

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT OF FLORIDA, IN  
AND FOR PALM BEACH COUNTY

PROBATE DIVISION

FILE NO.: 502012CP004391XXXXNB IH

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IN RE: ESTATE OF

SIMON L. BERNSTEIN,

Deceased.

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**PETITION FOR AUTHORIZATION TO ASSIGN OR OTHERWISE  
TRANSFER ANY INTEREST OF SIMON L. BERNSTEIN AND/OR  
THE ESTATE OF SIMON L. BERNSTEIN IN ANY INTELLECTUAL PROPERTY  
PURPORTEDLY OWNED TO ELIOT BERNSTEIN**

BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN ("Mr. O'Connell" or "Personal Representative"), by and through undersigned counsel, hereby files this Petition for Authorization to Assign or Otherwise Transfer Any Interest of Simon L. Bernstein and/or The Estate of Simon L. Bernstein In Any Intellectual Property Purportedly Owned by Simon L. Bernstein and/or the Estate of Simon L. Bernstein to Eliot Bernstein, and as grounds therefore, states:

1. On June 24, 2014, Mr. O'Connell was appointed as the Successor Personal Representative of the Estate of Simon L. Bernstein ("Estate" and "Decedent", respectively).
2. The Estate and/or the Decedent purportedly own an interest in Iviewit and other intellectual property, the value of which are unknown and/or unascertainable at this time.<sup>1</sup>

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<sup>1</sup> Upon information and belief, Simon Bernstein did not own any interest in Iviewit at the time of his death, however, to the extent he did and/or a claim is made as such, this transfer would include any purported interest Simon Bernstein had in Iviewit at the time of his death.

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3. There is extensive, ongoing litigation, including but not limited to litigation by Eliot Bernstein, relating to Iviewit.

4. Given the above, the Personal Representative believes it is reasonable and in the best interests of the Decedent and his Estate to assign or otherwise transfer any interest of Simon Bernstein and/or the Estate of Simon Bernstein in any intellectual property purportedly owned by the Estate and/or the Decedent, to the extent such ownership interest exists, to Eliot Bernstein, and to have no further duties, obligations, responsibilities or the like relating in any way to same.

5. Accordingly, the Successor Personal Representative respectfully requests this Court to authorize the assignment and/or transfer of any interest of Simon Bernstein and/or the Estate of Simon Bernstein in any intellectual property purportedly owned by Simon Bernstein and/or the Estate of Simon Bernstein to Eliot Bernstein, as stated herein.

WHEREFORE, BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN, by and through undersigned counsel, respectfully requests the Court enter an Order authorizing the Successor Personal Representative to assign or otherwise transfer any interest of Simon L. Bernstein and/or the Estate Of Simon L. Bernstein in any intellectual property purportedly owned to Eliot Bernstein, as further stated herein, for attorneys' fees and costs pursuant to Fla. Stat. §733.106 and any other relief deemed just and proper by this Court.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to counsel of record via the Court's e-portal system or U.S. Postal Service on this 19<sup>th</sup> day of June, 2017 to the parties on the attached Service List.

*/s/ Joielle A. Foglietta*

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**SERVICE LIST**

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