

1 to say it's outside the scope of direct, but
2 you can answer.

3 THE WITNESS: Yeah, and I need to see, to
4 be a hundred percent sure, I need to see that
13:06:06 5 pleading. I looked at it for the last time
6 months, could have even been a year ago, as to
7 how many counts there were and so forth. I
8 just don't recall.

9 BY MR. ELIOT BERNSTEIN:

13:06:16 10 Q. Okay. Have you been notified of a
11 potential conflict of interest that both Simon and
12 Eliot Bernstein have with your law firm and your
13 partner Gerald Beer?

14 MS. CRISPIN: Form, and if you understand
13:06:32 15 the question. Do you understand the question?

16 THE WITNESS: Not a hundred percent.

17 MS. CRISPIN: Okay.

18 THE WITNESS: Could you rephrase it?

19 BY MR. ELIOT BERNSTEIN:

13:06:36 20 Q. Have you been notified by any party of a
21 potential conflict of interest that both Simon and
22 Eliot Bernstein have with your law firm in regard
23 to your partner Gerald Beer?

24 MS. CRISPIN: Objection to form. And I am
13:06:50 25 not sure he can answer as it relates to Simon

1 Bernstein.

2 BY MR. ELIOT BERNSTEIN:

3 Q. Okay. Eliot Bernstein?

4 A. No, I am not aware of that. But if there
13:06:58 5 is something, send it to me.

6 Q. I have already.

7 A. We are all looking around the table at
8 each other, the various counsels, but I don't think
9 any of us have seen it.

10 Q. Okay. Are you aware that Eliot and Simon
11 Bernstein have alleged that your partner Gerald
12 Beer was instrumental in keeping technologies from
13 Simon and Eliot Bernstein?

14 MS. CRISPIN: Form. If you know you can
13:07:30 15 answer.

16 THE WITNESS: Yeah, I am not aware of
17 that.

18 BY MR. ELIOT BERNSTEIN:

19 Q. I will restate.

13:07:34 20 A. Mr. Eliot, are we talking about -- you are
21 saying Simon Bernstein, your deceased father, sent
22 us something?

23 Q. Correct.

24 A. Recently?

13:07:45 25 Q. No. This is over several years. But

1 Gerald Beer is a central suspect in a RICO
2 complaint and several ongoing state and federal
3 investigations as one of the people who
4 participated in RICO related crimes to steal
13:08:05 5 technology from both me and my father.

6 A. Okay.

7 MR. ROSE: Are those the claims that were
8 dismissed with prejudice by the federal judge
9 in New York that you are talking about?

13:08:16 10 MR. ELIOT BERNSTEIN: Those are part of
11 the claims, but those are also part of ongoing
12 state and federal investigations at the moment.

13 MS. CRISPIN: Well, he has testified that
14 he doesn't know anything about it.

13:08:25 15 THE WITNESS: I don't know anything about
16 it, and you are going to resend it.

17 BY MR. ELIOT BERNSTEIN:

18 Q. Okay. Are you aware that Simon Bernstein
19 owned 30 percent interest in technologies that I
13:08:35 20 developed and companies were formed around them
21 that he also held a similar 30 percent interest in?

22 MS. CRISPIN: Okay. Form. And we are
23 getting again far afield. It's outside the
24 scope of direct. If you can itemize what
13:08:49 25 technology you are talking about so if it

1 actually has a name then I will allow him to
2 answer.

3 BY MR. ELIOT BERNSTEIN:

4 Q. Okay. Brian, I sent you the technology,
13:08:59 5 the list of patents; is that correct?

6 A. You have sent a number of items of
7 correspondence. Whether there's within those
8 specific things about patents, I'd have to look at
9 it to be sure. I can't answer that one way or the
13:09:16 10 other. I couldn't say yes or no. That would call
11 for a file review of a pretty intense file.

12 Q. Okay. Are you aware in a recent pleading
13 of Alan Rose that he alleges that the technologies
14 are worth a trillion dollars?

15 MS. CRISPIN: Form. And again, we are
16 getting outside the scope of direct, but you
17 can answer if you recall that.

18 MR. ROSE: Object to the form.

19 THE WITNESS: I am not aware of that
13:09:46 20 pleading by Mr. Rose.

21 BY MR. ELIOT BERNSTEIN:

22 Q. Okay. Are you aware of the technologies
23 at all that we are talking about?

24 MS. CRISPIN: Again, objection to form,
13:09:56 25 outside the scope of direct. You've got to

1 itemize what technologies you are talking
2 about.

3 MR. ELIOT BERNSTEIN: Okay. I am going
4 to.

13:10:01 5 BY MR. ELIOT BERNSTEIN:

6 Q. Brian, I sent you this list. United
7 States patent 09,630,939, system and method for
8 providing an enhanced digital image file. Patent
9 application number 09,630,9 -- hold on one second.
13:10:34 10 That's the one I just gave you.

11 MS. CRISPIN: How about we start with that
12 one. What was the question with respect to
13 that one?

14 BY MR. ELIOT BERNSTEIN:

13:10:43 15 Q. Well, let me give them all to him, it's
16 the same question. 09,522,721, apparatus and
17 method for producing enhanced digital images.
18 09,587,734, system and method for providing an
19 enhanced digital video file. 09,587,026, system
13:11:12 20 and method for playing a digital video file.
21 09,587,730, system and method for streaming an
22 enhanced digital video file. 60,223,344, zoom and
23 pan using a digital camera. 60,233,341, zoom and
24 pan imaging design tool. 60,169,559, apparatus and
13:12:10 25 method for producing enhanced video images and/or

1 video files. 60,149,737, apparatus and method for
2 producing enhanced digital images and/or digital
3 imaging files. And then 60,141,440, apparatus and
4 method for providing and/or transmitting video data
13:12:56 5 and/or information in a communication network.

6 MS. CRISPIN: Why don't we stop there. So
7 what is your question with respect to those
8 particular items that you described?

9 BY MR. ELIOT BERNSTEIN:

13:13:10 10 Q. Are you aware of Simon Bernstein's
11 interest in those technologies?

12 A. And as a general answer I am not. And I
13 would have to consult my file to see if I have any
14 information concerning them.

13:13:24 15 Q. Are you claiming that you and I have --
16 have you and I ever spoken about those
17 technologies?

18 A. I don't recall ever speaking with you
19 about those technologies.

13:13:34 20 Q. Okay. Have you received correspondence
21 from me regarding those technologies?

22 A. And I don't sitting here recall the
23 correspondence, which is why I'd have to look at
24 the files and determine if they exist.

13:13:45 25 MR. ROSE: Just so the record is clear,