

1 recollection, who came in to meet with you the first  
2 time from iviewit? The first time you met any  
3 representative.

4 A. To the - to the best of my knowledge, in  
5 January I met with Mr. Gortz and both Mr. Bernsteins,  
6 and I believe Mr. Lewin as well.

7 Q. And at that time, what was discussed?

8 A. The preliminary discussion as to the  
9 nature of what their work was going to be,  
10 establishment of a corporation, and they were going to  
11 prepare a business plan and send it over to us.

12 Q. Was there any discussion as to Proskauer  
13 Rose attempting to assist them in any way with regard  
14 to obtaining financing or funding that you can recall?

15 A. I don't recall that.

16 Q. How about with regard to any intellectual  
17 properties matters?

18 A. I don't recall that in that meeting.

19 Q. Was there any discussion as to what the  
20 principal product or service that iviewit was going to  
21 provide would be?

22 A. It was a -- There was a discussion. I'm  
23 not so sure we - we got our arms around it until a  
24 subsequent meeting, but it was a system, a portal --  
25 It seemed that Mr. Bernstein was going to set up a

Lewin deposition states he introduced Wheeler for patent counsel not portal and corporate counsel. Wheeler tries to hide that he knew of technologies at this point. Very strange.

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1 portal, and he had - he had - he had an idea how to  
2 set up a better portal, and - by which to present  
3 products and - and --

4 Now, this was a - this was the first  
5 discussion, preliminary.

6 Q. Right.

7 A. Right.

8 Q. So the portal --

9 A. It wasn't - I mean, it wasn't a long  
10 discussion that we had, to my recollection.

11 Q. Okay. And this portal, what was its  
12 purpose again?

13 A. Well, they were going to use  
14 Mr. Bernstein's techniques to demonstrate products on  
15 it.

16 Q. Okay. What was the technique that  
17 Mr. Bernstein was going to --

18 MR. TRIGGS: Let me just object to the  
19 form. I think your question was aimed at asking  
20 him what was discussed in the meeting. It's not  
21 quite coming out that way, but I'll just object  
22 to the form.

23 MR. SELZ: Okay. I think I already asked  
24 him that question.

25 A. He had a - he believed - a technique by

1 which he was going to use on this portal and market it  
2 to various potential customers to display on his - on  
3 his portal.

4 Q. Okay. And this technique involved what in  
5 particular?

6 MR. TRIGGS: Object to the form.

7 Q. What was the technique -- I'll rephrase  
8 it. What was the technique that Mr. Bernstein  
9 discussed with you?

10 A. Well, he didn't discuss it at length at  
11 that time. So, I mean, we - that remained to be seen.

12 Q. That was in January of 1999.

13 A. Right.

14 Q. Now, subsequent to that initial meeting,  
15 was there ever any retainer agreement signed by  
16 iviewit?

17 A. Yes.

18 Q. Do you know when that took place?

19 A. It took place a few months later.

20 Perhaps - perhaps by midyear.

21 Q. By July or thereabouts as you --

22 A. A written agreement you're talking about?

23 Q. Right.

24 A. Right.

25 Q. Now, at the time this meeting took