



I VIEWIT HOLDINGS, INC

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**FACSIMILE TRANSMITTAL SHEET**

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TO:	<b>Eric Turner</b>	FROM:	Eliot I. Bernstein
FAX NUMBER:	<u>(954) 772-0660</u>	DATE:	June 2, 2004
COMPANY:	The Florida Bar	TOTAL NO. OF PAGES INCLUDING COVER:	27
PHONE NUMBER:	<u>(954) 772-2245 (3)(7)</u>	SENDER'S REFERENCE NUMBER:	[Click here and type reference number]
RE:	<b>COMPLAINT AGAINST CHRISTOPHER WHEELER #2003-51, 109(15C)</b>	YOUR REFERENCE NUMBER:	[Click here and type reference number]

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

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NOTES/COMMENTS:

See attached, and the Company requests your written response to the attached letter, incorporated herein by reference, in five (5) days **WITH EACH AND EVERY QUESTION ASKED OF YOU ANSWERED AND THE MATTER TURNED OVER YOUR DIRECT REPORT AT THE BAR.**

Eliot I. Bernstein  
Inventor  
[iviewit@adelphia.net](mailto:iviewit@adelphia.net)



## IVIEWIT HOLDINGS, INC.

**Eliot I. Bernstein**  
**Founder**  
**Direct Dial: 561.364.4240**

**VIA – FACSIMILE**

Wednesday, June 02, 2004

Eric Turner  
Chief Branch Discipline Counsel  
The Florida Bar  
Cypress Financial Center  
Suite 900  
5900 North Andrews Avenue  
Fort Lauderdale, FL 33309

**Re: COMPLAINT AGAINST CHRISTOPHER WHEELER #2003-51, 109(15C)**

Dear Mr. Turner:

Pursuant to your June 1, 2004 letter to the Company whereby you failed to again address any of the issues asked of you, we again ask all the questions again in this correspondence that remain unresolved. Further, let this letter serve as a formal request for the matter to be moved from the Board of Governors to the full board, now that the Chair review has been completed. In our last letter it was clear that we wanted you to move the complaint to the next higher level despite if the code section we cited was correct, and again we find you finding new ways to avoid moving the complaint forward, as was the case with the review by the Chair when you cited yourself as the final say in the matter and gave us a general number in Tallahassee stating there was no further review available. We take it from your latest letter that we must request this process in writing, although you provided none of the information we requested in how to file such motion, other than a 30 day warning if we fail to file, so let this serve as compliance with such request as you state.

We are also demanding an explanation as to why when the Company is asking for such assistance moving the Complaint to the next review party; we are met by such vehement resistance by you and the consumer office you represent. It appears after the continuing tone of condensation that emanates from your letters that you are acting more as an attorney protection agency than an attorney prosecution agency. We find your continued abuse to be annoying and constant attempts to evade the questions we ask of you, enough to ask that you remove yourself from the case due to your continued hostilities since the Company discovered that you promulgated false information regarding your duties within the Bar and ask that you turn this over immediately to your direct report at The Florida Bar.



## IVIEWIT HOLDINGS, INC.

Eliot I. Bernstein  
Founder  
Direct Dial: 561.364.4240

VIA – FACSIMILE

Thursday, May 27, 2004

Eric Turner  
Chief Branch Discipline Counsel  
The Florida Bar  
Cypress Financial Center  
Suite 900  
5900 North Andrews Avenue  
Fort Lauderdale, FL 33309

**Re: COMPLAINT AGAINST CHRISTOPHER WHEELER #2003-51, 109(15C)**

Dear Mr. Turner:

We are in receipt of your May 21, 2004 letter on behalf of the Committee Chair, whom we have been told is a one Joy A. Bartmon of Bartmon & Bartmon, PA. Further, we had to obtain this information from outside sources pursuant to your refusal to disclose the name of the Chair and therefore it will be helpful that you confirm this information. Since turning the file over to the Chair we have sent you several letters which we would also like confirmation, in writing, that this information was all turned over for review to the Chair timely, with a list of the items forwarded.

Your letter on behalf of the Chair is written with poor grammar and as such, we have been unable to interpret the meaning of your interpretation of the mystery Chairpersons review. The Company finds it remarkable that the Chairperson neither tendered the opinion or was copied on the decision and thus we request proof of such review, since earlier in our dialogue you claimed that you were the final decision maker for the Florida Bar, which we found to be factually incorrect. Furthermore, we find that again you, now speaking for the Chair, are making opinions on the matter regarding Proskauer Rose, LLP not having done patent work for Iviewit. Which although we have provided irrefutable evidence to the contrary (see EXHIBITS), due to the Florida Bar's decision not to investigate the matter, would leave you in violation of the rules governing the Florida Bar that clearly states and I quote from the rules you sent to us:

Our closing of a file does not mean that we have taken the side of the respondent, that we do not believe your allegations, or that we endorse or approve of the respondent's conduct in the situation described.



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Thursday, May 27, 2004  
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Yet again, in your letter on behalf of the mystery Chairperson, it appears although uninterpretable due to poor grammar and sentence structure, that you (not the Chairperson) again **without any investigation** attempt to proffer an endorsement on behalf of the Respondent. If the Florida Bar is unable without an investigation to endorse the conduct of the Respondent, we ask for a retraction of your prior statements in your review and further demand a retraction from you on behalf of the Chairperson whom you also speak for.

Again, we demand to know of any conflicts of interest with the Chairperson in reviewing this matter and further demand to know of any positions Mr. Wheeler or Spencer M. Sax (whom may also have conflicts of interest in this matter) have held within the Florida Bar, from the date of the initial complaint to present.

We ask that you explain, in writing, all available remedies available to the Company to further escalate this matter within the Florida Bar and how we may proceed with such options. In particular, provide the procedures for the following:

**(f) Referral to Grievance Committees.** Bar counsel may refer disciplinary cases to a grievance committee for its further investigation or action as authorized elsewhere in these rules. Bar counsel may recommend specific action on a case referred to a grievance committee.

**(b) Complaint Filed With Grievance Committee.** A complaint received by a committee direct from a complainant shall be reported to the appropriate bar counsel for docketing and assignment of a case number, unless the committee resolves the complaint within 10 days after receipt of the complaint. A written report to bar counsel shall include the following information: complainant's name and address, respondent's name, date complaint received by committee, copy of complaint letter or summary of the oral complaint made, and the name of the committee member assigned to the investigation. Formal investigation by a grievance committee may proceed after the matter has been referred to bar counsel for docketing.

**(f) Counsel and Investigators.** Upon request of a grievance committee, staff counsel may appoint a bar counsel or an investigator to assist the committee in an investigation. Bar counsel shall assist each grievance committee in carrying out its investigative and administrative duties and shall prepare status reports for the committee, notify complainants and respondents of committee actions as appropriate, and prepare all reports reflecting committee findings of probable cause, no probable cause, recommended discipline for minor misconduct, and letters of advice after no probable cause findings.

If the Company has the option as stated in (b) above, to advance this matter to a grievance committee, let this letter serve as a formal request that the complaint against Respondent be advanced to the appropriate committee for this matter.



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Thursday, May 27, 2004  
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Finally, until all available remedies have been exhausted by the Company in this matter, we again request that the Florida Bar maintain the entire file for this matter despite your hurried desire to destroy the file. As Lorraine Hoffman has indicated that the file would be held for a period of no less than five years.

Sincerely yours,

IVIEWIT HOLDINGS, INC.

By:

A handwritten signature in black ink, appearing to read "E.I. Bernstein".

Eliot I Bernstein  
Founder  
I View It Technologies, Inc.

And

P. Stephen Lamont  
CEO  
Iviewit Holdings, Inc.

cc: Kenneth L. Marvin

Attachments:

Eric Turner letter dated May 21, 2004 on behalf of Chair  
Supplemental Exhibits showing Proskauer Rose as patent counsel for Iviewit



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Thursday, May 27, 2004  
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## **EXHIBITS**



## THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900  
5900 NORTH ANDREWS AVENUE  
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

954/772-2245  
WWW.FLABAR.ORG

May 21, 2004

**PERSONAL/FOR ADDRESSEE ONLY**

Eliot I. Bernstein  
Iviewit Holdings, Inc.  
10158 Stonehenge Circle, Suite 801  
Boynton Beach, FL 33437

RE: Complaint against Christopher Wheeler  
The Florida Bar File No. 2003-51,109(15C)

Dear Mr. Bernstein:

I am writing to advise you the review by the committee chair. The chair found there was no conflict of interest and Mr. Wheeler's firm did not agree to handle your patent work. Further, the chair found the referral to other counsel for patent work, without disclosing his prior claims of unethical conduct, was not unethical.

This file remains closed. It will be destroyed in accordance with our records policy on July 1, 2004.

Sincerely yours,

Eric Montel Turner  
Chief Branch Discipline Counsel

EMT/es



"I view it!"

www.iviewit.com

2255 Glades Road  
One Boca Place - Suite 337W  
Boca Raton, FL 33431  
Voice: 561.999.8899  
Fax: 561.999.8810  
Toll: 877.484.8444

### FACSIMILE TRANSMITTAL SHEET

TO: Dennis Donahue  
 FROM: iviewit - Brian Utley  
 COMPANY: \_\_\_\_\_  
 DATE: 1-22-01  
 FAX NUMBER: 561-838-4105  
 TOTAL NO. OF PAGES: 7, including this page  
 RE: INFORMATION REQUEST

NOTES/COMMENTS:

As you requested -

DIANA ISRAEL  
ASST. TO BRIAN UTLEY



**MEMORANDUM**

**TO:** Brian G. Utley  
President  
Iviewit Holdings, Inc.  
Facsimile: 561-999-8810

**DATE:** 17 Jan 01

**FROM:** Dennis E. Donohue  
Chief Administrative Officer  
Crossbow Ventures Inc.  
Telephone: 561-838-9005  
Facsimile: 561-838-4105  
Email: DDonohue@cb-ventures.com

Document submitted to Crossbow Ventures containing a Wachovia Private Placement Memorandum listing PROSKAUER ROSE AND KENNETH RUBENSTEIN as PATENT COUNSEL FOR IVIEWIT. This document submitted to a Federal agency and used for investment purposes with Iviewit investors and Wachovia Securities provides clear and convincing evidence that PROSKAUER ROSE was patent counsel for the Company. Proskauer co-authored, billed for and disseminated this Private Placement Memorandum

**SUBJECT:** Information Request

Brian,

The Office of Small Business Investment Company Examinations of the Small Business Administration has requested that, by 22 Jan 01, we furnish it with a list of the name of each director and officer of your firm, as well as the name of each shareholder who held a ten percent or greater interest your company on the close of business on 31 Dec 00.

In order that we can comply with that request, we request that you send the foregoing information to my attention by the close of business tomorrow via either facsimile transmission or email.

If you are unable to comply with this request, please call me.

Thanks, Brian!

Dennis D.

January 22, 2001

Dennis Donohue  
Crossbow Ventures  
West Palm Beach, FL

Reference: Your Request

Current Iviewit Holdings, Inc. Board of Directors :

- Simon L. Bernstein, Chairman Emeritus
- Eliot I. Bernstein, Vice-Chairman, Secretary and Founder
- Brian G. Utley, President
- Gerald R. Lewin
- Maurice R. Buchsbaum
- H. Hickman Powell
- Donald G. Kane, II
- Kenneth Anderson

Executive Management:

- Brian G. Utley, President
- Maurice R. Buchsbaum, Sr. Vice-President, Business Development
- Raymond T. Hersh Vice-President, Finance
- Michael A. Reale, Vice-President, Operations
- Kevin J. Lockwood, Vice-President, Sales and Business Development
- Guy Iantoni, Vice-President, Sales

Stockholders with > , = 10% of interest in Iviewit Holdings, Inc.

- Eliot I. Bernstein 29.8%
- Alpine Capital Ventures 21.7%
- Simon L. Bernstein 11.9%

Total Shares Outstanding 86,891

Please call if this is insufficient.

Regards,



Brian G. Utley

Investment Management, both based in London. Among his primary areas of expertise are technology research and economic research, including electronics, telecommunications and computer software. Most recently, he was Senior Technology Analyst and Vice President of Southeast Research Partners, Inc. where he worked with leading technology companies. He earned a bachelor of arts degree at Yale University and a master of business administration degree at Stanford University.

**Advisors**

THIS BP OF WACHOVIA'S SENT TO OUR LARGEST INVESTOR CROSSBOW VENTURES CLEARLY SHOWS THAT RUBENSTEIN IS THE PATENT ATTORNEY FOR IVIEWIT, DESPITE WHAT WHEELER STATES AND DESPITE THAT RUBENSTEIN SAYS HE DOES NOT KNOW US UNDER DEPOSITION. UTLEY UNDER DEPOSITION STATES HE NEVER USED RUBENSTEIN AS AN ADVISOR. THIS ALSO SHOWS DOCUMENT DESTRUCTION AS PROSKAUER CHANGES THE BP TO ERASE THE OPENING SENTENCE AND IN THEIR RECORDS OBTAINED UNDER COURT ORDER THEY LOSE THIS BP VERSION & REPLACE WITH OTHER.

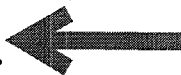
**Alan J. Epstein**

**Partner, Armstrong Hirsch Jackoway Tyerman & Wertheimer, P.C.**

Mr. Epstein's law practice consists of advising Internet companies on various issues pertaining to the entertainment and sports industries, including the creation, licensing and acquisition of content, the introduction and negotiation of strategic partner relationships, and various other matters relating to the convergence of technology and content. Mr. Epstein also advises his firm's numerous celebrity clients on the exploitation and protection of their name and likeness rights and content on the Internet, as well as merchandising, endorsement and sponsorship deals. Prior to entering the UCLA School of Law, Mr. Epstein was a certified public accountant at Deloitte Haskins & Sells in Dallas, Texas.

**Kenneth Rubenstein**

**Partner, Proskauer Rose LLP**



Mr. Rubenstein is a partner at Proskauer Rose LLP law firm and is the patent attorney for iviewit. He is a registered patent attorney before the U.S. Patent & Trademark Office. Mr. Rubenstein counsels his clients with respect to the validity and infringement of competitors' patents, as well as prosecutes patent applications. For the past several years he has worked on the formation of a patent pool, for MPEG-2 technology, involving large consumer electronics and entertainment companies. He is also a former member of the legal staff at Bell Laboratories. Mr. Rubenstein received his law degree, cum laude, from New York Law School. and his Ph.D. in physics from the Massachusetts Institute of Technology where he also graduated with a B.S. Degree.

**Christopher C. Wheeler**

**Partner, Proskauer Rose LLP**

Mr. Wheeler is a member of Proskauer Rose LLP's Corporate Department and as a partner in the Florida office has a versatile transactional practice. He has had extensive experience in real estate and corporate law, institutional lending and workouts, administrative law and industrial revenue bond financing. Moreover, he serves as a strategist and counselor to many clients in handling their other legal and business matters. Mr. Wheeler is well-versed in general corporate law as well as mergers and acquisitions and securities matters. He has guided companies from startup through initial private placements to public offerings. A graduate of Hamilton College and Cornell Law School, Mr. Wheeler was a member of the managing Board of Editor of the Cornell Law Review.

**Arthur Andersen, LLP**

Arthur Andersen's vision is to be the partner for success in the New Economy. The firm helps clients find new ways to create, manage and measure value in the rapidly changing global economy. With world-class skills in assurance, tax, consulting and corporate finance, Arthur Andersen has more than 70,000 people in 83 countries that are united by a single worldwide operating structure that fosters inventiveness, knowledge sharing and a focus on client success. Since its beginning in 1913, Arthur Andersen has realized 86 years of uninterrupted growth, with 1999 revenues over \$7 billion. Arthur Andersen is a business unit of Andersen Worldwide.

**Proskauer Rose, LLP**

This law firm is one of the nation's largest law firms, providing a wide variety of legal services to major corporations and other clients through the United States and around the

**Legal & Accounting Counsel**





I View It Technologies, Inc.  
10158 Stonehenge Circle  
Suite 801  
Boynton Beach, FL 3343-3546  
Tel: 561 364 4240  
Fax: 561 364 4240

**CONFIDENTIAL FACSIMILE COVER PAGE**

**MESSAGE:**

Ken,

Attached is the inventor change form for 09 630 939 signed by the assignor on the patents. I am still awaiting the other inventors to sign and will forward when I get them. Also, I will be sending in similar signatures for the other applications.

Eliot

To: Kenneth Weider

From: Eliot I Bernstein

Fax #: 17033053991

Fax #: 561 364 4240

Company: United States Patent &

Tel #: 561 364 4240

Subject: 09 630 939 Iviewit Inventor Change Form

Sent: 3/3/2004 at 2:39:52 PM

Pages: 9 (including cover)

THIS MESSAGE AND ITS EMBEDDED FILES INCORPORATED HEREIN CONTAIN INFORMATION THAT IS PROPRIETARY AND CONFIDENTIAL PRIVILEGED INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE PROHIBITED FROM READING, OPENING, PRINTING, COPYING, FORWARDING, OR SAVING THIS MAIL AND IT'S ATTACHMENTS. PLEASE DELETE THE MESSAGE AND ITS EMBEDDED FILES WITHOUT READING, OPENING, PRINTING, COPYING, FORWARDING, OR SAVING THEM, AND NOTIFY THE SENDER IMMEDIATELY AT 561.364.4240. IF YOU ARE THE INTENDED RECIPIENT, YOU ARE PROHIBITED FROM FORWARDING THEM OR OTHERWISE DISCLOSING THESE CONTENTS TO OTHERS, UNLESS EXPRESSLY DESIGNATED BY THE SENDER. THANK YOU!



## IVIEWIT HOLDINGS, INC.

Eliot I. Bernstein  
Founder  
Direct Dial: 561.364.4240

VIA - FACSIMILE

Thursday, February 12, 2004

U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks

Re: CHANGE OF INVENTOR REQUEST - INTENT TO DECIEVE AND  
COMMITT FRAUD UPON THE USPTO IS CLAIMED

US SERIAL NO. 09 630 939

Dear Commissioner of Patent & Trademarks:

Please let the attached changed of inventors request serve as an official request pursuant Section 37CFR 1.48 to change the inventors. Whereby, intent to commit fraud on the USPTO is the listed reason.

Very truly yours,

A handwritten signature in black ink, appearing to read "EIB", is written over a horizontal line.

Eliot I Bernstein  
President  
I View It Holdings, Inc. and any/all affiliates

U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
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**CHANGE OF INVENTOR REQUEST**  
**US SERIAL NO. 09 630 939**

**PURSUANT TO 37CFR 1.48**  
**INTENT TO DECIEVE AND COMMITT FRAUD UPON THE USPTO**

I, Eliot I. Bernstein, as acting President of Iviewit and its affiliates, and as a named inventor on this application, hereby request that the true and correct inventors be added and the wrong inventors removed from this Non Provisional application 09 630 939 to properly name the inventors of this invention.

The listed and **incorrect** inventors for this application are:

Eliot I. Bernstein  
Brian G. Utley

The **true and correct inventors** for this application are:

Eliot I. Bernstein  
Zakirul Shirajee  
Jude Rosario

The reason for this correction:

The true and correct inventors have been purposefully been left off this patent application by three different counsels all failing to correctly fix the inventor issues and wrong disclosures. Since the creation of the invention, our initial counsel in the Provisional filing 60 125 824 attorneys Kenneth Rubenstein of Proskauer Rose LLP ("PR") and Raymond Joao of Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C., ("MLGS") failed after repeated requests to make the inventor and content changes, although they had full knowledge of the correct inventors and the correct invention. In addition, the content of the Provisional application had changed from what the inventors disclosed initially and pertinent disclosures were left out with malice and intent to deceive the USPTO and further deprive the inventors of their inventions. Subsequent counsel to "PR" attorneys William Dick, Douglas Boehm and Steven Becker of Foley & Lardner ("FL") on this Non Provisional filing, created further errors with the inventors and failed to correct either the inventors or the content of the Provisional. This may now leave the pertinent disclosures left off and incorrect inventors, to serve as new matter in the in subsequent

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Non Provisional filings that claim priority to the Provisional application. Successor counsel to "FL" attorneys Norman Zafman, Thomas Coester and Farzad Amiri of Blakely Sokoloff Taylor & Zafman LLP ("BSZT") also failed to file the corrections despite repeated requests by the Company to get the corrections to the patent office.

Initially, attorneys Kenneth Rubenstein of "PR" and Raymond Joao of "MLGS" knowingly, with malice and intent to commit fraud upon the USPTO, left inventors off the Provisional application after obtaining their signatures and disclosures in meetings. Mssrs: Rubenstein and Joao, on the subsequent Non Provisional Filing (09 522 721) and the PCT (00 07772) filings, despite being aware of the prior problems discovered, made no attempt to fix their errors on the Non-Provisional filing. They further continued the errors of their Provisional filing, despite having the inventors sign and fix the new Non-Provisional filings; these changes and signatures were completely discarded by them and again a different application was filed. Mr. Rubenstein, an Advisor to the Board and Shareholder, who under deposition claimed to not know the Company now, had been the first patent attorney to meet with the inventors and receive the disclosures and he represented that he was directing his underling Mr. Joao to do the Provisional filings with his oversight. Raymond Joao was terminated as counsel for this and other patent malfeasances that became uncovered.

To replace "MLGS", "FL" was retained to make corrections to the patents and get the correct inventors listed. Again, it was fully disclosed who the correct inventors were and what the inventions were to each of these attorneys at "FL" for this application and other applications of the Company. After reviewing Mssrs: Joao and Rubenstein's work "FL" found that Raymond Joao had failed to properly list the inventors and left out pertinent disclosures on the filings. Upon finding out about the correct inventors, "FL" attorneys stated that the corrections were being made to the Provisional & Non-Provisional applications. After meeting with and taking disclosures and signatures of the true inventors, "FL" failed to make the corrections knowingly, with malice and intent to further commit fraud on the USPTO in their Provisional, Non-Provisional and PCT applications filed by them. Further, in instances such as this application where Brian G. Utley is a listed inventor, "FL" added inventor Brian G. Utley, knowingly, with malice and intent to further commit fraud upon the USPTO, knowing that he was not an inventor in any material way to the patents and was not even there when they were invented. Finally, in instances such as this filing, true and correct inventors have been partially left off the application and others were replaced by Mr. Utley as a new inventor.

This application is also a replacement of the original patent the Company had filed with Mssrs: Joao and Rubenstein for the original invention in an effort to let the original patent expire and replace it with this application. Yet, amazingly, the application does not get





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Commissioner of Patent & Trademarks  
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corrected it further gets an entirely new set of inventors, again these inventors are wrong knowingly, with malice and intent to commit fraud on the USPTO. In this Non Provisional application, some of the true and correct inventors were dropped and replaced by Brian G. Utley. Mr. Utley should not be on any applications for the Company, as he has not invented anything.

It will serve to note here that it has come to the attention of the Company after an investigation into Mr. Utley's background that quite the opposite of what his resume states about his prior employment to the Company is true. At his former job as President of Diamond Turf Equipment Inc. in Florida, a company owned by a Mr. Monte Friedkin of Benada Aluminum of Florida, Mr. Utley with the aid of Mr. William Dick of "FL", had stolen off with ideas learned while employed at Friedkin's company relating to turf equipment. Mr. Utley had written these patents into his own company, Premiere Consulting, and his own name as inventor with no assignment to the company he worked for, Premiere Consulting was separate and apart from his employer. Upon discovering the absconded with patents, Mr. Friedkin demanded that the patent applications be turned over to the company as they were learned while working at his company by Mr. Utley. Mr. Utley refused to sign them over to his employer and was fired with cause immediately for these patent malfeasances. Mr. Friedkin was forced to immediately close the business and take a substantial multi-million dollar loss on the company due directly to this incident. Additionally, the company, Premiere Consulting, that was set up to receive the patents Mr. Utley misappropriated, was set up by Christopher Wheeler of Proskauer Rose LLP, who was the first person to see the technologies, who then brought to the Company to handle our patents Mssrs: Rubenstein, Joao, Utley and Dick. What Mssrs: Wheeler, Utley and Dick failed to disclose to our Company was the past patent malfeasances and the damage caused to Mr. Friedkin by their actions. I quote from the resume Mr. Wheeler submitted on behalf of his dear friend Mr. Utley to the Company to hire him as President and handle our most prized possession the patents:

*Personal Resume*

*Professional History:*

President, Diamond Turf Equipment, Inc. July, 1995 to July 1999.

In 1995 the company was engaged in refurbishing obsolete and run-out golf course maintenance equipment and had annual sales of \$250K. Since that time the company has been transformed into a manufacturer of new machines which compare favorably with the best of the market leaders and an expected revenue for 1999 of \$6M. The design of the machines was by Brian and was accomplished while putting together a manufacturing and marketing team capable of supporting the rapid growth of the company.

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Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
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This resume is materially different from the truth. Mr. Utley was fired for cause and the company Diamond Turf Equipment Inc. closed upon his firing. Understanding that the same people (Wheeler, Utley & Dick) who had caused this calamity are the very same people who have caused similar harm to our Company, using similar patent malfeasances is core to understanding why our patents have such a bizarre array of problems. The very fact that this was not disclosed in writing and waivers, by any of the attorneys and further lied about in Utley's resume by Mr. Wheeler who procures the false resume to cover this up, is a sign of their intent to commit similar crime upon our Company and perpetrate similar fraud upon the USPTO. Had the Company been aware of this past patent malfeasance they were involved with the Company surely would have never hired any of them.

With this understanding, it appears that the intent of "FL" was to replace patents of the original inventions with patents whereby Mr. Utley was now named an inventor and finally in some instances Mr. Utley was named sole inventor of certain inventions of the Company. These applications in Utley's sole name are for part of the core technology that he did not invent such as this application. Further, "Zoom and Pan Imaging Design Tool" Provisional patent 60 233 341 and "Zoom and Pan Imaging Using A Digital Camera" Provisional patent 60 233 344 are further instances whereby "FL" writes patents directly into Mr. Utley's name in an attempt to abscond with core formula's and ideas of the original inventions by the true and correct inventors. These Provisional patents with Mr. Utley as sole inventor with no assignment to the Company, were not disclosed to the Company or its shareholders and were only revealed when the Company found in Mr. Utley's possession a set of patents that was markedly different than what the inventors were seeing and signing for. These inventions were undisclosed to the Company and appear to be filed in an attempt to abscond with core features of the original inventions from the true and correct inventors listed above. When caught with two sets of patent books, similar to maintaining cooked accounting books, Mr. Utley was terminated with cause and "FL" was terminated as patent counsel. This patent 09 630 939, has similar elements to their prior patent scam at Diamond Turf, Inc. in that Mr. Utley rewrites with the aid of Mr. Dick and other "FL" attorneys, patents again into his name that were not his inventions. This Non Provisional patent 09 630 939 was replacing the original Provisional, which Joao had already filed as Non Provisional, which "FL" then claimed Joao's work was so wrong, that correcting it was impossible, and this new Non-Provisional needed to be filed with the correct content and correct inventors. Knowing the true and correct inventors and having had them sign applications for what appeared the true invention, "FL" attorneys then threw those signatures and the application out and replaced it with this application before the USPTO, claiming Mr. Utley as an inventor and replacing himself with inventors Mssrs: Rosario and Shirajee.

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Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
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Finally, "BSZT" the last attorneys of record handling the patents, also failed to file the correct inventors knowingly, with malice and intent to further perpetrate and cover up such fraud of prior attorneys to the USPTO, after repeatedly being requested to make the changes to them. Upon finding that Mr. Utley was not an inventor of anything and that the inventors were wrong, "BSZT" assured the Company that these issues were being corrected. They had me sign a power of attorney on Mr. Utley's behalf to turn the inventions back over to the Company in his name and remove him from any applications his name appeared on, due to his employment and invention agreements signed with the Company that strictly prohibited such misappropriations. Mr. Utley was to be removed from any/all patents that have his name on them and the ones in which he was named as the sole inventor, were to be corrected and turned back over to the Company. Now, upon contacting the USPTO we find that many of these changes remain unchanged, in what appears another attempt to continue this fiasco and cover up for the attorneys before them, "BSZT" made virtually no changes requested by the Company.

At all times, all attorneys were fully cognizant of the true inventors and the true invention for this application. Finally, all these attorneys failed to report the prior counsels misconduct in these matters to the OED Director or any other department at the USPTO or other Federal Agencies and left the Company with many serious problems in the patents. The incorrect inventors are a great risk to the shareholders of the Company and need to be remedied immediately if possible, as the assignment of these patents to the Company and any successive assignments are not signed by the true and correct inventors and thus pose the question of what they currently have rights to in relation to their investments. Finally, many of the attorneys involved in these patents appear to have financial interests and severe conflicts of interest with the Company whereby the company's inventions being approved would stand in direct conflict with either with inventions of their own (Raymond Joao) or patent pools overseen by them (Kenneth Rubenstein).

Currently, I am listed on the patents for examination purposes and after reviewing the inventors listed have determined on behalf of Iviewit and its affiliates, and, on my own behalf as an original inventor at the time of creation, that the true inventors are as listed above and not what exists currently on this application. I was there at the time of invention and all times relevant hereto, and, swear that all of the following statements are true and correct statements to the best of my knowledge.

U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
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These issues and many other of attorney misconduct in the above mentioned application are currently under a pending investigation with the Director of OED whom advised me to begin correcting the inventor issues with the USPTO Examiners.

Signed on this 11<sup>th</sup> day of February 2004,

By:

X \_\_\_\_\_  
Eliot I. Bernstein  
President Iviewit and any/all affiliates

X \_\_\_\_\_  
Eliot I. Bernstein  
Inventor



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
Page 8 of 8

I have read the attached reasons for change in inventor with the USPTO and approve of the changes.

By:

X \_\_\_\_\_  
Zakirul Shirajee - Inventor

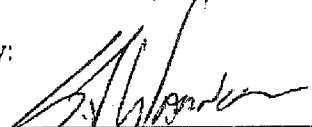
On this \_\_\_\_ day of February 2004

By:

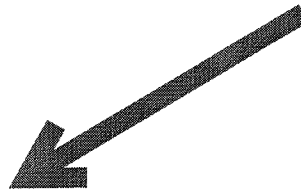
X \_\_\_\_\_  
Jude Rosario - Inventor

On this 2nd day of <sup>MARCH</sup> February 2004 <sup>sw</sup>

By:

X   
Stephen Warner - Assignee  
Alpine Venture Capital Partners LP

Crossbow Ventures, one of South Florida's largest venture funds co-signs the Complaint claiming similar to Iviewit that Fraud Upon the United States Patent & Trademark Office has been committed by PROSKAUER ROSE, LLP and others. Stephen Warner is Chairman & Co-Founder of the fund.



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Tuesday, February 17, 2004  
Page 2 of 9


**PETITION FOR ONE-MONTH EXTENSION OF TIME**  
**US SERIAL NO. 09 630 939**  
**INTENT TO DECIEVE AND COMMITT FRAUD UPON THE UNITED STATES**  
**PATENT & TRADEMARK OFFICE (USPTO)**

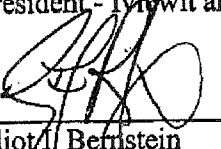
I, Eliot I. Bernstein, as acting President of Iviewit and its affiliates, and as a named inventor on this application, hereby request that this application be granted a one-month extension of time to reply to the current office action that is past due. This will allow for several other issues to proceed, such as correcting the true and correct inventors so that the correct inventors may be added and the wrong inventors removed from this Non Provisional application **09 630 939**. Further, due to failed disclosures and missing content in the application and it's predecessor Provisional application, we await investigation by the OED offices whom has advised that suspending this application is desired course of action until the problems can be dealt with and attempted to be rectified. The problems are explained in the attached inventor change form that is simultaneously being submitted with this request for a one-month extension to answer the overdue action.

I make this request on behalf of Iviewit and its affiliates and, on my own behalf as an original inventor at the time of creation, I was there at the time of invention and all times relevant hereto, and, swear that all of the following statements are true and correct statements to the best of my knowledge.

Signed on this 11<sup>th</sup> day of February 2004,

By:

X   
\_\_\_\_\_  
Eliot I. Bernstein  
President - Iviewit and any/all affiliates

X   
\_\_\_\_\_  
Eliot I. Bernstein  
Inventor



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,939	08/02/2000	Elliot I. Berstein	5707P018	8688

7590 03/04/2004  
IVIEWIT HOLDINGS  
10158 STONEHENGE CIRCLE  
SUITE 801  
BOYNTON BEACH, FL 33437

EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
2624	15

2624

DATE MAILED: 03/04/2004

**RECEIVED**

*By eliot at 0:36 am, 3/10/04*

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Wednesday, June 02, 2004  
Page 2 of 5

Due to your failure to answer the other questions in our last letter we cite the remaining issues you failed to answer herein, and have attached an original as well.

We are in receipt of your May 21, 2004 letter on behalf of the Committee Chair, whom we have been told is a one Joy A. Bartmon of Bartmon & Bartmon, PA. Further, we had to obtain this information from outside sources pursuant to your refusal to disclose the name of the Chair and therefore it will be helpful that you confirm this information. Since turning the file over to the Chair we have sent you several letters which we would also like confirmation, in writing, that this information was all turned over for review to the Chair timely, with a list of the items forwarded.

Your letter on behalf of the Chair is written with poor grammar and as such, we have been unable to interpret the meaning of your interpretation of the mystery Chairpersons review. The Company finds it remarkable that the Chairperson neither tendered the opinion or was copied on the decision and thus we request proof of such review, since earlier in our dialogue you claimed that you were the final decision maker for the Florida Bar, which we found to be factually incorrect. Furthermore, we find that again you, now speaking for the Chair, are making opinions on the matter regarding Proskauer Rose, LLP not having done patent work for Iviewit. Which although we have provided irrefutable evidence to the contrary (see EXHIBITS), due to the Florida Bar's decision not to investigate the matter, would leave you in violation of the rules governing the Florida Bar that clearly states and I quote from the rules you sent to us:

*Our closing of a file does not mean that we have taken the side of the respondent, that we do not believe your allegations, or that we endorse or approve of the respondent's conduct in the situation described.*

Yet again, in your letter on behalf of the mystery Chairperson, it appears although uninterpretable due to poor grammar and sentence structure, that you (not the Chairperson) again **without any investigation** attempt to proffer an endorsement on behalf of the Respondent. If the Florida Bar is unable without an investigation to endorse the conduct of the Respondent, we ask for a retraction of your prior statements in your review and further demand a retraction from you on behalf of the Chairperson whom you also speak for.

Again, we demand to know of any conflicts of interest with the Chairperson in reviewing this matter and further demand to know of any positions Mr. Wheeler or Spencer M. Sax (whom may also have conflicts of interest in this matter) have held within the Florida Bar, from the date of the initial complaint to present.

Finally, until all available remedies have been exhausted by the Company in this matter, we again request that the Florida Bar maintain the entire file for this matter despite your hurried desire to destroy the file. As Lorraine Hoffman has indicated that the file would be held for a period of no less than five years. Again, you seem confused on the issue of retaining the file with the Florida





Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Wednesday, June 02, 2004

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Bar, as we were not requesting such action, such action was clearly stated to the Company by Lorraine Hoffman, that The Florida Bar would hold such file and thus we are again reiterating that until the file has reached the final review and decision under all available remedies, that you maintain the file as stated by Ms. Hoffman, for a period of no less than five years.



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Wednesday, June 02, 2004

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Sincerely yours,

IVIEWIT HOLDINGS, INC.

By:

A handwritten signature in black ink, appearing to read "EIB", written over a light blue horizontal line.

Eliot I Bernstein  
Founder  
I View It Technologies, Inc.

And

P. Stephen Lamont  
CEO  
Iviewit Holdings, Inc.

cc: Kenneth L. Marvin

Attachments:

Eric Turner letter dated May 21, 2004 on behalf of Chair  
Supplemental Exhibits showing Proskauer Rose as patent counsel for Iviewit



Eric Turner  
Chief Branch Discipline Counsel  
Florida Bar

Wednesday, June 02, 2004  
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## **EXHIBITS**