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June 13, 2003

**Via U.S. Mail**

Steven M. Selz, Esq.  
Selz & Muvdi Selz, P.A.  
214 Brazilian Avenue, Suite 220  
Palm Beach, FL 33480

Re: Proskauer Rose LLP v. Iviewit.com, Inc.

Dear Steve:

Notwithstanding the Court's recent order regarding Mr. Rubenstein's deposition, I have enclosed a copy of an affidavit of Mr. Rubenstein through which he answers the questions that he previously declined to answer in his deposition.

Sincerely,



Matthew Triggs

MT/kr  
Enclosure

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN  
AND FOR PALM BEACH COUNTY,  
FLORIDA

CASE NO. CA 01-04671 AB

PROSKAUER ROSE LLP, a New  
York limited liability partnership,

Plaintiff,

v.

IVIEWIT.COM, INC., a Delaware corporation,  
IVIEWIT HOLDINGS, INC., a Delaware  
corporation, and IVIEWIT TECHNOLOGIES,  
INC., a Delaware corporation,

Defendants.


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**NOTICE OF FILING AFFIDAVIT OF KENNETH RUBENSTEIN**

Plaintiff, Proskauer Rose LLP, by and through its undersigned counsel, hereby gives  
notice of the filing of the original Affidavit of Kenneth Rubenstein dated June 10, 2003.

This 13<sup>th</sup> day of June, 2003.

PROSKAUER ROSE LLP  
Attorneys for Plaintiff  
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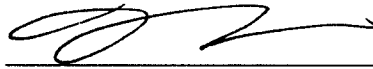


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Matthew Triggs  
Florida Bar No. 0865745  
Christopher Prusaski  
Florida Bar No. 0121525

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of June, 2003, a true and correct copy of the foregoing has been furnished by U.S. Mail to Steven M. Selz, Esq., Selz & Muvdi Selz, P.A., 214 Brazilian Avenue, Suite 220, Palm Beach, Fl 33480.



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Matthew Triggs

IN THE CIRCUIT COURT OF THE  
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Defendants.

\_\_\_\_\_ /

**AFFIDAVIT OF KENNETH RUBENSTEIN**

STATE OF NEW YORK    )  
  ) ss  
COUNTY OF NEW YORK )

Before me, the undersigned authority, personally appeared Kenneth Rubenstein who,  
under oath, states as follows:

1. My name is Kenneth Rubenstein. I am over the age of 18 years, I have personal knowledge of the matters set forth herein, and I am competent to testify as to those matters.
2. On November 20, 2002, I was deposed in the matter of Proskauer Rose LLP v. Iviewit.com, Inc. et. al., pending the in the Fifteenth Judicial Circuit in and for Palm Beach County Florida, Case No. CA01-07671-AB.

3. On page 25, line 7 of that transcribed testimony, I was asked “Did you have any discussions with Warner Bros. about IViewIt?” My answer to this question is as follows:  
Answer: I had one communication with Warner Bros. related to Iviewit. Mr. Utley, former CEO of Iviewit, who knew that Proskauer did work for Warner Bros., requested that we help open a channel of communication for Iviewit. I contacted Greg Thaggard at Warner Bros. and told him that he might be interested in speaking with Iviewit. I also told him that, as both Iviewit and Warner Bros. were clients, I would not get involved in any relationship between Iviewit and Warner Bros.
4. On page 27, line 18, I was asked “Did you ever talk to anyone at Warner Bros. with regarding to IViewIt?” My answer to this question is as follows:  
Answer: See my response above contained in paragraph 3.
5. On page 29, line 22, I was asked “When did you represent Warner Bros., sir?” My answer to this question is as follows:  
Answer: I started working on projects concerning Warner Bros. starting in about 1996.
6. On page 41, line 6, I was asked “Could you tell me about the cases that you have been involved with? Just naming the cases.” [Requesting names of patent cases he has litigated.] My answer to this question is as follows:  
Answer: Some patent cases we worked on are: SMARTS v. Avesta Technologies, Inc.; Hauppauge Computer Works, Inc. v. Advanced Interactive, et al.; Nova v. Sensys and Standard Microsystems v. Datapoint.

7. On page 47, line 7, I was asked "Have you ever discussed IViewIt Technologies with him?" [Chris Cookson] My answer to this question is as follows:

Answer: No.

8. On page 57, line 6, I was asked "Does that committee ever obtain waivers of conflicts from clients?" My answer to this question is as follows:

Answer: Waivers are sometimes obtained.

9. On page 75, line 20, I was asked "So you refuse to answer whether or not you had communicated to those parties with regard to IViewIt; is that correct?" [Warner Bros. and Sony] My answer to this question is as follows:

Answer: I never communicated with Sony about Iviewit. The only communication I had with Warner Bros. related to Iviewit was identified above.

FURTHER AFFIANT SAYETH NAUGHT.

Kenneth Rubenstein  
Kenneth Rubenstein

Date: June 10, 2003

VIRGINIA V. WURTHMAN  
Notary Public, State of New York  
No. 03-9820204  
Qualified in Bronx County  
Commission Expires July 31, 2006

Before me, the undersigned notary public, appeared Kenneth Rubenstein, who is personally known to me or produced \_\_\_\_\_ as identification and who did take an oath.

Virginia V. Wurthman  
Notary Public  
Commission No. 03-9820204