

1 was doing work, Mr. Rubenstein was doing work for 121

2 Iviewit?

3 A. I'm not aware -- other than  
4 referring Iviewit to Meltzer, Rubenstein never  
5 did any work for Iviewit.

6 Q. Okay. So Rubenstein's sole role,  
7 from what you understand, is he referred Iviewit  
8 to the Meltzer Law Firm in New York?

9 A. Yes.

10 Q. Was he ever part of an advisory  
11 board member or was he an advisory board member  
12 to Iviewit? And we're talking about  
13 Mr. Rubenstein.

14 A. I have never used him as an advisory  
15 board member?

16 Q. Are you aware of whether or not he  
17 ever attended any board meetings with the  
18 directors of Iviewit?

19 A. He never attended a board meeting.  
20 I've never met the man.

21 Q. In regard to meetings with Proskauer  
22 Rose, did you have any meetings with Proskauer  
23 Rose concerning their retainer by Iviewit?

24 A. Only in the final weeks of Iviewit's  
25 presence in Boca Raton.

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UTLEY  
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HIMSELF,  
SENDING  
RUBENSTEIN  
PATENT  
MATERIALS  
AS ADVISOR  
TO BOARD

1 engagement agreement refers to the parent company 138  
2 of Iviewit.

3 Q. Well, let's go to my next question  
4 on this whole thing, and that is, with regard to,  
5 with regard to the approval by the board of  
6 directors, we've talked prior about the board of  
7 directors and Ken Rubenstein, was Ken  
8 Rubenstein -- you've previously stated that he  
9 didn't have any role with regard to the company,  
10 no active role?

11 A. That's correct.

12 Q. And I hate to bounce back and forth  
13 to you about this, he was never, like, an advisor  
14 or consultant or anything like that; he was just  
15 someone who was Proskauer Rose's person who did  
16 work on IP?

17 A. Yeah, I can't speak to the  
18 discussions that may have taken place between  
19 Mr. Wheeler and Mr. Rubenstein, but --

20 Q. I'm not asking you to. I'm just  
21 saying from what you know because obviously this  
22 deposition testimony is given on your own  
23 personal knowledge.

24 A. Yes. He played no active role in  
25 the company other than having directed the

1 company to work with Meltzer and this gentleman 139  
2 Rolf as the patent attorney.

3 Q. And that was his totality of his  
4 role from what you know?

5 A. Yes.

6 Now, let me parenthetically add,  
7 that I do understand and know that it was Eliot's  
8 desire to see him involved in an advisory role.

9 Q. Okay.

10 A. But that was never, that was never  
11 consummated.

12 Q. Okay. Did you ever want him to act  
13 in an advisory role?

14 A. I did not take any position on that.

15 Q. Okay. Did you ever represent that  
16 he should be in an advisory role?

17 A. No.

18 Q. Okay. So you really didn't have any  
19 opinion on what Mr. Rubenstein should or should  
20 not be doing with Iviewit?

21 A. Right.

22 Q. Okay. Did you have any discussions  
23 or correspondence at all with Rubenstein and  
24 Raymond Joao, I think it is? Is that how you  
25 pronounce it, J-O-A-O?

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SENDS SBA  
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COMPLIANCE  
DOCUMENTS TO  
CROSSBOW  
VENTURES WITH  
RUBENSTEIN  
LISTED AS  
ADVISOR TO THE  
BOARD.