claims wrong and again there were owner, assignment and inventor frauds, so meetings were held to confront Foley, Proskauer and Utley with the evidence found after analyzing the newly unearthed IP filings.

245. These fraudulent misstatements in the filings were then supposedly corrected in taped meetings with Foley and Proskauer over approximately three days, attended by, including but not limited to, Boehm, Becker, Wheeler, Wheeler on behalf of Rubenstein, Plaintiff BERNSTEIN, James F. Armstrong (an initial inventor, investor and senior manager), Simon Bernstein as Chairman of the Board and defendant Maurice Buchsbaum an officer of Iviewit Companies who left Crossbow to work with the Iviewit Companies after being referred by Wheeler. The problems were discovered in the IP, both sets, only a day or so before they were to be filed from Provisional status to Pending status at the USPTO, and filed at the EPO and other international agencies, filings of critical importance.

246. The IP that the inventors and others had met with Foley to file where not discovered wrong, until the two sets of IP from Utley were recovered. Utley and Foley had asked the inventors to sign blank IP documents for the imminent filings with US and foreign offices, which the Iviewit Companies inventors would not do and when asked for copies to review, Utley made the grave mistake of advancing multiple IP binders with IP and invention claims never before seen and faulty IP filings almost wholly wrong and different than what the inventors had worked on. Utley did not hand them over without fight, refusing at first to let Bernstein even see the IP filings causing Bernstein to grab the binders and have Utley restrained while Bernstein and Jennifer Kluge, an executive assistant, photocopied them.

247. The inventors and management had only two days to review the newly discovered fraudulent IP filings they had never knew existed or had seen before. After the taped meetings, Foley was making immediate changes for the imminent filings according to their statements such as fixing the math, inventors, owners and assignees. The math problems and assignments were thought by the legitimate Iviewit Companies Board of Directors, management, investors, and inventors, to be corrected by Foley before filing but it was later learned that they were filed fraudulently without critical changes anyway. Foley had misrepresented via their IP dockets much of the owner, assignee, and inventor information that shareholders had relied on for investment.

248. These meetings were taped at the advice of certain Board of Directors and management of the legitimate Iviewit Companies, as well as by Foley and Lardner, as these meetings were concerning to all shareholders as it evidenced that assignments, owners and inventors of the IP were wrong, the core assets investors invested in, although previously worked on by the inventors, these were never filed correctly and it appeared were being replaced with the fraudulent IP applications found in Utley's possession. In these meetings Foley now admitted to not having executed or filed many of the documents including the assignments or corrected the errors of inventors or other problems of the Joao filings. Foley had even made representations to Wachovia for a Private Placement Memorandum during due diligence, that the IP was properly assigned and these were later learned to be wholly fraudulent and false statements. This evidence was completely contrary to the prior statements, IP dockets and IP applications that Proskauer, Meltzer and Foley had tendered to investors and inventors, including fraudulently changed IP filings from what the inventors signed for. Only later was it learned that Foley, despite the taped calls whereby they agreed to make the changes and file the assignments, correct inventors, etc., had instead filed the applications fraudulently anyway, disregarding the changes in certain instances and at the time apparently defying human logic.

249. Still at this point the legitimate Iviewit Companies were wholly unaware that a major conspiracy was going on and since the attorney's and accounting professionals are the alleged criminals who controlled all the documentation, and under powers of attorney, it was harder to penetrate the scam while being given wholly false

information from the professionals that were hired to protect the legitimate Iviewit Companies, shareholders and inventors.

250. Shortly after learning of the second set of IP, Utley then came to the Iviewit Companies California offices unannounced and threatened Inventor Bernstein that if further investigation or probing into the matters occurred and if he were not made CEO, with fully signing authorities, Bernstein should watch his back upon returning to his family in Florida, as Proskauer and Foley would be watching and waiting, directly threatening the lives of Bernstein and his family. Bernstein in response called his wife, had her pack their kids and belongings and flee Florida, leaving their home, to move into a hotel for the next several months in California.

251. This move leaving all their personal possessions and home behind, came after Bernstein immediately called several Iviewit Companies Board of Director members, shareholders and others and it was determined it was safest for Bernstein and his family not to return to Florida until the matters were presented to investigators. The reason for these precautions was although Utley did not know this at the time, Bernstein had already begun notifying Iviewit Companies shareholders, certain Board of Director members, certain of the management team, investors including Crossbow and Huizenga, the federal patent authorities and others of what had been discovered.

252. Bernstein had been in California setting up a satellite office, as a licensing and operating deal had been signed for Iviewit Companies with AOLTW/WB whereby the Iviewit Companies IP processes were being used for video production for their websites. Iviewit Companies had taken offices directly above AOLTW/WB's video encoding operation and had taken over the encoding processes at such time. Where further, Sony and other studios were preparing to use the Iviewit Companies processes to consummate a digital download and streaming of movies of five of the major studios. License deals and encoding deals were being drafted by now Irell & Manella ("Irell") for such uses, as Bernstein, S. Bernstein, Kane, Buchsbaum, Powell, members of the AOLTW/WB team and others decided Bernstein should stay in California while these issues were sorted out.

253. All those involved in the IP and corporate problems, including but limited to defendants Proskauer, Foley, Wheeler, Rubenstein, Utley, Reale and others were then

terminated for cause and new counsel and management then needed to be secured. The Florida operations were to be closed and the corporate headquarters moved to California. Such changes needed to be planned for though and certain precautions had to be taken as this was a major change in corporate strategy and prior counsel and management.

254. Powell, Kane, S. Bernstein, Buchsbaum, Epstein, Anderson and others began to undertake a course of actions to replace counsel, secure records, transfer personnel, relinquish employees, close down offices and begin sorting out what exactly had been stumbled upon. Crossbow was fully cognizant of what was transpiring and with Kane, worked to rid the company of Utley, Proskauer and others. The new revelations were disclosed to AOLTW/WB and Sony representatives and it was determined such course of action would not effect ongoing deals as Crossbow represented at the time to the clients that they stood behind the Iviewit Companies and were continuing funding despite the unfolding problems. Crossbow had Powell assess the situation and Powell worked with inventor Bernstein and hired new legal counsel to evaluate the prior work. Bernstein had a fifteen year relationship with members of Irell and Manella and it was determined they would replace Foley and Proskauer for IP work and furthering licensing deals underway and were so retained. Upon reviewing certain evidence presented to them, Irell referred BSTZ to investigate the filings and correct the problems found in the filings. Crossbow acting as an ally at the time continued funding through the transition and retained both Irell and BSTZ to investigate the work of Foley, Proskauer and Meltzer and so began the unearthing of a mass of crimes.

255. Crossbow's Powell came to California to meet with AOLTW/WB and Sony and evaluate the emerging relationships. Powell met with representatives of AOLTW/WB regarding a proposed funding and licensing deal formulated upon a multi-layered implementation of the Iviewit Companies technologies. AOLTW/WB had already begun to use the Iviewit processes under NDA and an encoding/licensing deal. Upon investigating the investment portion of the deal, material facts were uncovered regarding litigious actions against the Iviewit Companies. Conducting due diligence led to discovery, on information and belief, by AOLTW/WB, that IP on file with the USPTO was incorrect and not what was showed to them by Utley prior, and that Iviewit Companies management had never told them Iviewit Companies was in a billing

litigation with Proskauer and that additionally former management was attempting an involuntary bankruptcy on the company, two legal actions no one had ever heard of.

256. Powell assured AOLTW/WB and Sony Crossbow was not aware of these problems either and would work to rectify the problems if they were found to be true. He stated that Utley was being terminated, the offices were moving to Los Angeles and they would continue funding of Iviewit Companies as promised and agreed to. David Colter, a senior technologist for AOLTW/WB and Douglas Chey of Sony Digital, were present at meetings with Powell and disclosed the site www.moviefly.com later changed to www.movielink.com that was being created using the Iviewit Companies processes. Both advised Powell they were using the processes on their websites and were planning on using Iviewit Companies services and licensing the technologies. Colter explained to Powell he and other leading technologists at AOLTW/WB and other studios wanted to make sure Utley was fired and that no further deal would be possible with any of the major studios with Utley involved.

257. Evidence was surfacing on or about this point to show further criminal activities taking place. Inventor Bernstein was called by Buchsbaum and other Iviewit Companies Florida employees, with allegations that in preparing to move the offices, Utley and Reale were attempting to bribe employees with a briefcase of cash and destroying documents.

258. According to a witness statement, Reale claimed the briefcase contained stolen cash from Iviewit Companies investors and further attempted to have such employees aid and abet in stealing proprietary equipment and IP processes. The employees were told by Reale and Utley that the Iviewit Companies were being closed and they were being fired and if they wanted to leave and join Utley and Reale in a new venture with investor Tiedemann (referred by Proskauer) they just needed to help steal the processes, be told which equipment was operating the processes and to reveal to them the trade secrets behind running them. Anthony Frenden an Iviewit Companies employee, in a sworn written statement stated that Utley and Reale had attempted to bribe him with a briefcase of cash to this effect and this was also witnessed and confirmed by other employees, which then led to filed charges with Boca PD for the stolen equipment and stolen cash.

259. Frenden's statement and corroboration by other witnesses, acted as a basis for the charges filed against Utley and Reale of embezzlement with the Boca PD, Utley and Reale were found in possession of highly proprietary equipment they had stolen, equipment employees had told them was highly valuable and essential to the processes. The stolen equipment was later returned to the company through police intervention and formal charges were, unbeknownst to Iviewit Companies, waived by Kasser after that, without company authority or consent.

260. The Iviewit Companies were under the impression Kasser was pressing charges and filing additional charges against Utley for the missing cash, not dropping charges. It was later learned that the additional charges were never filed, although Kasser had stated such new investigations were under way with Boca PD. Upon learning that Kasser had dropped charges instead of pressing them, the Iviewit Companies asked Boca PD to re-open the charges in the embezzlement case and press charges for the IP thefts and stolen funds. The new charges are currently NOT under investigation by the Boca PD and the matters have been escalated to Honorable Andrew J. Scott, III, Chief of Police, for possible internal corruption. It appears that Boca PD acted in conspiracy with the conspirators to stymie and delay investigation instead of doing their public service and investigating the matters and filing charges.

261. Crossbow then began a series of discussions with limited Board of Director members, mainly Kane (formerly of Goldman Sachs), Buchsbaum and Powell, regarding how to protect the IP and the shareholders and what exactly to do to investigate all of the matters fully.

262. Crossbow and the Iviewit Companies later find after hiring counsel BSTZ to audit the work of Foley, Proskauer and Joao, to the amazement of Iviewit shareholders Utley had indeed been patenting core technologies into his name with Dick's IP team at Foley and BSTZ prepared a docket showing two patents found whereby the inventor was solely Utley. Utley listed as sole inventor on two patent applications with no assignments is completely contradicted by Utley's direct deposition testimony whereby he states no digital camera patent applications or any other IP applications were filed in his sole name and if they were they were, they were assigned to the Iviewit Companies, both claims materially false statements later confirmed by the USPTO.

263. The USPTO in fact, refused to release information regarding Utley's patent to Iviewit because neither Iviewit, nor the inventors, are found listed on the patent in any capacity, in contradiction to attorney IP dockets from Joao, Foley and Proskauer. This is irrefutable evidence of perjury and other federal crimes including fraud on the USPTO as will be evidenced. Dick in his response to a VSB bar complaint submits an IP docket which shows patent applications Foley supposedly filed for the Iviewit Companies but when sent to Moatz at the USPTO, he states that the information on IP is wholly incorrect and Moatz states that the USPTO cannot release information on these Utley filings, as the Iviewit Companies and the inventors were not listed anywhere on them, contrary to the IP documents prepared by counsel after counsel and the IP docket submitted to the VSB.

264. This information regarding the false statements on the Foley portfolio submitted to the VSB in defense of Dick was sent to the VSB with a request to immediately begin investigating Dick as Moatz had now instigated formal investigation. VSB failed to investigate proof of false statements to a tribunal by Dick which at minimum warranted investigation of the bar complaint they had dismissed and then VSB went further by not only failing to investigate but by beginning a pattern of evasion that further denied due process and procedure to the Iviewit Companies bar complaint against Dick. This is no small oversight, the Utley applications are for concepts such as “Zoom and Pan on a Digital Camera” and the core imaging concept “Zoom and Pan Imaging Design Tool”, which are the core technologies of how digital zoom on a digital imaging devices works.

265. It was from these early discoveries of IP malfeasances, where evidence was surfacing fast and Proskauer, Foley and MLGWS were being called upon to provide answers to the Board of Directors for all of these issues, that a series of events occurred intended to force Iviewit from pursuing further investigation into the matters and destroying the companies. Bernstein at the bequest of Board of Director members and with finances from Crossbow retained Irell to review the IP and replace Foley. After discovery of the IP problems, Irell referred Iviewit to BSTZ to audit the IP portfolio and review the work of Foley, which according to Irell the IP seemed to completely miss the inventions. Crossbow financed and was privy to the work of BSTZ's investigation and

BSTZ opined they had found IP in Utley's sole name. They presented an "audited" portfolio that appeared to have two sets of almost identical IP found. One set had Utley and one set did not. This was the first time Iviewit learned of such Foley filings for Utley. Such work by BSTZ led to BSTZ being retained to fix such errors and report such fraud to the proper tribunals. Iviewit and Crossbow were otherwise led to believe BSTZ was undertaking such tasks.

266. BSTZ was later found to have further conspired with the former conspirators to not only further the crimes but now to aid and abet in the cover up of the past crimes. BSTZ began to procure false and misleading Iviewit IP dockets to the Iviewit Companies that again were used for the solicitation of investor funds which again unbeknownst to the Iviewit Companies were again incorrect. The conversations with the USPTO led to evidence showing BSTZ's IP portfolios were almost entirely false when compared to what was actually on file with the USPTO. BSTZ further misdirects the Iviewit Companies to think Utley is being removed from the IP in their filings and have inventors Bernstein, Friedstein, Shirajee, Rosario and Bernstein on behalf of Utley, sign documents to execute such changes to correct the inventions. After review with the USPTO, the EPO and JPO it was found that the changes were never made. It is now found that even after discovering Utley had committed fraud and was long fired with cause, BSTZ filed **additional** IP applications listing Utley as an inventor and falsifying the IP dockets to cover it up to Iviewit Companies shareholders, investors and potential investors. Charges were filed with the USPTO OED Director Moatz for BSTZ's part in the conspiracy adding them to the list of law firms and attorneys Moatz had begun formal investigations on. Complaints were also filed with OED Director Moatz regarding IP document destruction by BSTZ.

267. BSTZ was charged with notifying the USPTO of the frauds on the USPTO and foreign patent agencies, BSTZ again misdirected the Iviewit Companies that the matters were being reported and the IP corrected and it is later learned they failed to report any of their findings to the proper authorities or correct the applications.

268. BSTZ upon being uncovered as a possible conspirator then destroyed, through loss, the IP files transferred to them from Foley, MLGWS and Proskauer,

including original IP materials and filings. Such loss by BSTZ comes after they are requested to contact Moatz at OED and transfer the IP files.

269. Upon speaking with foreign IP counsel Molyneaux, brought in by BSTZ as EPO counsel, it was determined that to correct the errors across the pond, the EPO would have to be notified of the fraud. Corrective actions would have to be taken to change owners and inventors prior to answering patent office actions that were coming due in Europe. BSTZ was requested to make such filing of fraud to the EPO and failed to transmit the documents to WHAD containing the allegations and asking the EPO to take actions to protect the IP and institute investigations. Upon contacting WHAD, Plaintiffs gave Molyneaux a copy of what BSTZ had failed to file for filing with the EPO despite advising the Iviewit Companies that they were doing so. Molyneaux volunteered to submit such fraud notification with our office answer, based on the unfolding situation now found with BSTZ, where BSTZ was not responding to repeated requests to file an answer with a statement of fraud, the deadline only a few days away. It is later found that the office action filed with the EPO, sent to Plaintiffs by Institute of Professional Representatives before the European Patent Office (“IPR”) as part of their investigation of the attorneys involved licensed with the EPO, was materially changed in transit to EPO and the document was wholly fraudulent and missing much of what was filed. This has led to further requests of the IPR to contact other investigators to examine all documents on file.

270. Upon filing of the statement of fraud upon the European Patent Office and fraud upon the Iviewit Companies, Plaintiffs made a request for suspension of all applications pending investigation into the IP fraud. Further, upon being noticed by Molyneaux that WHAD had filed Iviewit's response to the office action, BSTZ realized Molyneaux had let the cat out of the bag and began a series of steps to attempt to cover up for their deceptions.

271. BSTZ then lost all of Iviewit's IP files, spawning five years, three prior law firms, original art dating the inventions, and all records that had been transferred to them from Proskauer, MLGS and Foley. This loss of files was done deliberately to cover up and attempt to destroy records of the Iviewit Companies crucial to securing the IP and

supposedly transferring the files with no authority or record confirming the documents receipt by the Iviewit Companies.

272. Upon submitting the IP dockets of Foley, Proskauer and BSTZ to Moatz, at the USPTO, it was discovered much of the information told to the Iviewit Companies by Foley, Proskauer and now BSTZ, was materially false. Further, the work BSTZ stated they were performing, in fact was never done. This leads one to believe somehow BSTZ became part of the cover up through some form of bribery which caused them to act in such coordinated conspiratorial manner. Plaintiffs, in discussions with the USPTO on or about February 1, 2004, finds IP information different from every IP docket delivered to the Iviewit Companies by every retained IP counsel, as to inventors, assignments, and, in particular, two IP applications in the name of Utley with no assignment to the Iviewit Companies and not invented by the Iviewit Companies inventors. According to the USPTO, the Iviewit Companies presently hold no rights, titles, or interest in particular IP applications. Such IP issues have caused the Iviewit Companies, in conjunction with its largest investor, Crossbow (the largest South Florida venture fund) and Stephen J. Warner, the Co-Founder, former Chairman of the Board and CEO, at the direction of Moatz, to file a complaint with the USPTO Commissioner alleging charges of Fraud Upon the USPTO and the Iviewit Companies, now causing the Commissioner after review to put suspend the Iviewit Companies U.S. patent applications, while investigations are proceeding into the attorney criminal activity alleged and that will be evidenced to this Court.

273. The JPO provides new evidence of filings in Utley's name but BSTZ attempts to state they were filed in August of 2000. The JPO filing information states they were not filed by BSTZ until approximately January of 2002, long after Utley was terminated in early 2001 and after BSTZ was supposed to be removing Utley from IP. The JPO information directly contradicts the BSTZ portfolio information, as evidenced in Japanese filing information showing Utley continued on the JPO filings, this evidence was submitted to Moatz and is currently under investigation. Further, when one looks at the JPO filings, one sees submitted with the application a document with a blanked out date stamp, which the JPO rejects and requests from BSTZ additional information to support the filings. Such document with blanked out date was sent to Moatz for

investigation and clarification, since the document was filed in the United States originally; imagine a filed patent confirmation document with the date intentionally blanked out. Such information is pending investigation from the USPTO and the obvious blanking out of the document suggests further fraud on the USPTO. The JPO has been advised of the fraud and investigations are pending and information submitted but the JPO claimed that no such crime as fraud exists in Japan and that they were looking further into how to deal with the fraud.

LEARNING OF THE CRIMINAL ACTIONS OF PROSKAUER – THE PROSKAUER LAWSUIT & INVOLUNTARY BANKRUPTCY BRIEFER (WOW, THIS ROLLS THE CLOCK BACK WHEN IT WAS GOING SO NICELY FORWARD...CUT AND PAST PAR AGRAPHS 64 TO 67 OR SO BACK TO WHERE IT WAS FIRST MENTIONED, BRO’)

274. Bernstein contacted a childhood friend, Rogers, to investigate as much of the madness coming out at that time as she could and find out what was going on in the myriad of very scary events unfolding with regard to the IP crimes and claims of corporate crimes.

275. First, Rogers found a billing suit instigated by Proskauer in *Proskauer Rose LLP v. Iviewit.com, Inc. et al., Case No. CA 01-04671 AB9* (“Proskauer Lawsuit”) (Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida filed with defendant Judge Jorge Labarga (“Labarga”).

276. Second, she found there existed a federal involuntary bankruptcy action at the U.S. Bankruptcy Court Southern District of Florida Case No. 01-33407-BKC-SHF (“IB”)¹⁰ filed this time by Proskauer referred management and Proskauer referred strategic alliance partners, including but not limited to, Intel Corporation (“Intel”), acting through Real 3D, Inc.¹¹ (“R3D”) (R3D at the time, a consortium of Intel 10%, Silicon

⁹ Plaintiffs cannot confirm or deny that Labarga was the original Judge handling the case or that the case docket number provided was the original filing number, further discovery will be required to pursue this convoluted matter.

¹⁰ This action was dropped almost immediately after Iviewit retained new counsel, replacing the old **unauthorized** counsel by plaintiffs in that matter.

¹¹ Plaintiff BERNSTEIN, along with Wheeler, Lewin, Utley, James F. Armstrong (“Armstrong”), Simon L. Bernstein and others were flabbergasted when in a meeting with over 10 engineers from R3D, Intel, SGI and Lockheed, who were studying the Iviewit inventions for investors, R3D’s lead engineer, a one Rosalie Bibona, stated that the technologies, were “priceless” and when pressed further by R3D Chief Executive Officer, Gerald Stanley, Bibona claimed that the video inventions were worth hundreds of billions of

Graphics Inc. 20% and Lockheed Martin Corp. 70%, later R3D was wholly acquired by Intel, along with the Iviewit Companies technologies) acting through their subcontractor, RYJO Inc., Proskauer referred Utley, Iviewit Companies employee Raymond Hersh, and Utley/Proskauer placed employee Michael Reale¹².

277. Roger's, after finding that the two **illegal** legal actions were actually existent, directed Bernstein and the Iviewit Companies to retain new counsel and prior unauthorized counsel in those matters were terminated. Unauthorized counsel, defendants **Saxs and Houston** firms, which were originally retained by unknown parties, were terminated and the Iviewit Companies retained Steven Selz, Esq. ("Selz") to represent the Iviewit Companies being sued in the Proskauer Lawsuit and to file a Motion to Amend Answer and Counter Complaint for Damages ("Counter Complaint").

278. Rights were almost instantly denied by Labarga to new counsels claims, the Counter Complaint denied instantly by Labarga who was presiding on the case, claiming that former counsel who represented the Iviewit Companies without authority had basically waived the right to countersue and the circus court began. Labarga also refused to dismiss the case based on the fact that Proskauer had no retainers or any other contract with many of the companies they sued, their contracts with a different Iviewit Companies company, at this time it was not known that there were illegitimate companies and that those companies were directly involved in the **illegal** legal actions not the legitimate companies, in order to effectuate the IP thefts.

279. Selz took depositions¹³ of Rubenstein, Wheeler and Utley whereby both lawyers from Proskauer after the first day, fled their depositions at their lawsuit they instigated, refusing to return, being ordered later by the Court to return, owing to the fact that at the first deposition evidence surfaced contradicting their deposition statements and

dollars annually and the imaging hundreds more, or words to that effect. Immediately thereafter, R3D became Iviewit's first strategic alliance partner, the contracts however are under investigation as there appears to be massive fraudulent documents attempting to move the contract from the Iviewit company that originally signed such agreement. Evidence has been supplied to investigators.

¹² Michael Reale was also represented as a friend of Utley and Dick from their days together at IBM.

¹³ Depositions for Plaintiff Bernstein, Lewin, Rubenstein, Wheeler, Simon Bernstein and Utley are available in the case file of the Proskauer Lawsuit for this Courts review and should be secured by this Court to prevent any file thinning similar to what Anderson claims occurred at the First Department. Plaintiffs request that as this Court receives such files of any investigations or court records, copies are provided to Plaintiffs for review to determine if file tampering has occurred. Long before *Anderson* the Iviewit Companies complained that files were being destroyed illegally to federal and state authorities.

previous written statements made to the court, which constituted obvious perjury and other crimes.

280. The Iviewit Companies thus readied for trial armed with devastating evidence of perjured written statements, perjured depositions and the Iviewit Companies had retained a new, and equity/investor/contingency counsel, in addition to Selz, defendant Schiffrin. Schiffrin signed a binding Letter of Understanding (“LOU”)¹⁴ which also acted as a retainer to represent the Iviewit Companies in the upcoming Labarga trial and a variety of collateral suits to follow against certain of the Defendants at that time, after thorough review and investigation of the allegations, evidence and witness statements Schiffrin finally came on board.

THE LABARGA CIRCUS COURT & THE SCHIFFRIN BREACH OF THEIR

LOU

281. Accordingly, “all well and good you might say,” but a funny thing happened on the way to the courthouse, where the supposedly powerful Proskauer was to enforce their bogus billing case against bogus companies that they had no retainer agreements with. After investigations are concluded into the corporate malfeasances, the companies sued may prove to be companies formed without authorization from the Board of Directors or management and which contained the converted and stolen IP and which the shareholders are unknown but most likely Proskauer.

282. On the first day of the scheduled trial, Plaintiff BERNSTEIN and Selz showed up at the courtroom to find the lights out and nobody home, the trial had been cancelled by defendant Labarga the prior evening without notice to the Iviewit Companies or their counsel Selz or Schiffrin, another crime according to FBI investigators to deny due process rights to Plaintiffs.

283. “Impossible” you say, but true and then it became even more apparent that Labarga was not only part of the conspiracy but in the words of the just recent Supreme Court Justice, Sandra Day O’Connor, in relation to the Florida Supreme Court election recount in the Bush v. Gore presidential election that Labarga was central too, that he was

¹⁴ See Pennsylvania Bar complaints against Barroway, Narine and SB, case #'s

“off on a trip of his own...,”¹⁵ perhaps referring to the Iviewit Companies’ matters which were consuming him at the same time.

284. At the rescheduling hearing an even more bizarre court room fiasco unfolded. First, at the suggestion of new counsel Schiffrin, co-counsel Selz filed a motion to remove himself from the case based on the fact that Schiffrin had committed to take over as lead counsel when they signed their binding LOU to represent the Iviewit Companies. Schiffrin requested the removal of Selz and Labarga then granted Selz’s motion which claimed Schiffrin was taking over.

285. What follows next led to a complete denial of due process and procedure through **illegal** legal trickery to prevent the Iviewit Companies from going to trial or even rescheduling one to present the damning evidence. Labarga then heard a motion filed the same day as the Selz motion to withdraw, a surprise motion, submitted without notice to the Iviewit Companies, that Schiffrin had simultaneously alongside Selz filed to remove themselves as counsel stating Selz was going to be counsel? To make things surreal, Labarga granted the Schiffrin motion to withdraw as counsel, despite having copies of their signed and binding LOU/Retainer to represent the Iviewit Companies in the matters before him and knowing he had just let go of counsel Selz. Labarga happy in telling Plaintiff BERNSTEIN that day that he now had no counsel and he better get some quickly, Labarga thus rendered the Iviewit Companies without counsel on the proverbial “eve of the trial”.

286. Labarga then gave the Iviewit Companies a few days to retain new counsel in a complex case that was already ready for trial and which the Iviewit Companies had spent their remaining monies to get too. Further, Schiffrin never performed on their binding LOU/Retainer and failed to put in their required investment funds, sending over approximately \$7,000 dollars total, including a minute partial salary of \$1,000.00 for Plaintiff BERNSTEIN and leaving the Iviewit Companies devastated financially with scintilla. The Iviewit Companies had turned away all other interested investors at the time in favor of the Schiffrin LOU, and Schiffrin then violated the LOU/Retainer agreement in violation of law (breach of contract, etc.) and their ethics rules, intentionally

¹⁵ Supreme Conflict ~ The Inside Story of the Struggle for Control of the United States Supreme Court
Jan Crawford Greenberg, Penguin.

attempting to destroy what was left of the legitimate Iviewit Companies and Plaintiff BERNSTEIN and making it virtually impossible to sue either Schiffrin, Proskauer or anyone else, a well planned conspiracy to deny Plaintiffs and the Iviewit Companies their civil rights through denying due process through coordinated conspiratorial efforts.

287. Plaintiff BERNSTEIN's wife immediately thereafter applying for food stamps and other relief to feed their kids, devastated by the series of events intended to derail due process and procedure and forcing the Bernstein's into destitute.

288. Days to find replacement counsel in a case that would take months, if not years for a new legal team to investigate, digest, and present the information accumulated by former counsel, Schiffrin and Selz. Both Schiffrin and Selz took months to get up to speed, having to digest the enormous amount of evidence that existed at that time and get a handle on the magnitude of the crimes committed. Labarga had granted additional time to Selz when he took the case from formerly illegally retained counsel Sax Sachs & Klein, yet he was unwilling to budge this time on an extension now.

289. Plaintiff BERNSTEIN could not even represent the Iviewit Companies, as there is a law against Pro Se representation of corporations. At this point, Plaintiffs filed a motion to have Labarga recuse himself from the case for this bizarre denial of due process and procedure and violations of the judicial cannons, of which he ruled on the motion to have himself removed, in his own favor, and so stayed on.

290. To further tip over the scales of justice against the Iviewit Companies, former counsel Schiffrin and Selz refused to release the case files so that defendants could even attempt to timely secure new counsel or prepare for an appeal. After weeks of attempting to contact Selz and Schiffrin, at the advice of Rogers, Plaintiff BERNSTEIN went to Selz's office where he was hiding from Plaintiff BERNSTEIN and after heated conversation where Selz tried to preclude Plaintiff BERNSTEIN from the records and further conference called Schiffrin who stated that Selz should stand fast and hold all the documents claiming that Schiffrin owned the files, Plaintiff BERNSTEIN ignored their threats and removed approximately 20 banker boxes of trial materials. This fiasco came too late to secure counsel or file a timely appeal and Labarga instead of understanding what was unfolding and the need for more time to secure counsel, ruled a default

judgment against the Iviewit Companies for failure to retain replacement counsel. Justice not served.

291. Labarga had evidence that Rubenstein of Proskauer had perjured himself in deposition and in sworn written statements to that court (Exhibit E16) whereby Rubenstein claimed in deposition testimony and written statements to Labarga that he never heard of Plaintiff BERNSTEIN or the Iviewit Companies, in fact, claiming he was the target of harassment and would not be deposed. Then further in the deposition, in diametric opposition to his initial deposition statements where he first denies knowing the Iviewit Companies and Plaintiff BERNSTEIN, Rubenstein amidst a flurry of evidence confronting him contradicting his initial statements in deposition, then breaks down and admits such knowledge of both the companies and Plaintiff BERNSTEIN and then flees the deposition refusing to answer further questions, again inapposite of law as so noted in the deposition transcripts.

MPEGLA, LLC.

292. Why it is essential that Rubenstein feign that he has no knowledge of the Iviewit Companies, the inventors or the technologies now, is that for Rubenstein to possess such knowledge exposes the glaring conflict of his MPEGLA LLC role as senior counsel and gatekeeper of the patent pools (determining which submitted patents to include in the pool) and Rubenstein's and Proskauer's simultaneously acting as the Iviewit Companies IP counsel which creates enormous conflicts from their failing to establish a Chinese Wall, and whereby lacking such Chinese Wall they have successfully converted the Iviewit Companies inventions, bundling and tying them in their anticompetitive licensing scheme. How could the Iviewit Companies IP counsel have filed the IP and at the same time the MPEGLA LLC pools Proskauer and Rubenstein now control are the major direct benefactors of the technologies and the legitimate Iviewit Companies shareholders and inventors are not?

293. What scared Rubenstein causing him to flee his deposition, at his firms instigated billing lawsuit, was that the evidence presented at deposition and to Labarga showing that (i) Rubenstein opined on the technologies for AOL and others, (ii) billing statements with Rubenstein's name all over them submitted by Proskauer at their billing

¹⁶ Exhibit E – Rubenstein perjured deposition and perjured written statements.

case, (iii) letters from Wheeler showing entire IP files were sent to Rubenstein for review, (iv) business plans and the Wachovia Private Placement with Rubenstein named as lead “retained” IP counsel and as a Board of Director member (of note is that the Wachovia Private placement was billed for, reviewed and disseminated by Proskauer), (v) letters from senior technologists at WB/AOL showing that Rubenstein had opined on the IP, (vi) letters showing investors, board members and management who claimed they relied on Rubenstein’s opinion before investing, (vii) letters from Wheeler sent to numerous investors stating Proskauer’s IP counsel (Rubenstein is the head of the Proskauer IP department as well) had opined favorably on the technologies (viii) technology evaluations conducted by R3D whereby Wheeler sent letters to investors again claiming the technology had been reviewed by their counsel and technologists and was novel and much more, all clearly showing his former statements to Labarga and in deposition to be wholly perjurious, all of this “extraordinary” evidence and witnesses establishing a conflict larger than the China Wall.

294. This evidence was presented to Labarga prior to his default judgment ruling, making the ruling a highly suspect action by Labarga not to mention a gross violation of his Judicial Canons. Most nefarious was Labarga’s failure to report the perjurious statements to the proper authorities and more heinous his failure to report to the proper authorities that qualified counsel Selz had filed a counter complaint that had evidence that their was perhaps a major fraud on the USPTO, the Copyright Office, foreign IP offices and hosts of other crimes committed by the attorney’s representing themselves before him¹⁷, where the judicial cannons mandate him to report such.

295. Prior to Labarga’s granting the default judgment though, Labarga was forced to rule that Rubenstein and Wheeler were to return to complete their depositions and answer the questions they refused at the first deposition despite Rubenstein and Wheeler’s pining that they were not going to return to further deposition at their lawsuit. The only way out for Rubenstein, Wheeler, Dick, Foley and Proskauer, et al. at the time was to have the case fixed and wholly deny due process and prevent the Iviewit Companies from gaining access to the courts. This Court should siege the records of the

¹⁷ Florida Bar Complaints were filed against Proskauer Partner Matthew Triggs for a host of violations of the conflict rules and for violation of his Florida Bar public office position but the Florida Bar refused to formally docket the complaints in the

Labarga court proceedings which again should provide ample evidence to substantiate the Plaintiffs' claims, again of course, if file thinning has not occurred as suggested in Anderson.

IP FRAUD COMMITTED DIRECTLY UPON THE USPTO, THE EPO, THE JPO, THE KPO, THE LEGITIMATE IVIEWIT COMPANIES SHAREHOLDERS AND INVENTORS.

296. In addition to the two previously discussed **illegal** legal actions which show cause that Plaintiffs should be granted Pro Bono counsel that is over sighted by this Court and that should cause this Court reconsider all of the prior denials in part of the prior ORDER, is another complex set of illegal legal issues that arose on or about the same time, regarding the filings of the IP. It was stated by WB/AOL employee David Colter (Exhibit G18) that AOL IP counsel had found during due diligence that the IP displayed to their IP counsel for investment did not match up with IP on file at the USPTO and that the Iviewit Companies may have more serious problems than just the illegal legal actions they had found, or words to that effect!

ROGERS HIRES GREENBERG TRAURIG TO CONDUCT AN IP AUDIT

297. Rogers then hired Greenberg Traurig to review the IP work of former IP counsel and they found that the IP dockets and information of prior counsel was false and misleading and that the IP was in need of correction.

USPTO OED INVESTIGATES AND MOVES TO SUSPEND IP BASED ON

FINDINGS OF FRAUD

298. On another front, after the Proskauer Lawsuit and the IB ended, and upon presenting further evidence to Moatz, the USPTO's Director of the Office of Enrollment and Discipline ("USPTO OED") it was learned that IP had been assigned to corporations that were contrary to what the attorney IP dockets and documents from Meltzer, Proskauer, Foley and BSTZ had indicated. Information transmitted to, including but not limited to, the legitimate Iviewit Companies shareholders, investors (including the SBA), the USPTO, the state bar authorities investigating several of the accused and the Board of Directors, leading Moatz to immediately form a specialized USPTO team to handle the

¹⁸ Exhibit G – AOL letters

Iviewit Companies IP filings and getting them prepared for suspension and to begin formal USPTO OED investigations of all those involved who were licensed with the USPTO OED. Moatz instantly directed Plaintiffs to remove all prior counsel to the pending applications and not speak to any other USPTO staff but the newly appointed Moatz team. Moatz then directed Plaintiffs to file with the Commissioner of Patents a request for IP suspensions based on allegations of fraud on the USPTO¹⁹ and not merely the legitimate Iviewit Companies. To add strong credibility to the fraud claims to the Commissioner, the allegations were similarly signed by the Chairman and CEO of Crossbow, Stephen J. Warner (“Warner”) who had spent enormous time reviewing the evidence, a 20 year veteran investment banker from Merrill Lynch Capital Ventures Inc. The Commissioner then suspended certain of the Iviewit IP and where those suspensions have remained in effect outside the legal limit defined in the Patent Act.

299. What Plaintiffs had discovered and will take further discovery, hopefully by this Courts granting Pro Bono counsel in tandem with federal, state and international investigators of the RICO claims both civilly and criminally in this suit, was the existence of two sets of IP applications in what appears an “IP shell game”. Combined with the two sets of identically and/or closely named corporations, the “corporate shell game”, these two scams combined then created an illusion as to which IP applications had been assigned to which unauthorized companies and individuals and which unauthorized companies contained the fraudulently filed IP, the illegally incorporated illegitimate Iviewit Companies designed to steal off with the legitimate IP in a “bait and switch” leaving the legitimate Iviewit Companies with IP certain to fail.

THE CONSPIRACY THAT ALMOST WAS - THE ALMOST PERFECTED IP AND CORPORATE SHELL GAMES

300. The new information herein should suffice this Court for understanding why the case before Labarga and the U.S. Bankruptcy Court were advanced in secrecy and once discovered were attempted to be instantly buried. The bankruptcy case was

¹⁹ These charges alone should cause this Court to enjoin investigators to this case but more importantly prosecutors who can represent the United States in the crimes against the United States and many US and foreign government agencies, of which Pro Se indigent Plaintiffs or possible future Pro Bono counsel can represent. It is the duty of this Court to make sure the People of the United States are protected from crimes against the United States and foreign nations, not Plaintiffs.

immediately dropped upon the legitimate Iviewit Companies discovery of the case and replacing former unauthorized counsel retained by unknown parties with counsel retained by Rogers on behalf of the Iviewit Companies.

301. On the other hand, the Labarga case did not go away so quickly, it had to be derailed using a complete denial of due process and procedure by that court, as Rogers secured new counsel Selz to prosecute the matters, again dismissing prior unauthorized counsel. Before Proskauer could complete its sham suit against its sham companies with illegally assigned backbone, enabling video and imaging technology in the illegitimate Iviewit Companies they now faced counsel retained by the legitimate Iviewit Companies. Plaintiffs shall argue that as the Arthur Anderson audit was beginning, Proskauer attempted to dispose of their sham entities with the stolen technology before the legitimate Iviewit Companies shareholders knew the better and seize the illegally converted stolen technology by inserting themselves as the largest creditor of the illegitimate Iviewit Companies, through the sham billing dispute case with the illegally set up illegitimate Iviewit Companies harboring the stolen technologies.

302. The sham bankruptcy would complete the scam and was necessary to gain the assets (the stolen IP) buried in the illegal companies. Proskauer had their friends and strategic alliance partners filing the IB suit with the intent of their friends in that action becoming the other largest benefactors of the sham companies, and “a batta bing”, it would have been all over in hocus pocus “New York minute”, with Proskauer and their friends having gained control of the stolen assets in the bogus companies, effectively walking the backbone, enabling IP out the back door and reaping the spoils of their soon to be ill-fated bungled crime. It is presumed and will take further discovery to confirm but it appears that all Proskauer would have had to then do to complete the scam was get rid of the legitimate Iviewit Companies through a billing dispute with the legitimate Iviewit Companies and then forcing a bankruptcy to mirror the illegal bankruptcy and it would all get lost in the confusion, no one ever knowing the sham companies and IP existed. One more element that may have then been considered was to get rid of the inventors, slowly and methodically, so that no one would be able to make claims against the stolen IP, including perhaps murdering them.

303. The reason presumably, again a bit more discovery should prove out these claims, that it was critical for Proskauer to steal the original inventions was that they needed the inventions and their original filing dates, to gain future royalties from the IP once they were converted in the scam to their IP pools. IP pools are designed as a revenue share amongst inventors of the pool making up a standard not the attorneys who have invented nothing; certainly these crimes were not committed for only the attorney fees they were generating from the proliferation of the technologies through the pools. No, Proskauer wanted the bigger slice of pie that owning the stolen technologies would have yielded in a IP pool revenue share plan whereby they would get a piece commensurate with other inventors, despite the fact that they invented nothing, unless of course you consider inventing the largest bungled fraud on the USPTO an invention. Perhaps the Joao and Utley patents illegally written to their names may be yet another vehicle to share the royalties of the pools, whereby even if they were worthless; with Rubenstein opining it mattered not.

304. Fortunately for Plaintiffs, executives at AOL stumbled onto the fraudulent legal actions and bizarre IP filings and all the while through the Proskauer Lawsuit and the IB, new counsel Selz and Schiffrin appeared to have no idea that the illegitimate Iviewit Companies they were defending were not the legitimate Iviewit Companies but instead the illegally set up shell companies with stolen IP, certainly most shareholders not involved in the scam had no idea.

305. Plaintiffs will argue how hindsight would serve a conspiracy well here, yet like all effective conspiracies, it is the secretive nature that allows the crimes to be committed while the victims are often at first unaware of how the pieces all inter-relate. Selz, Schiffrin and Labarga were all further reported for their actions to a variety of investigators including the Judicial Qualifications Commission (to be re-opened upon submission of the new evidence in the Anderson suit), The Florida Bar and the Pennsylvania Bar, all investigations which will have to be re-instigated especially in light of Anderson's claims and other new evidence that has surfaced. It is interesting to note here, that Anderson's assertions will cause a domino effect in this house of cards to allow cause to re-investigate a multitude of derailed investigations that were relied upon in part by information gained from the First Department investigations.

306. Plaintiffs further state that the beginnings of a conspiracy were exposed with AA's initial exposure of the corporate crimes and missing stocks, the Joao investigations and discovery of Joao writing Iviewit Companies' IP into his own name, and other evidence surfacing such as two sets of IP done by Foley with different inventors, Foley filing patents for Utley as a sole, soulless inventor, BSTZ furthering the fraudulent filings, all this further revealed that technologies were being converted and stolen out the back door through a number of unauthorized technology transfers that were occurring in complex conspiracy.

INTEL CORP., REAL 3D, INC., LOCKHEED MARTIN, SILICON GRAPHICS

AND RYJO (cut and past back.)

ENRON BROADBAND / BLOCKBUSTER

307. Upon information and belief, one of the unauthorized technology transfers that were being attempted at that time was to a brand new Internet company, Enron Broadband. Enron Broadband was found by federal investigators, on information and belief, to be booking revenue in advance of constructive receipt of the revenue on a scheme to deliver movies via the Internet using the Iviewit Companies' technologies, technologies they may have thought were soon to be theirs. Enron booked enormous revenue through their division Enron Broadband without a single movie to distribute and at the time no technology to distribute them with as they were in discussions with the Iviewit Companies but no deal was yet made to allow for such accounting irregularities. Comfortable enough that the technologies were soon to be theirs however to begin an Enron/Blockbuster²⁰ deal, with full press and full accounting for the scheme for Internet movie delivery. Without the Iviewit Companies technologies, using prior technologies such as MPEG, the movies to be sold would have been far to large in file size to transfer with limited Internet bandwidth for the public and to stream them as Enron/Blockbuster was claiming, using MPEG technology prior to its stealing the Iviewit Companies scaling inventions, would have left consumers with a postage stamp size video, at 4-6 frames per second far below the 29.97 required for the user to experience real time video. Certainly

²⁰ It is notable that Wayne Huizenga founder of Blockbuster was the Iviewit Companies' seed investor secured by Proskauer.

using MPEG technology prior to the Iviewit Companies inventions they would have not sold many movies, at least to anyone who had ever watched television. It appears that Utley and the Enron group was planning such venture on the belief that they would have the Iviewit technologies through illegal acquisition of the Iviewit technologies.

308. With the AA audit starting to look not only into the Iviewit Companies books but auditing the business contracts, questions began surfacing about certain technology transfers and Enron Broadband was one of these and as the Iviewit Companies began to look into the deal, Enron and AA were extinct almost overnight and the Iviewit Companies were left in Helter Skelter trouble as everything was beginning to unravel. Enron though was now caught with revenue that was never realized due to suddenly losing the technologies they promised would deliver such VHS quality movies over the Internet and as the audit and investigations of the Iviewit Companies began to dig deeper, the Enron/Blockbuster deal collapsed over night causing massive losses to Enron investors, in fact, the broadband division may be found to be the majority of the reason for Enron's bankruptcy. Subsequently, Enron and AA were instantly tangled up in other scandals that brought both of them down and out of the picture almost overnight, stymieing investigations into what really happened at Enron Broadband, where it may be advisable that this Court notify Enron's federal investigators of the possible connections to the Iviewit Companies and invite them into this action, where Plaintiffs have already tried and failed to be heard.

309. STATE CAUSE of injury

310. STATE CLAIMS and tie to next part

A SECOND CONSPIRACY BY IVIEWIT COMPANIES INVESTMENT

BANKER CROSSBOW VENTURES USING SMALL BUSINESS

ADMINISTRATION FUNDS

311. A theory will be advanced herein, that one of the largest investors in the Iviewit Companies, once finding out about the scams that had taken place by the attorneys and accountants began another attempt to gain control of the IP and scam every one to steal the grail technologies. This conspiracy again is inapposite the interests of Iviewit Companies shareholders and the true and proper inventors and committed through

a series of very diabolical transactions. Where investor Crossbow was referred by Proskauer and at first appeared to be in the dark about the crimes going on and in fact siding with the Iviewit Companies once information was uncovered through the audit of AA that they started.

312. The crimes committed in this instance may constitute a second conspiratorial ring trying to usurp the first conspiratorial group of their rights through extorting them or finally joining the original conspiracy, further discovery will aid in determining exactly what happened. The second conspiratorial ring has come under scrutiny for their actions in attempt to steal the IP from the rightful owners, the Iviewit Companies shareholders and inventors, which is at the heart of their scheme. What makes the second conspiracy possible is that those involved in the second attempt, became aware of the first conspiratorial ring and possessed evidence the Iviewit Companies shareholders (including themselves and the federally backed Small Business Administration who they had secured investment funds from) had been scammed. The second conspiratorial ring led now by Crossbow had intimate knowledge of the crime as is evidenced by the co-signing of the document accusing the law firms of Fraud Upon the USPTO filed with the Commissioner of Patents. This document led to the ongoing investigations at the USPTO and the IP being suspended. Yet, instead of going to the authorities and revealing their knowledge (until forced by the fear of being included in the charges being filed with the USPTO which is why they hesitantly signed the USPTO fraud charges), Crossbow had begun a series of steps unbeknownst to Plaintiffs to take control of the IP for themselves and further perpetuate fraud and other crimes to achieve their end.

313. The second conspiratorial ring, had taken monies from the federally backed SBA, and on information and belief, failed to disclose to the SBA through proper accounting and disclosure, the true nature of the events surrounding the writing off of their loans. In effect, they attempted to abscond with SBA monies, as well as the monies invested by the Iviewit Companies shareholders and further have the pie all to themselves. Yet, because of the second conspiratorial rings direct ties to the first group, referred by members of Proskauer, what may appear separate and distinct conspiracies, may be in fact be a good guy/bad guy facet of the first ring.

CONSPIRATORIAL RING TWO (CROSSBOW VENTURES AND DISTREAM INTERACTIVE, INC.)

314. Crossbow, having gained valuable inside information from their investments in the Iviewit Companies, participation on the Board of Directors and management placed inside the Iviewit Companies, then used such information to the detriment of the Iviewit Companies shareholders. Crossbow attempted to derail the Iviewit Companies through a series of actions intended to cause damage to the business and at the same time saddle the company with secured debt, immediately after learning of the crimes committed by former counsel and accountants. Crossbow, working with Board of Director Kane, sold to the Board a plan to secure the IP with loans of one million five hundred thousand dollars (\$1,500,000.00). Such securitization of the investment was intended to protect the Iviewit Companies shareholders in the event actions were taken against the company by all of those terminated and being investigated, including but not limited to, Utley, Reale, Hersh, Proskauer, Foley and MLGWS. Crossbow, after finding out from AOLTW/WB, Sony and others that the Iviewit Companies technologies were to be used for a major five studio digital download project, and both companies were exploring hardware/software licenses with the Iviewit Companies, then began a series of actions, to knock out the Iviewit Companies shareholders and finish off the companies through a series of more illegal actions including: fraud on the SBA, fraudulent sale of the company while writing off the SBA loans, fraudulent IP assignments to Distream Interactive.

315. Conversations with Warner after leaving Crossbow as CEO, reveal Crossbow may have been duped by Proskauer and Wheeler and invested in an Iviewit Companies entity that did not hold the IP rights to the correct set of IP. Warner reveals to Bernstein and Lamont the Crossbow dollars invested in the Iviewit Companies were composed of federally backed SBA loans and if fraud was committed upon Crossbow, it was committed upon the SBA.

316. The Plaintiffs then notified the inspector general and others at the SBA of the crimes committed. The SBA Inspector General Office has recently begun an audit into where the SBA funds in the Iviewit Companies went along with their investment in

the IP, as the numbers provided by Warner for the SBA involvement would make them the largest single owner of the Iviewit Companies. On the one hand Crossbow claims they wrote off their investment and the SBA loans, while on the other hand they are off selling their loans to DiStream and taking assignments on the IP. It appears they are attempting to get rid of the SBA loans yet transfer the IP assets to another company they own DiStream in an attempt to get rid of the Iviewit Companies shareholders, allowing them total control of the IP through DiStream.

317. Perhaps, since becoming aware of the Proskauer/Foley attempt to steal the IP, they had no fear of being caught in their attempt or that anyone catching them would be unable to assert a claim against them, in fear that the original conspiracy would be revealed. This brilliant attempt by Crossbow to steal the inventions from the proper owners seems strung together by Matt Shaw and Renee Eichenberger, who failed to address Iviewit Companies shareholders to address questions of how they sold a company they did not own or have controlling interest in, how the West Palm Beach Post had claimed that they sold an Iviewit company and then later such press was retracted and reprinted as an error. Crossbow failed to notify (even a whisper) to the Iviewit Companies shareholders they had sold an Iviewit entity and taken the IP to the new company to begin attempting to rewrite the IP in the owner of DiStreams name, and thus perpetrated another fraud on the Iviewit Companies shareholders, including the federally backed SBA.

318.

THE COVER-UP CONSPIRACIES

PREFACE – HOW HIGH OVERVIEW

319.

BOCA RATON POLICE DEPARTMENT CONSPIRACY

320.

SECURITIES AND EXCHANGE COMMISSION

321.

BLAKELY SOKOLOFF ZAFMAN & TAYLOR

322.

THE FLORIDA COVER UP CONSPIRACIES

323. Plaintiffs filed a complaint with The Florida Bar that alleges that Wheeler was involved in all facets of the above series of events and has therefore violated his professional ethics on numerous violations of the Lawyers Code of Professional Conduct as regulated by The Florida Bar.

324. That the lack of an adequate review, or any investigation, at The Florida Bar by Bar Counsel Lorraine Christine Hoffman, Esq. (“Hoffman”), in July 2003, wherein she dismissed the Wheeler Complaint as a result of an ongoing litigation by and between Plaintiffs and Proskauer,. That the civil case was a billing dispute case, limited specifically to billing issues only by the presiding judge, titled Proskauer Rose LLP v. Iviewit.com, Inc. et al., Case No. CA 01-04671 AB (Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida filed May 2, 2001) (“Litigation”), and was the Hoffman’s decision was a result of her desire to see what findings that court would make in her termed “sufficiently similar” allegations. Hoffman however knew at such time that the case was wholly dissimilar as the Litigation was merely a billing dispute case, that contained a denied motion to amend and counterclaim with the broader patent theft and crimes against the United States contained in it but that the judge had refused to hear those elements in the counter complaint. The complaint filed with The Florida Bar contained the broader patent crimes Wheeler and Proskauer had coordinated and since the allegations were not being heard by the civil court against Wheeler, the Florida Bar had no basis to establish that the complaints were similar in virtually anyway and thus delay investigation or even put it on hold to the conclusion of the Litigation. A catch 22 to deny due process and procedure of the broader and more serious crimes due to a civil billing case and inapposite of the Rules Regulating the Florida Bar, this is initially what caused Plaintiffs to elevate Hoffman’s faulty work product.

325. That, once apprised that the Litigation had ended due to a default by Plaintiffs and Plaintiffs’ requested reinstatement of the Wheeler complaint, Hoffman, seemingly did an about face and claimed that the Wheeler Complaint was a civil dispute outside of the jurisdiction of The Florida Bar, despite the multiplicity of professional misconducts alleged and evidenced, including participating in a scheme in the

misappropriation and conversion of Plaintiffs' funds, funds of the SBA, crimes against the United States government, conflicts of interests and other ethical misconduct regulated by The Florida Bar. Further, Hoffman was notified that no civil case was pending that contained any of the charges in the complaint, being that The Florida Bar complaint was the first step, in several states, in attempting to bring these matters to justice as the crimes were almost entirely committed and directed by lawyers and law firms.

326. Elevating the Wheeler and Proskauer bar complaints for review of Hoffman's decisions, Eric Montel Turner ("Turner"), Chief Branch Discipline Counsel, was brought in. With no investigation into the complaint, Turner dismisses the Wheeler and Proskauer complaints and further makes an incorrect determination and endorsement on behalf of Wheeler in his response, whereby he claimed that Proskauer did NO patent work for Plaintiffs, despite the volumes of evidence to the contrary contained in Plaintiffs rebuttal and initial complaint. This opinion and endorsement violated The Rules Regulating the Florida Bar where it appears that without formal investigation The Florida Bar cannot make determinations in favor of either party, nor make endorsements of either side or their positions. A Florida Bar complaint was filed against Turner for such endorsement, The Florida Bar chose to investigate the matter of the endorsement as an internal employee matter versus a formal bar complaint and no formal docketing of the complaint took place according to procedural rules, again denying Plaintiffs due process and procedure. This time though, Turner had given the conspirators a document to run around the country with, on bar stationary, touting their victory that they did NO patent work. At that time it was not known that Wheeler and Proskauer had been represented by Triggs who was violating his Florida Bar public office rules, a short lived victory in other words.

327. That after receiving the Turner "dismissal" without investigation letter, Plaintiffs contacted Turner to find out how to elevate the Wheeler and Proskauer bar complaints and his decision to the next highest review level, whereby Turner stated that he was the final review for The Florida Bar and therefore the case was permanently closed and he was moving to destroy the file and evidence. When questioned further, Turner stated that we could call the general number of The Florida Bar in Tallahassee and

hung up. Upon contacting the Tallahassee office, Plaintiffs spoke with Kenneth L. Marvin (“Marvin”), Director Of Lawyer Regulation, who stated that Turner was factually incorrect and that the matter could be reviewed by the Chairperson of the 15(c) Grievance Committee (Chair). Marvin then directed Plaintiffs to have Turner follow procedure and move the case for review to the Chair.

328. That at the request of Plaintiffs, Turner presumably turns the Wheeler and Proskauer complaints to the next higher level of review at The Florida Bar, the Chairperson of the 15(c) Grievance Committee.

329. That, despite Plaintiffs’ requests, Turner refuses the accommodation of the proof of delivery to the Chairperson, the name and contact information for the Chairperson, and any other information about the Chairperson.

330. That, despite Turner’s assurance that the Chairperson will respond to the complaints in due course directly to Plaintiff, that Turner then pens a letter in his own hand conveying a message, seemingly and unintelligibly from the Chairperson, that merely regurgitated on behalf of the Chair, Turner’s prior determination that Wheeler’s firm, Proskauer Rose LLP (“Proskauer”) had done NO patent work, a determination made as endorsement of Wheeler and Proskauer’s position again in violation of the Rules Regulating the Florida Bar, without any formal investigation, whereby The Florida Bar was precluded from endorsing either party in any way without an investigation, per Rules Regulating the Florida Bar.

331. The Florida Bar statement is patently wrong regarding Proskauer not doing patent work and from this statement in blatant disregard to their own rules, liability may arise to The Florida Bar, as The Florida Bar conclusions were proffered to other state and federal agencies in investigations into these matters. That the Florida Bar decision and opinion was used by other attorneys in their defense in other state bars, citing Wheeler’s purported innocence in the matters and Proskauer’s lack of culpability due to supposedly not doing patent work, according to The Florida Bar, as falsely and without justification claimed by The Florida Bar. The Florida Bar refused to retract their statements or to correct such false statements made in violation of their rules, even after notice that they were being cited by another defendant, William J. Dick, to the Virginia

State Bar in defense of his actions, as if The Florida Bar had created a legal defense for the main conspirators.

332. That Triggs a partner of the law firm Proskauer, acted as attorney on behalf of Wheeler, his partner at Proskauer in The Florida Bar complaint No. 2003-51, 109 (15C), in February 2003 and in his authored letter of March 21, 2003, wherein Triggs knowingly, willfully, and with intent violated The Rules Regulating The Florida Bar with an effort to create bias in the review of the Wheeler bar complaint. Where Triggs was too recently a member of the Grievance Committee, causing a violation of his public office position, in violation of the Rules Regulating the Florida Bar, as he acted as counsel in a bar matter within a one year blackout period which precluded him from representing anyone, especially his partner and firm whereby he had a vested interest that would have conflicted and precluded him from representing them as well.

333. Triggs knowing and willful representation in violation of the Rules Regulating the Florida Bar on behalf of Wheeler, as it relates to his too recent Grievance Committee membership, and representing his partner within such period of exclusion, imputes a conflict of interest and an appearance of impropriety in the response of Wheeler that should have negated that response in entirety as it constitutes an instance of professional misconduct and further causes a loss of public confidence in The Florida Bar.

334. The representation of Wheeler by Triggs, since the Wheeler Complaints filing on or about February 2003, whereby Triggs, an individual so well known to the Grievance Committee and other branches of The Florida Bar, the tentacles of which reach to places little known to Plaintiffs, hails as one of the most imprudent abuses of power and public office, one of the most conflicted examples of influence pedaling, and another ill-advised instance of Trigg's, Wheeler's, and Proskauer's desperate attempts and continuous spinning of their wheel of fortune, their leaps of faith, and their bands of hope that the specific, factual allegations of the incomprehensible professional misconducts cited in the Wheeler and Proskauer bar complaints would go unheard and further not be investigated through such flagrant violation of ethics rules and law.

335. Based upon information supplied by Kenneth Marvin of The Florida Bar, and further confirmed in the Rules Regulating the Florida Bar, former Grievance

Committee members are barred, for a period of one (1) year without full disclosure and board approval prior to acting as counsel. It is clear from the Rules Regulating the Florida Bar as stated below that Triggs clearly was in conflict:

3-7.11 General Rule of Procedure (i) Disqualification as Trier and Attorney for Respondent Due to Conflict.(3) Attorneys Precluded From Representing Parties Other Than The Florida Bar (E) A member of a grievance committee shall not represent any party except The Florida Bar while a member of a grievance committee and shall not thereafter represent such party for a period of 1 year without the express consent of the board; showing that Triggs violated his office position in representing Wheeler.

336. Triggs also acted as lead counsel for the simultaneous litigation in the billing case, in concurrence with his Florida Bar official term and handling of the Wheeler and Proskauer bar complaints, representing Proskauer in the litigation against their former client the Iviewit Companies. This conflict would allow Triggs access to the Wheeler and Proskauer bar complaints and to information provided by Plaintiffs to the Florida Bar through his acting as counsel for Wheeler and Proskauer and then give him the ability to use this information for his representation of his firm and partners in the litigation, inapposite Florida Bar rules.

337. Additional Florida Bar complaints were then filed against Wheeler in addition to his original complaint and now against Triggs for a host of conflicts and violations of his Florida Bar Rules of Professional Conduct and violations of the Rules Regulating the Florida Bar regarding his public office.

338. Evidence was provided showing new information that Wheeler had committed perjury to the Florida Bar when compared to his statements under deposition in the billing litigation; Wheeler later admitted such but tried to diffuse the importance in his response to the claims of false and misleading statements to the Florida Bar putting his answer in footnote.

339. The evidence showed cause for investigation, such as the perjured statements to the Florida Bar and yet Florida Bar still refused to investigate. How high did the conflicts elevate in Florida Bar to be able to suppress the Plaintiffs rights to the legal bar complaint process? Evidence now shows conflicts and violations of office extending all the way to the then President of Florida Bar, Kelly Overstreet Johnson

("Johnson"). Johnson, after handling the Plaintiffs Wheeler and Proskauer complaints and accepting letters from Plaintiffs is found to coincidentally be a direct report to the brother of the main protagonist Wheeler, James Wheeler ("J. Wheeler"), in a small Florida law firm. This conflict of interest became known only after [Johnson received Plaintiffs complaint](#) information for months, with pleas for Johnson to intercede on behalf of Plaintiffs efforts to force formal docketing and disposition of the complaints against Triggs, Proskauer, Wheeler and Turner and begin formal charges against those involved in conflict and abuse of office.

340. Pleas to Johnson to have the Triggs responses tendered in conflict voided from the Wheeler and Proskauer complaints record, to remove statements by Turner that were procured in violation of the rules and to have all prior complaint reviews re-evaluated in light of the conflicts and without their prejudicial influence, as would be required by law and procedure, all wholly ignored. Although Johnson took the information again and again, she failed to disclose the obvious conflict she had with Wheeler's brother, until of course she was confronted with the fact that Plaintiffs had discovered her incestuous conflict and asked for formal written disclosure of the relationship, upon which she refused to tender one and instead had Florida Bar counsel call and state that she would no longer take any submissions or speak with Plaintiffs in regard to the matters, a bit late.

341. With no further ado and realizing that further complaints were frivolous at Florida Bar, having exhausted every level of review, finding that no matter the level the rules were being wholly violated, Plaintiffs appealed the matters to the direct oversight of Florida Bar, as instituted in the Florida Constitution, the Florida Supreme Court ("FSC"). FSC at once issued [orders to halt a proposed destruction](#) of the Proskauer/Wheeler/Turner/Triggs complaints filed with Florida Bar. Florida Bar was planning to destroy their files prior to what record retention rules allowed and prior to the FSC review of the misconduct at Florida Bar of its members.

342. Later after getting responses to a petition filed by Plaintiffs and an answer from FSC that was barely intelligible tendered by Turner, FSC reversed their decision by ordering Plaintiffs's motion for [Non Prosequitur](#) denied, except to allow Florida Bar to continue in the unlawful destruction of the files

343. Instead of granting Plaintiffs a victory, as the Turner response failed to deal with one of the substantive issues, FSC moved to close the case failing to afford Plaintiffs the opportunity of further due process and procedure, all without explanation or basis in law. This Court will see that not only did FSC err in a decision but their actions were coordinated to further usurp due process and procedure with the direct intent of covering for their brethren, the Florida Bar members. In fact, as the Florida Bar is an offshoot of the FSC, it is believed that the member of Florida Bar are insured under a policy of the FSC, giving the FSC a vested interest in the outcome of the matters and again making it impossible for FSC to be objective when they an interest.

344. The Justices of the FSC in fact are all members of the opposing party Florida Bar and have direct membership interest in the party, thus constituting further conflict. Unless Plaintiffs are unaware that conflict laws only apply when attorneys are conflicted with others and not when they are involved in bar cases against other attorneys, judges or members of the disciplinary process, then the whole concept of attorney self regulation is marred in conflict causing it to be useless. The fact that an attorney would be precluded from representing any organization where he has direct membership interest to avoid the obvious prejudice inherent in such representation appears not to be the case when attorneys are attempting to regulate the actions of other attorneys and judges, creating a conflicted process from the start and one where all actions can be questioned as to the ethics and one that creates an attorney protection agency versus any sort of reliable disciplinary process.

345. That the factual allegations against the Florida Bar and FSC defendants can be found in the following set of documents and be reference these documents are incorporated herein.

- viii. Wheeler Bar Complaint #1 File No: 2003-51 109 (15c);
- ix. Wheeler Bar Complaint #2 – Pending Case No. – Case was never formally docketed or disposed of per due process and procedure.
- x. Triggs Bar Complaint – Pending Case No. – Case was never formally docketed or disposed of per due process and procedure.

- xi. Turner Bar Complaint – Pending Case No. – Case was changed from Bar Complaint to Employee matter inapposite due process and procedure in the handling of Bar complaints.
- xii. Florida Supreme Court Case SC04-1078
- xiii. United States Supreme Court Case No. 05-6611 Eliot I. Bernstein v. The Florida Bar - Certiorari of Florida Supreme Court Case SC04-1078

THE NEW YORK COVER UP CONSPIRACY

346. That on or about May 20, 2004, it was brought to the attention of Plaintiffs that Krane, acting as counsel, authored the formal responses of the Rubenstein bar complaint to the First Department, all the while he had undisclosed conflicts having present and past positions at both First Department and the New York State Bar Association (“NYSBA”), an organization that works in conjunction with the First Department in the creation and enforcement of the Lawyer’s Code of Professional Responsibility (“Code”) and in each of the above roles either separately or combined, such positions created multiple conflicts and violations of public office positions for Krane.

347. That Plaintiffs allege that the conflicted Krane responses were promoted, encouraged, and, perhaps, in fact, ordered by Rubenstein and his employer Proskauer, as a means to have the complaint against Rubenstein and Joao blocked through influence by either unconscionably delaying them or quickly reviewing and dismissing them with no investigation owing to Krane’s position as one of New York’s disciplinary most influential members.

348. After learning of such conflicts of Krane, the Plaintiffs called Cahill and filed a formal written complaint against Krane for violation of the Code and the First Department rules and regulations of its members pertaining to conflicts of interest and the appearance of impropriety.

349. On or about, May 21, 2004, Krane authored another response, in not only Rubenstein's defense but now in his own defense against the bar complaint filed against him, to Cahill at the First Department in an effort to have the complaint filed against Rubenstein, Proskauer and the complaint against himself by the Plaintiffs dismissed without due process by denying he was conflicted or had conflicting roles.

350. Krane, all the while, had current and past positions at both the First Department (which he fails to disclose in any of his responses to Plaintiffs or the First Department) and was also at the same time the immediate past President of the New York State Bar Association ("NYSBA"), an organization affiliated with the First Department in the creation and enforcement of the Code, used by both organizations in attorney discipline matters of which Krane holds roles at both involving attorney discipline rule creation and enforcement, thereby additionally causing further conflicts. That NYSBA rules do not allow officers to represent disciplinary actions for 1 year after service and where Krane violates this rule in representing his firm Proskauer, Rubenstein and himself.

351. That the influence of Krane at the First Department, because of his prominent roles and his name recognition, should have precluded Krane from any involvement in the complaint process against his firm Proskauer, Rubenstein and especially on his own behalf, and finally any attempt to represent the complaints would have required full disclosure first of such conflicts to avoid the appearance of impropriety.

352. By acting as direct counsel for Rubenstein, himself and the firm of Proskauer, Krane knowingly violated and disregarded the conflicts inherent so as to cause an overwhelming appearance of impropriety at the First Department Disciplinary, forcing a motion by Cahill to have the matters moved out of the First Department Disciplinary after sixteen months, after exposure of the conflict and appearance of impropriety was confirmed.

353. That upon further investigation by the Plaintiffs, and when viewing the biography of Krane, Krane holds a multiplicity of professional ethics positions that present conflicts which would have precluded Krane from acting in any matters involving himself personally, his firm Proskauer, or any partner such as Rubenstein at the First

Department. In fact, Krane's roles in the disciplinary are so broad and overwhelming throughout the state of New York and the United States, that Krane would be barred for conflict from representing his firm and partners in almost any disciplinary venue at any of the NY court disciplinary departments.

354. Krane, despite his influence, acted as direct counsel for Rubenstein, Proskauer and himself, all without disclosure of his positions and conflicts, where such failure to disclose seemingly violates rules of the First Department, the Code and any other applicable code or law that may apply.

355. That Plaintiffs called the Clerk of the Court, Catherine O'Hagan Wolfe ("Wolfe"), who informed the Plaintiffs that a conflict with Krane presently existed at the First Department with his official roles, making his responses tainted on behalf of Rubenstein, Proskauer and himself. Wolfe further directed Plaintiffs to send a motion to the justices of the First Department for the immediate transfer of the Proskauer, Rubenstein, Krane and Joao complaints out of the First Department, to avoid further undue influence already caused by the conflict in the complaints filed by the Plaintiffs.

356. Cahill, after learning of the Plaintiffs call to Wolfe, suddenly recants his prior statements to Plaintiffs regarding Krane having no affiliation with the First Department Disciplinary and admits to Plaintiffs that Krane is appointed to the position of a referee concerning attorney discipline matters at First Department, a serious conflict, and the very venue that is charged with the investigation of the complaints against Proskauer, Rubenstein, Rubenstein's referred underling Joao and now Krane.

357. On information and belief, Krane held other more senior roles at the First Department and First Department Disciplinary Committee in addition to his roles as referee that were attempted to be masked by the First Department.

358. Plaintiffs allege that the conflict allowed by Cahill and existing since Krane's April 11, 2003 response to the Rubenstein complaint and Krane's May 21, 2004 response to the Krane complaint, was the genesis of a series of events that served to protect Proskauer, Rubenstein, Krane and Joao, using the First Department as a shield and further as a quasi defense in other venues to attempt to claim vindication of those complained of through letters tendered in conflict and violation of public offices.

359. The First Department letters and the Krane responses were used further influence other investigatory bodies with false and misleading information tendered in conflict, that all appear to fall from Krane's conflicted responses and abuse of his departmental power and public offices.

360. The entire series of events all hinged on the selection of Krane by Proskauer and then Krane using his influence at the First Department to bury the complaints. It is therefore factually alleged that Proskauer and Rubenstein knowingly selected Krane, an underling in Rubenstein's IP department at Proskauer, knowing that the conflict existed and with full intent of exploiting and leveraging Krane's influence despite the conflicts, making Rubenstein and the entire firm of Proskauer as culpable as Krane at the First Department and in violation of the Code and the First Department rules regarding conflicts of interest, the appearance of impropriety and the abuse of public office.

361. Plaintiffs, on or about January 9, 2004, when it learned of Cahill's September 2, 2003 ("Deferment Letter"), which was issued without knowledge of Plaintiffs, as the Deferment Letter was conveniently misaddressed and "lost" by the First Department and never received by the Plaintiffs until January 2004, then notified Cahill that the civil billing litigation had ended, and that Plaintiffs suffered a technical default for failure to timely retain replacement counsel requested that Cahill begin immediate investigation.

362. Plaintiffs see Cahill continuing the deferment of the Rubenstein and Joao complaints even after learning the civil litigation had ended and that the matters contained in the complaints were entirely separate and not similar as stated in Cahill's Deferment Letter. Per follow up conversations with Cahill after receiving the Deferment Letter and explaining the dissimilarity of civil case and the disciplinary complaints Cahill stated he was beginning an investigation, one that he further would undertake personally.

363. After months of unanswered calls by Cahill, Plaintiffs find Cahill further culpable in aiding and abetting the denial of due process and procedure rights of Plaintiffs, in that he failed to take the investigatory steps that he stated he was undertaking, further diffusing due process and procedure in the matters.

364. By acceding to this deferment, and on a basis completely inapposite to the Code or First Department rules or any other applicable code or law that may apply, Cahill's Deferment Letter allows Wheeler in The Florida Bar File No. 2003-51, 109 (15C) to use the First Department as a shield by referencing the response of Joao to Plaintiffs complaint wherein Wheeler cites Joao's statement from his response to the First Department that "I believe that the [Joao] complaint was filed in retaliation to an action that Proskauer Rose LLP has brought against Iviewit...²¹," wherein such statement in Wheeler's response²² thereby influences The Florida Bar.

365. By acceding to this deferment, Cahill's Deferment Letter, allows William J. Dick ("Dick") in the Virginia State Bar Docket #04-052-1366 to use the First Department as a shield, whereby Dick states that "It is my understanding that both of these complaints [Rubenstein and Joao] have been dismissed, at first without prejudice giving Iviewit the right to enter the findings of the Proskauer Court with regards to Iviewit's counterclaims, and now with prejudice since the Iviewit counterclaims have been dismissed," and wherein such a knowing and willful false statement in Dick's response²³ thereby influences the Virginia Bar. Dick intends to create an aura that the First Department, The Florida Bar and a Florida court had "investigated" and "tried" the matters with due process and determinations where then made that vindicated Wheeler, Rubenstein, Joao and Proskauer whereby there would be no reason to investigate Dick. The only problem is that these prior "trials" and "dismissed" actions after investigation never occurred as these statements are inaccurate and an untrue representation of the outcome of any of these matters. Lastly, the Virginia Bar is influenced by the false statements Dick makes in referencing the complaints at the First Department and is influenced to not investigate matters supposedly already heard by the First Department and others.

366. By acceding to this deferment Cahill's Deferment Letter, allows Dick to paint an incorrect picture of the Wheeler bar complaint where he states that "It is my

²¹ Response to Complaint of Eliot Bernstein against Christopher Wheeler, Esq. The Florida Bar File No. 2003-51, 109 (15C) 4 (May 23, 2003). (Available upon request)

²² Raymond A. Joao, Response to Complaint of Iviewit Holdings, Inc. Against Raymond A. Joao, First Judicial Department Departmental Disciplinary Committee Docket 2003.0532 2 (April 8, 2003). (Available upon request)

²³ William J. Dick, Esq., In the Matter of William J. Dick, Esq. VSB Docket # 04-052-1366 17 (January 8, 2004). (Available upon request)

understanding that this complaint has also been dismissed²⁴,” when, the Wheeler complaint at the time was moved to a next higher level of review at The Florida Bar and as of this date has resulted in no investigation of the matters and therefore The Florida Bar cannot be relied on to make an endorsement for either side, per the rules regulating The Florida Bar, and this material falsehood further supports the factual allegation that Dick uses false and misleading conclusions of the First Department combined with false and misleading conclusions of The Florida Bar to shield himself from investigation in Virginia.

367. By acceding to this deferment, Cahill’s Deferment Letter, allows Dick to paint an incorrect picture of the Proskauer litigation where he states “The case went to trial²⁵”, when, factually, the case never went to trial. Dick based his entire response on the lack of determinations at other venues, particularly the First Department, rather than, for the most part, responding to the Plaintiffs’ allegations. Plaintiffs state that once Cahill became aware of the misrepresentation to other state and federal regulatory agencies of the outcome of the matter at the First Department, he failed in his duties to correct the issues, notify the authorities of the factually incorrect statements being made and institute an immediate investigation, again allowing the use of the First Department Disciplinary to aid and abet those with bar and disciplinary complaints in creating a quasi defense and to derail investigation into the underlying IP crimes against Plaintiffs, the United States and foreign nations.

368. Plaintiffs allege that this coordinated series of attempts to stave off the investigation of the complaints against Rubenstein, Joao, Wheeler, Dick and Krane emanates from the very highest levels at Proskauer down to Rubenstein, further down to his underling Krane knowingly recruited for his close, conflicted relationship to the First Department and across to Cahill, where Krane and Cahill are two of the most powerful individuals at the First Department in charge of attorney disciplinary matters over many years and this influence was used as a means to protect Rubenstein, Joao, Wheeler and Dick from facing investigations into IP crimes and as a means to protect Proskauer’s position as the now self-proclaimed formative force in the pioneering of the patent pool

²⁴ Supra Note 4 at 6.

²⁵ Supra Note 4 at 17.

for MPEG technology, a technology pool that directly competes with the Plaintiffs inventions, and that would, in effect, be trumped by the Plaintiffs IP which have been valued at approximately One Trillion dollars over the life of the IP.

369. These IP crimes have led to Proskauer becoming the preeminent player in Plaintiffs technology through the acquisition of Rubenstein and his patent department from MLGWS, immediately after determining the value of the Plaintiffs patent applications, where prior, since 1875, Proskauer had been a mainly real estate law firm with no patent department. The acquisition of Rubenstein who specializes and is a preeminent force in the niche market that Plaintiffs' inventions relate appears highly unusual and that after learning of the Company's inventions these patent pool are now the single largest benefactor of Plaintiffs' technologies is beyond comprehension.

370. As a result of the multiplicity of conflicts allowed by Cahill, the complaint against Rubenstein languished at First Department since its filing on or about February 25, 2003 through approximately January 2004.

371. As a result of the multiplicity of conflicts allowed by Cahill, the complaint against Joao languished at First Department since its filing on or about February 26, 2003 through approximately January 2004.

372. On or about February 1, 2004, Plaintiffs filed a complaint with the Commissioner of Patents and Trademarks ("Commissioner"), at the bequest of Harry I. Moatz ("Moatz"), the Director of the Office of Enrollment and Discipline, for registered patent attorneys, a unit of the United States Patent and Trademark Office ("USPTO"). Moatz has found problems with inventors, assignments and ownership of the patent applications filed by Rubenstein and Joao for Plaintiffs, culminating in filed complaints against Rubenstein and Joao of Fraud upon the USPTO. Similarly it is claimed that fraud has occurred against Plaintiffs and the Iviewit Companies shareholders.

373. Moatz, inquired as to the status of the Plaintiffs' complaints at the First Department against Rubenstein and Joao, both which languished at First Department since their filing on or about February 25, 2003 and February 26, 2003, respectively. Plaintiffs, upon contacting Cahill with the patent office information and Moatz's request to speak to Cahill regarding the status of the First Department investigations and further giving Cahill Moatz's telephone number to contact, find that several months after the

request from the USPTO to speak to Cahill, that Cahill failed to contact the USPTO per his own admission.

374. The Commissioner of Patents has heard Plaintiffs specific, factual allegations of fraud upon the USPTO and based on such has granted a six (6) month suspension of four out of six patent applications, Plaintiffs expects similar suspensions for the remaining two patent applications, stopping the applications from further prosecution at the USPTO. Suspended while matters pertaining to the crimes committed against the UPSTO and foreign nations through violations of international trade treaties, by the attorneys and others can be further investigated. Cahill's failure to work with the USPTO points to Cahill's culpability and is further a sign that Cahill was influenced by Krane to further avoid his office duties to protect Proskauer, Rubenstein and Joao.

375. As a result of the multiple conflicts allowed by Cahill at First Department Disciplinary, and as a result of the languishing of Plaintiffs' complaints against Rubenstein and Joao since February 2003, Plaintiffs were confronted with time of the essence patent prosecution matters to repair patent applications, if possible, the detriments of which are at the nexus of the complaints against Rubenstein and Joao. Whereby, due to the failure of Cahill to investigate, discipline, or review the Plaintiffs' complaints further damage to the Plaintiffs' patent portfolio occurred.

376. A motion was filed at First Dept, resulting in a court ordered investigation of Rubenstein, Krane and Joao and just how they have evaded that investigation will reveal further conflicts.

THE SECOND DEPARTMENT

377. The court ordered investigations were then derailed by the Second Department it was transferred to and again we find department members acting as counsel to the accused and the accused not having to provide a response of their own to complaints against them. Similar to Florida, formal written complaints were filed against Second Department members caught violating public offices and those complaints refused in this instance by those who they were filed against, with no legal or procedural basis, denying Plaintiffs access again to the legal system and complaint process in New York. The Supreme Court of New York Appellate Division: Second Department Departmental Disciplinary Committee was transferred the complaints against Rubenstein,

Joao and Krane to conduct the court ordered investigation. An order by five Justices of the First Department whom concurred after "due-deliberation" to have an "investigation" of Krane, Rubenstein and Joao for conflict and appearance of impropriety.

378. To get out of these court ordered investigations would truly take some magic, and that magic comes in the form of altering the word investigation to mean review or good review. Upon reviewing the complaints, instead of addressing the First Department justices that ordered the investigation, the Second Dept DDC wrote to inform Plaintiffs that no investigation was being done after a review was done of the materials instead. A review that had not tested a single piece of evidence and failed to call a single witness that was presented in the New York matters. A review that ignored the fact that the USPTO and the USPTO OED, had begun formal investigation of two of three attorneys ordered for investigation. A review that ignored the fact that the FBI had taken these matters to the United States Attorney for further disposition and investigation and also failed to take into account that the IP was suspended by the USPTO Commissioner directly due to charges of fraud upon the USPTO by two of three attorneys. A review that failed to seek a response from Krane, Rubenstein and Joao to the conflicts they were caught in. Finally, members of Second Dept, not even legally involved in the complaint process tried an attempt to dismiss all the cases and allow formal complaints and investigations to be evaded.

379. Second Dept DDC immediately became suspect with their failure to follow the court ordered investigation in favor of review. Upon confronting the reviewer, Chief Counsel, Diana Maxfield Kears ("Kears"), further conflicts were immediately discovered and affirmed by the reviewer with Krane. Kears having admitted having professional and personal relations with Krane then stated that if Plaintiffs wanted a disclosure of her conflicts to put it in writing. Once caught in conflict and failure to follow a court ordered investigation, Kears failed to respond to the letter she requested to expose further her conflicts and continued to handle the matters personally.

380. When no response was tendered by Kears as to her conflicts, complaints were filed against Kears and she refused to docket complaints against her, refusing disclosure of her conflicts with Krane and Judith Kaye that she had already admitted.

381. Kearse still persisted in maintaining her decision to review and not investigate, stating that she was not under the jurisdiction of the First Dept, and thus not obligated to investigate as ordered by that court.

382. The matter was escalated to the Chairman, Lawrence DiGiovanna ("DiGiovanna") of Second Dept DDC and for his refusal to docket the complaints against Kearse, his failure to force her to publicly disclose the conflicts she had admitted having, a complaint was filed against DiGiovanna that similarly Kearse refused to formally docket according to proper procedure.

383. Where Krane and Kaye's influence and conflicts with the investigator were obvious at Second Dept DDC, Plaintiffs called James Pelzer ("Pelzer") Clerk of the Supreme Court of New York Appellate Division: Second Department ("Second Dept") to find out what the next step was in elevating the matters and having Second Dept move the complaints due to conflicts and failure to docket formal written complaints against Second Dept DDC members and to force the investigation ordered by First Dept.

384. Pelzer took the matter to Chief Justice of the Second Dept, A. Gail Prudenti ("Prudenti") who made a grandstand effort to use her position of influence, similar to what Boggs had done in Florida to exculpate Triggs on disciplinary letterhead, to act as counsel for everyone involved from the department and all the Proskauer partners and deny due process and procedure to Plaintiffs and continued to ignore the First Department court order for investigation.

385. Prudenti attempted to justify the actions of the accused, applaud their work, state that a review is kind of like an investigation and get the complaints out of her court. Plaintiffs prior to these actions by Pelzer and Prudenti had formally requested that prior to their involvement, which had no basis in law or formal procedure in the disciplinary process, that they formally and publicly disclose any conflicts. On information and belief, it was learned prior to their involvement that Prudenti and Pelzer had conflict with Krane & Kaye and whereby their refusal to affirm or deny a formal written disclosure request stating if they were conflicted with any of the parties prior to having involvement, is taken by Plaintiffs that the source information regarding the conflicts is correct.

386. The reason this disclosure of any conflicts was so important was that Plaintiffs were now weary of Pelzer who had turned the complaints over to Prudenti, as Plaintiffs and Pelzer had prior discussed the need for conflict waivers from all parties due to positions of prominence in the disciplinary department of those being accused and where Pelzer had assured Plaintiffs that he would make certain everyone disclosed any conflicts in advance. Plaintiffs was shocked when Kearsse was first confronted regarding her decision to obstruct the First Dept order for investigation, with an attorney present on the line, Marc Garber, Esq. ("Garber"), and admitted that he she had conflicting relations with Krane and Kaye.

387. Plaintiffs called Pelzer stating that Kearsse had admitted conflict with Krane and Kaye and those Plaintiffs thought they had screened for conflict prior to turning the matters over to an investigator and that from his failure to do so he was the direct cause of two formerly innocent people, Kearsse and DiGionvanna, now having complaints filed against them. Pelzer then assured Plaintiffs that he would talk to Prudenti to find out if Plaintiffs should petition First Dept to enforce the investigation ordered or Second Dept.

388. Instead, Plaintiffs received a letter from Prudenti authored by Pelzer, attempting to dismiss everything, to claim that investigation had been done (directly opposite the statements in the reviewer's letter stating no investigation was done) and put a spin on the word investigation like never before, claiming review equaled investigation and so have a nice day. What the Second Department attempted to do was get out of the court ordered investigations by telling this nonsense to Plaintiffs when truly they should have had to sold such to the First Department justices who ordered the investigation. Of course for Peltzer and Prudenti's acts to aid and abet there will be forthcoming complaints against them for their involvement and misuse of public office. Yet it is useless to file complaints when they control the department and refuse to process complaints against members of their department, until such controls are removed, hopefully by this Court.

THE KAYE CONNECTION TO THE ENTIRE NEW YORK COURT AND NEW YORK DISCIPLINARY

389. How could this be happening, crimes ignored, violations of ethics so grotesque unheard, crimes against the United States and foreign nations overlooked by members involved in the disciplinary processes and investigations derailed? The answers were unknown until recently where again through undisclosed third parties, information regarding how such blockage occurred surfaced, revealing that controls were so high up in the process, as to block Plaintiffs from access to the courts and disciplinary processes in New York. This led to uncovering in New York, conflict that permeates directly from Krane, to Chief Judge of the New York Supreme Court of Appeals ("NYSC"), Judith Kaye ("Kaye") whom Krane not only formerly clerked for but who is married to a Proskauer partner, Stephen Kaye ("S. Kaye"), also strangely a member of the Proskauer newly formed IP department. Kaye has vested interest in Plaintiffs Companies as a holder of founding shares of stock vis a vis her marriage interests. A greater conflict is the fact that if Plaintiffs is successful in securing fair and impartial due process anywhere in New York, that S. Kaye, Krane and Proskauer, will face lengthy federal prison sentences and loss of property. There is also conflict in that Kaye is the most powerful figure in both the courts of New York and its disciplinary departments and where in a recently published article she states that Proskauer is the "in firm" to work for in New York. In New York, after discovery of conflict, Plaintiffs had contacted the court of appeals to gain Kaye's intervention (not knowing at the time her marital interests in the matter) and sent over the petition filed at First Department to that court.

NEW YORK STATE INSURANCE FUND

390.

ATTORNEY GENERAL / SPITZER

391.

NEW YORK COMMISSION OF INVESTIGATION

392.

THE VIRGINIA BAR CONSPIRACY

393. The Virginia State Bar has refuses to acknowledge that Dick has provided factually incorrect, false and misleading information in his response to a filed bar complaint. VSB has taken an adversarial position toward Iviewit, leading one to question

if similar to New York and Florida conflicts and controls exist there. Again, since Krane has national recognition and influence, VSB may already have conflicts. Iviewit has filed a complaint against Dick of Foley, for his part in theft of the IP and other ethical, criminal and civil matters with the Virginia State Bar ("VSB") in the Matter of Dick - VSB Docket No. 04-052-1366 ("Dick Complaint"). Iviewit states this matters outcome was tainted by the New York and Florida conflicts of interest discovered at the supreme court bar agencies, which were sent to Virginia with materially false and misleading information. The Florida and New York disciplinary information influenced the decision of VSB regarding Dick, and Iviewit has contacted the VSB regarding the conflicts and is waiting for correspondence regarding same.

394. These concealed conflicts and violations of public office is how Proskauer and their partners evaded the evidence, prosecution and retribution for the crimes. Simply through controlling justice top down in conflict and perverting the whole legal system and all it stands for, acting in concealed conflicts and committing ever increasing numbers of crimes to prevent Plaintiffs from fair and impartial due process through a complete desecration of law and public office. Plaintiffs has played fair at every level and fears not their ability to purchase justice, to pervert justice or to otherwise use the law to commit these most heinous of crimes, as Triggs and Krane so eloquently stated in their conflict tendered responses on behalf of their criminal firm and partners, Plaintiffs "fears no evil."

395. With all due deference in regard to this Court's schedule, Plaintiffs prays this Court to hear this case as soon as possible once filed, as Plaintiffs' invention rights are close to being permanently lost due to the above referenced actions of the accused attorneys and judicial officials. Any such permanent loss of Plaintiffs' rights as an inventor or otherwise, would now be directly attributable to not only the accused lawyers of the original crimes but the legal systems failure to take actions against its own members and allow conflicts to prevail to deny due process.

396. This Court must find reason to intercede on behalf of Plaintiffs as the legal systems involvement in causing such loss from corrupted IP attorneys, to corrupted bar members acting in violation of public offices, to denial of Plaintiffs' rights to file complaints against members of the legal community acting as an obstruction of justice by

justice are compelling in that they represent the single largest threat to the institution of law this country has ever witnessed. These factors make it impossible for Plaintiffs to assert claims, in any venue, to protect the intellectual properties and the constitutional right granted to inventors as long as at every level they are blocked through conflict after conflict and violation of public office after violation of public office.

397. Yet, while the bad guys continue to control the courts and disciplinary processes, they appear bullet proof even when caught. Neither Triggs nor Krane has been forced to respond to violations of public offices they have been found violating and formal filed complaints against them for acting in conflict, they have evaded court ordered investigations and that takes some heavy controls. In fact, not only do they not have to respond we find the disciplinary agencies responding and defending them as if they were counsel for them. Plaintiffs thus comes before this Court battered and abused, denied all of rights to the legal system and having no safe harbor to press claims free of conflicts of interest and looks to this Court to relegate fair and impartial due process in hearing these matters from no Pro Se counsel, where all funds for counsel have been sucked dry by having to defend ones rights to the legal process instead of ones rights as assured by the Constitution.

398. Finally, Plaintiffs assert that now that they are forced to take on the New York, Florida and Virginia courts, the disciplinary bodies in those states and the top actors in the courts, they are almost assuredly never going to find representation willing to take on their brethren without fear of losing their license to practice or worse and that this too acts as a barrier to due process and procedure. That until such time that criminal investigators tear down the walls of corruption in the legal system, starting top down, the Plaintiffs civil rights have no chance as the only rule left is the rule that allows all the rules to be broken to deny Plaintiffs due process and procedure to further deny their rights entirely, including their rights to their IP.

THE JUDICIAL QUALIFICATIONS COMMISSION – LABARGA (JQC NOT AFFIRMED TO BE PART OF THE CONSPIRACY YET)

399.

THE FBI AND UNITED STATES ATTORNEY – ONGOING INVESTIGATIONS,

POSSIBLE CONSPIRACY

400.

THE UNITED STATES PATENT AND TRADEMARK OFFICE OED

401.

THE GREENBERG TRAUIG REPORT

402.

USPTO OED - FORMAL INVESTIGATIONS OF ATTORNEYS

403.

LIST ATTORNEYS

DIRECTED TO FILE CHARGES OF FRAUD ON USPTO AGAINST LAW

FIRMS AND LAWYERS BY OED

THE USPTO COMMISSIONER OFFICE – POSSIBLE CONSPIRACY

404.

PATENT SUSPENSIONS – POSSIBLE CONSPIRACY

405.

EPO, JPO & KPO

406. It has been found similar to the fraud on the USPTO the scheme involved applying for IP, where false and misleading information was perpetrated to the EPO. Fraud again was committed by licensed representatives of the EPO, working in conjunction with the law firms in the United States, and the attorneys involved worked together to file the applications with false inventor oaths, false information and wrong content. It appears again the intent was to create two sets of IP, one for inclusion into the legitimate Iviewit companies and one for inclusion to the illegitimate Iviewit companies or into wrong inventors' names with no assignments to anyone.

WILDMAN

407.

MOLYNEAUX

408.

JPO

409.

YAMAKAWA

410.

KPO

411.

HOW HIGH DOES IT GO? THE POSSIBLE CONSPIRACY TO COMMIT
TREASON AGAINST THE UNITED STATES

412.

- **POSSIBLE ELECTION TAMPERING**

END DRAFT AMENDED COMPLAINT

COUNT ONE

ARTICLE 1, SECTION 8, CLAUSE 8 OF THE CONSTITUTION OF THE UNITED STATES, FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, AND FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

413. This is an action for violations of Constitutional rights within the jurisdiction of this Court.

414. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

415. The action of the Main Conspirators in sabotaging IP applications through fraud, and the ensuing white washing of attorney complaints by the Cover Up participants and other culpable parties with scienter, thereby continuing the violation of Plaintiffs inventive rights is contrary to the inventor clause of the Constitution of the United States as stated in Article 1, Section 8, Clause 8, and the due process clauses of the Fifth Amendment to the Constitution of the United States, and Fourteenth Amendment to the Constitution of the United States. These acts also were done, including but not limited to, as illustrated in the filing of false federal and international patent oaths offices, as crimes

against the United States and its agencies including the United States Patent & Trademark Office and crimes against foreign nations.

416. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT TWO
15 U.S.C.A. §§ 1 and 2

417. This is an action for violations of antitrust laws within the jurisdiction of this Court.

418. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

419. The actions of the Main Conspirators in sabotaging IP applications through fraud, and the ensuing white washing of attorney complaints by Cover Up Participants and other culpable parties with scienter, thereby continuing the violation of Plaintiffs proprietary IP rights creates an illegal monopoly and restraint of trade in the market for video and imaging encoding, compression, transmission, and decoding by, including but not limited to, the patent pools of MPEG LA LLC, upon information and belief, a Colorado limited liability company and sponsor of multimedia patent pools, Intel and others.

420. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT THREE
Title VII of the Civil Rights Act of 1964 (as amended)

421. This is an action for violations of civil rights within the jurisdiction of this Court.

422. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

423. The actions of the Main Conspirators in sabotaging patent applications through fraud, the ensuing white washing of attorney complaints by the Cover Up participants and other culpable parties with scienter, creating an illegal monopoly and restraint of trade, thereby denies Plaintiffs' the opportunity to make and enforce contracts, to sue, be parties, give evidence, and the entitlement to the full and equal benefit of all laws and proceedings for the security of persons violates Title VII of the Civil Rights Act of 1964 (as amended).

424. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT FOUR
Racketeering and Corrupt Organizations Act
18 U.S.C. § 1961 through 18 U.S.C. § 1968

425. This is an action for violations of the Racketeering and Corrupt Organizations Act within the jurisdiction of this Court.

426. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

427. The actions of the Main Conspirators in sabotaging patent applications through fraud, the ensuing white washing of attorney complaints by Cover Up Participants and other culpable parties with scienter, allowing an illegal monopoly and restraint of trade, and denying Plaintiffs' the opportunity to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons, the actions of Defendants' constitute a criminal enterprise comprising various combinations that provided for the receipt of unwarranted income from this pattern of racketeering, perhaps the collection of an unlawful debt in this pattern of racketeering, and that the Main Conspirators, Cover Up Participants and other culpable parties conspired to do so with scienter.

428. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to

damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT FIVE
Malpractice/Negligence

429. This is an action for legal and accounting malpractice/negligence within the jurisdiction of this Court.

430. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

431. The Main Conspirators and other culpable parties employed by Plaintiffs for purposes of representing Plaintiffs to obtain multiple intellectual properties including patents, copyrights, trademarks, trade secrets and oversee foreign filings for such technologies, including the provisional filings for the technologies as described in Paragraph __ above.

432. That pursuant to such employment, the Main Conspirators and other culpable parties owed duties to ensure that the rights and interests of Plaintiffs were protected.

433. The Main Conspirators and other culpable parties neglected that reasonable duty of care in the performance of legal services and accounting services with scienter in that they:

- A.** Failed to take reasonable steps to ensure that the intellectual property of Plaintiffs was protected; and,
- B.** Failed to complete work regarding copyrights and trademarks; and,
- C.** Engaged in unnecessary and duplicate corporate and other work resulting in billing for unnecessary legal and accounting services believed to be in excess of One Million Dollars (\$1,000,000.00); and,
- D.** By redacting information from the billing statements regarding services provided so to as to give the appearance that the services provided by Main Conspirators in general and Proskauer in particular were limited in nature, when in fact they involved various aspects of intellectual property protection; and,

E. By knowingly representing and agreeing to accept representation of clients in conflict with the interests of Plaintiffs with scienter, without either consent or waiver by Plaintiffs.

F. By engaging in a series of crimes that violated local, state, federal and international law, as well as, an almost entirety of ethical violations of their respective professions to succeed in converting their clients properties to the benefit of themselves and loss to client Plaintiffs.

G. That the negligent actions of the Main Conspirators and other culpable parties with scienter resulted in and was the proximate cause of loss to Plaintiffs.

434. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT SIX
Breach of Contracts

435. This is an action for breach of contracts within the jurisdiction of this Court.

436. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

437. The Main Conspirators and other culpable parties with scienter breached their contracts with Plaintiffs, by failing to provide services billed for pursuant to the billing statements presented to Plaintiffs and over-billing for services provided.

438. That such actions on the part of the Main Conspirators and other culpable parties with scienter constitute breaches of the contract by and between Plaintiffs and the Main Conspirators and other culpable parties.

439. That as a direct and proximate result of such conduct on the part of the Main Conspirators and other culpable parties with scienter, Plaintiffs have been damaged by overpayment to the Main Conspirators and other culpable parties to perform the contracted for legal and accounting services.

440. That, similarly, Plaintiffs have executed NDA's with some five hundred (500) persons and strategic alliance partners who benefited from disclosures of Plaintiffs

intellectual property including disclosures of how to make, use, and vend such intellectual property attached herein as Exhibit __, all of whom now conduct the unauthorized use of such intellectual property in violation of the NDA's and or the clauses, including confidentiality clauses of their contracts.

441. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT SEVEN
TORTUOUS INTERFERENCE WITH ADVANTAGEOUS BUSINESS
RELATIONSHIPS

442. This is an action for tortuous interference with advantageous business relationships within the jurisdiction of this Court.

443. Plaintiffs repeat and reallege each and every allegation contained in paragraph "1" through "__", as though fully set forth herein.

444. Plaintiffs was engaged in technology licensing and other agreements with Warner Bros. and in a proposed licensing and investment deal with AOL/Time Warner as to the possible use of the intellectual property of Plaintiffs and investment in Plaintiffs as a strategic partner and investor.

445. That despite the prior representations of defendant Rubenstein, including but not limited to, a meeting held on or about November 1, 2000, by and between defendants Utley, Rubenstein and representatives of Warner Bros. as to the intellectual properties of the Iviewit Companies and the efficacy, novelty and unique methodology of the intellectual properties, Rubenstein refused to subsequently later make the same statements to representatives of AOL/Time Warner and Warner Bros., taking the position that since Warner Bros and AOL/Time Warner are "now big clients of Proskauer, I can't comment on the technologies of Iviewit," or words to that effect in response to inquiry from Warner Bros. counsel as to the status and condition of the pending patents on the intellectual property he had already opined on to other members.

446. That Rubenstein, having served on the Board of Directors for the Iviewit Companies, was aware of the fact that at the time of the making of the statements set

forth in Paragraph ___ above, that the Iviewit Companies were now in the midst of negotiations with Warner Bros. and AOL/Time Warner as to the probable funding of the expansion of the Iviewit Companies in the sum of between \$10,000,000.00 and \$20,000,000.00, as well as, a broader licensing deal of the technologies.

447. Further, Rubenstein as the lead retained IP partner of Proskauer for Iviewit, and despite his clear prior actions in representing the interests of the Iviewit Companies, refused to answer questions as to the intellectual properties of the Iviewit Companies, with the intent and knowledge that such refusal would lead to: the continued cloaking of the patent sabotage of the intellectual properties; the cessation of the business relationship by and between Iviewit Companies and Warner Bros. and AOL/Time Warner and other clients familiar with the Warner Bros. technology group then in negotiations or already in contract with the Iviewit Companies, including, but not limited to Sony Corporation, Paramount, MGM and Intel.

448. That the actions of Rubenstein were and constituted an intentional and unjustified interference with the relationship by and between the Iviewit Companies and including but not limited to, Warner Bros. AOL/Time Warner, Intel, Sony, Wachovia, Crossbow Ventures, Alpine Ventures, designed to harm such relationships and further motivated by the attempts to "cover-up" the conflict of interest of Rubenstein with his patent pools, the patent sabotage and crimes of the Main Conspirators and other culpable parties with scienter against Plaintiffs, including the United States government, several of its agencies and foreign nations.

449. That indeed, as a direct and proximate result of the conduct of Rubenstein, Warner Bros. and AOL/Time Warner ceased business relations with the Iviewit Companies, along with many others that followed as a result, to the damage and detriment of Plaintiffs. Many of those ceasing relations with Iviewit then paying licenses for Plaintiffs technologies to the pools Rubenstein and Proskauer now control and profit from, acting to circumvent the inventors and converting the royalties to the pools.

450. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT EIGHT
NEGLIGENT INTEREFERENCE WITH CONTRACTUAL RIGHTS

451. This is an action for negligent interference with contractual rights within the jurisdiction of this Court.

452. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "___", as though fully set forth herein.

453. Plaintiffs was engaged in negotiations of technology agreements with both Warner Bros. and AOL/Time Warner as to the possible use of the intellectual property of Plaintiffs and investment in Plaintiffs as a strategic partner.

454. That despite the prior representations of defendant Rubenstein, including but not limited to, a meeting held on or about November 1, 2000, by and between defendants Utley, Rubenstein and representatives of Warner Bros. as to the intellectual properties of the Iviewit Companies and the efficacy, novelty and unique methodology of the intellectual properties, Rubenstein refused to subsequently later make the same statements to representatives of AOL/Time Warner and Warner Bros., taking the position that since Warner Bros and AOL/Time Warner are "now big clients of Proskauer, I can't comment on the technologies of Iviewit," or words to that effect in response to inquiry from Warner Bros. counsel as to the status and condition of the pending patents on the intellectual property he had already opined on to other members.

455. That Rubenstein, having served on the Board of Directors for the Iviewit Companies, being retained lead patent counsel for Iviewit as defined in a Wachovia Private Placement and almost all other business documents tendered and edited by Proskauer for due diligence to prospective investors and all prior investors including the Small Business Administration, was aware of the fact that at the time of the making of the statements set forth in Paragraph ___ above, that the Iviewit Companies were now in the midst of negotiations with Warner Bros. and AOL/Time Warner as to the probable funding of the expansion of the Iviewit Companies in the sum of between \$10,000,000.00 and \$20,000,000.00 and his actions were a coordinated plan to sabotage the Iviewit relations as Iviewit had begun to find information that IP sabotage was taking place on a global scale and had yet to learn of Rubenstein's involvement and how the criminals inter-related.

456. Further, Rubenstein as a partner of Proskauer, and despite his clear prior actions in representing the interests of the Iviewit Companies as retained IP counsel with his co-counsel he referred, Joao and Proskauer referred Foley, now refused to answer questions as to the intellectual properties of the Iviewit Companies, with the intent and knowledge that such refusal would lead to: the continued cloaking of the patent sabotage of the intellectual properties; the cessation of the business relationship by and between Iviewit Companies and Warner Bros., AOL/Time Warner and other clients familiar with the Warner Bros. technology group and other clients then in negotiations or contracts with the Iviewit Companies, including, but not limited to Sony Corporation, Paramount, MGM and Intel.

457. That the actions of Rubenstein were and constituted an intentional and unjustified interference with the relationship by and between the Iviewit Companies and Warner Bros and AOL/Time Warner and others, designed to harm such relationship and further motivated by the attempts to "cover-up" the conflict of interest and patent sabotage of the Main Conspirators and other culpable parties with scienter.

458. That indeed, as a direct and proximate result of the conduct of Rubenstein, Warner Bros. and AOL/Time Warner ceased business relations with the Iviewit Companies to the damage and detriment of Plaintiffs.

459. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

COUNT NINE

FRAUD

460. This is an action for fraud within the jurisdiction of this Court.

461. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "___", as though fully set forth herein.

462. The Main Conspirators and other culpable parties with scienter committed fraud on Plaintiffs, by failing to provide services billed for pursuant to the billing statements presented to Plaintiffs and over-billing for services provided.

463. That the Main Conspirators and other culpable parties with scienter committed fraud not only Plaintiffs but on local, federal, state and international authorities in their scheme to steal Plaintiffs technologies and deprive the Iviewit shareholders of their royalties and stock interests.

464. That such actions and many other actions enacted in the efforts to steal Plaintiffs intellectual property, on the part of the Main Conspirators and other culpable parties with scienter constitute fraud by and between Plaintiffs and the Main Conspirators and other culpable parties to deprive shareholders and inventors of their rights.

465. That as a direct and proximate result of such conduct on the part of the Main Conspirators and other culpable parties with scienter, Plaintiffs have been damaged by overpayment to the Main Conspirators and other culpable parties to perform the contracted for legal and accounting services.

466. That, similarly, Plaintiffs have executed NDA's with some five hundred (500) persons and strategic alliance partners who benefited from disclosures of Plaintiffs intellectual property including disclosures of how to make, use, and vend such intellectual property attached herein as Appendix A, all of whom now conduct the unauthorized use of such intellectual property in violation of the NDA's and or the confidentiality clauses of their strategic alliance contracts.

467. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees.

PRAYER FOR RELIEF

WHEREOF, Plaintiffs respectfully requests that the Court enter judgment and an Order:

A. First Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

B. Second Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

C. Third Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

D. Fourth Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

E. Fifth Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

F. Sixth Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

G. Seventh Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

H. Eighth Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

I. Ninth Cause of Action: At least ONE TRILLION DOLLARS (\$1,000,000,000,000) as well as punitive damages, costs and attorney's fees; Interest and prejudgment interest on the amount described above, calculated at the prevailing rate; and

J. Injunctive relief to prevent the unauthorized use of the video scaling techniques and image scaling techniques as depicted in the graphical description submitted according to proof at trial, the image overlay system as depicted in the graphical description submitted according to proof at trial, the combination of video scaling and image overlay system as depicted in the graphical description submitted according to proof at trial, and the remote control of video cameras through communications networks as depicted in the graphical description submitted according to proof at trial 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 Plaintiffs. To summarize, Plaintiffs advise the Court that the granting of this prayer for relief, effectively, halts the transmission of and viewing of video on low bandwidth, reduces cable throughput by approximately 75%, would as we know it or assign all such contracts to Plaintiffs; and

K. Appointing a federal monitor to oversee the day-to-day operations of the 1st DDC, 2nd DDC, TFB, USPTO, FBI, U.S. Attorney, etc. and VBA for an indefinite period of time; and

L. Attorney's fees and costs, pursuant to 42 U.S.C. § 1988 and 42 U.S.C. 2000e-5; and

M. A declaratory judgment stating that Defendants willfully violated Plaintiffs rights with scienter secured by federal, and state laws and international treaties as alleged herein; and

N. Further injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; to allow the Plaintiffs to continue in the position from which the Cover Up Participants 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 Plaintiffs damages in the amount of all royalties, professional services revenues, and any and all other compensation denied or lost to Plaintiffs by reason of the foregoing; and

O. 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 United States Patent and Trademark Office, the Small Business Administration; mandamus for the aforementioned Federal agencies to join this complaint.

JURY TRIAL IS DEMANDED

Plaintiffs demand a trial by jury on all claims so triable.

Attorney for Petitioners
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39 Little Avenue
Red Bluff, Cal. 96080
Tel.: (530) 529-4410

By: _____
Eliot I. Bernstein

P. Stephen Lamont, Pro se
35 Locust Avenue
Rye, N.Y. 10580
Tel.: (914) 217-0038

By: _____
P. Stephen Lamont

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile this ___th day of April 2008, to the aforementioned Defendants.

P. Stephen Lamont, Pro se

Eliot I. Bernstein, Pro se

APPENDIX A

[INSERT PATENT INTEREST HOLDERS]

APPENDIX B

NDA VIOLATORS AND OTHER CONTRACT VIOLATORS

<u>NDA'S</u>	ART.COM,	JOHN HALLBERG,	ARTHUR ANDERSEN & COMPANY SC,
PARAAG K. MEHTA	ARTHUR ANDERSEN LLP	MARK LAURENCE BERENBLUT	ARTHUR J. GALLAGHER & CO
ARTIST DIRECT	MARC GEIGER	ARTIST DIRECT	JONATHAN TROEN
ARTISTS MANAGEMENT GROUP - AMG	ARVIDA/JMB PARTNERS, L.P.	JUDD D. MALKIN	ASSOCIATED GROUP, INC.
DAVID J. BERKMAN	ASSOCIATED GROUP, INC.	BRENT GRAY	ASSOCIATION FOR MANUFACTURING INVENTIONS, THE
BONNIE GURNEY	AT&T	PATRICK SAINT-LAURENT	ELIZABETH (LIBBY) BRENNAN
AT&T CORP.	JOSEPH SALENETRI CVE	MICHAEL C. ARMSTRONG	DAN PERRY
AT&T SOLUTIONS	JP MORGAN	ANA C. PETERSON	AT&T SOLUTIONS JP MORGAN
L. SCOTT PERRY	ATHLETESDIRECT	JOSH HOLPZMAN	ATLAS, PEARLMAN, TROP & BORKSON, P.A.
JONATHAN S. ROBBINS	ATOM FILMS	IRL NATHAN	ATTORNEYS.COM
BRENDA WEAVER	AUCTION MANAGEMENT SOLUTIONS, INC.	MARK KANE	AUDAX MANAGEMENT COMPANY, LLC /AUDAX GROUP
J. JEREMY HOGUE	SARAH LIPSCOMB	AVALON INVESTMENTS INC.	WILLIAM R. WOODWARD
CALIFORNIA INVENTIONS VENTURES, LLC	ALEXANDER SUH	CAPITA TECHNOLOGIES	IMELDA FORD
CATTERTON PARTNERS	ALBERT CHIANG	CB CORPORATE FINANCE, INC.	HANK POWELL
CENTRACK INTERNATIONAL INCORPORATED	JOHN J. LOFQUIST	CHASE H&Q	STEPHEN WILSON
CHASE MANHATTAN PRIVATE BANK, N.A.	MARK DALZIEL	CHATFISH	THOMAS TOLL
CHG ALLIED, INC.	LEE GERBER	CHRIS P. B.	CHRYSALIS VENTURES
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CURT MARVIS	CINEMANOW, INC.	ERIC STEIN	CINEMANOW, INC.
BRUCE DAVID EISEN	CIRCOR CONNECTIONS	ALAN GLASS	CITRIX SYSTEMS, INC.
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KOICHI YANAGA	CLEARVIEW NETWORKS, INC.	WAI MAN VONG	CLEARVIEW NETWORKS, INC.
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BRYAN CRINO	COMMUNICATIONS EQUITY ASSOCIATES	THOMAS J. MACCRORY	COMPAQ COMPUTERS - ECOMMERCE
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PLAMEN	COX INTERACTIVE MEDIA, INC.	LOUIS M. SUPOWITZ	CREATIVE ARTISTS AGENCY
ERROL GERSON	CREATIVE ARTISTS	JOSH POLLACK	DOCUMENTATION

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MITCH LESTER	DOYLE OCCUPATIONAL HEALTH AND TRAINING	JASON SPEAKS	DRAFT WORLDWIDE
HOWARD DRAFT	DRAKE ALEXANDER & ASSOCIATES, INC.	JEFF MORRIS	DRAKE ALEXANDER ASSOCIATES, INC.
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ROBERT D. LONG	E OFFERING CORPORATION	ROBERT D. LOWE	EARTHLINK NETWORK, INC.
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GREAT EXPECTATIONS	LEVINE, MICHAEL	GREG MANNING AUCTIONS	GREG MANNING
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DUNCAN MCCALLUM	ONLOAN	RICHARD POLUMBO	BARNEY DANZANSKY
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GUIOMAR ALVAREZ	DLC NATIONAL	MICHAEL HASPEL	DONALDSON, LUFTKIN & JENERRETE
MITCH LESTER	E OFFERING CORP	ROBERT D. LONG	ECLIPSYS CORPORATION
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THOMAS HANKINS	RHYS RYAN	MICROSOFT CORPORATION	DANIEL SOKOLOFF, MIKE MCGINLEY, WILL POOLE