

Eliot I. Bernstein

From: Eliot I. Bernstein [iviewit@adelphia.net]
Sent: Wednesday, June 30, 2004 11:42 AM
To: Kelly Overstreet Johnson (E-mail); Kenneth L. Marvin (E-mail); Eric Turner (E-mail)
Cc: P. Stephen Lamont (E-mail)
Subject: IVIEWIT HOLDINGS COMPLAINT 2003.51 109 15(C) CHRISTOPHER WHEELER
Importance: High
Sensitivity: Confidential



Kelly Overstreet Johnson
President
The Florida Bar

Re: **IVIEWIT HOLDINGS COMPLAINT 2003.51 109 15(C) CHRISTOPHER WHEELER**

Dear Ms. Johnson,

We have been trying to communicate with Eric Turner, and it has been quite a daunting task. Moreover, we have requested information for several months now, yet Mr. Turner fails to supply the information at every turn. (Information requested, including but not limited to: Status of any/all positions held by both Christopher Wheeler and Spencer Sax at The Florida Bar since 1998 and contact information for the Chairperson of the 15 (C) Grievance Committee. Briefly, Iviewit Holdings, Inc. filed the above referenced complaint in February 2003, deferred without investigation by Lorraine Hoffman pending civil litigation. After the civil litigation completed, whereby the case was a wholly dissimilar case billing case, Ms. Hoffman, again without investigation, dismissed the case.

On appeal to Mr. Turner, with no formal investigation conducted, he makes a specific inaccurate determination and tenders an opinion that appears to advance an opinion in favor of Wheeler, that Mr. Wheeler nor his firm did not perform patent work, which appears to be a violation of the rules of The Florida Bar for which we have asked a retraction. From rules sent to the Company by Turner, it states that without investigation that the Florida Bar advances no opinions in favor of either party, yet Turner repeatedly tenders opinions in favor of Wheeler, and whereby these statements are now being used in other state investigations to advance the theory that The Florida Bar has reviewed and investigated the matters and vindicated Wheeler, where this information is false and misleading.

Additionally, after Mr. Turner's review, Iviewit requests a review at the next higher level, and Mr. Turner specifically states that his office is the last venue of appeal in the above referenced complaint and states that he is destroying the file, yet Iviewit uncovers Mr. Turner's false statements after contacting Kenneth Marvin. On the advise of Mr. Marvin we contacted Mr. Turner and advised him to have the matter moved for review to the Chairperson of the 15© Grievance Committee. Turner then claimed that he had forwarded the file and that the Chairperson would respond directly to Iviewit, instead Mr. Turner responds on behalf of the Chairperson in a wholly illiterate letter dated May 21, where, supposedly, the Chairperson basically regurgitates Mr. Wheeler's response and Mr. Turner's determination that Mr. Wheeler nor his firm did no patent work, and stating that the file will be destroyed on July 1, 2004, a date that traces back to Ms. Hoffman's deferment letter, despite repeated requests to hold the file as investigations into the matters by the Commissioner of Patents and the Office

of Director of Enrollment and Discipline for the United States Patent and Trademark Office (USPTO) reviews the attorney misconduct alleged. The review has led to the Commissioner of Patents suspending the Iviewit patents for six months whereby further damages may be prevented while much of the evidence is reviewed.

Furthermore, in a New York Bar complaint against Wheeler's partners and firm, an extremely prejudicial conflict of interest and appearance of impropriety has been found at the New York Supreme Court - First Judicial Department Departmental Disciplinary Committee ("Department"), a conflict created by Proskauer partners, which has caused the Department's Chief Counsel, Thomas Cahill, Esq. to motion the attorney complaints out of the Department, to a review board free of the conflict and impropriety. Iviewit has also uncovered evidence that the Department's conclusions were also being used to influence other state and federal investigations into these matters, citing false and misleading information regarding the outcome of those complaints.

Finally, please be advised that after contacting the Supreme Court of Florida - Clerk of the Court for the Florida Bar ("Clerk"), whereby these issues were explained it was the Clerk's recommendation to send her a letter whereby she would issue a temporary and/or permanent injunction to prevent the destruction of the file pending the outcome of the USPTO investigations and other investigations. We contacted Mr. Turner with this information and yet he responded that if he does not receive such order from the Supreme Court in time that he still plans to destroy the file on July 1, 2004. We have explained to Mr. Turner that much of the information contained in the Florida Bar file may be useful in other state and federal investigations currently under way and to delay the destruction in the event that these materials prove useful. We are willing to pay any additional storage costs that may be incurred for storing of the file until final determinations can be made in these matters. We are sending the Supreme Court Clerk the letter today, but due to the time frame everything may not be received in time and we request that you intercede to delay this destruction of files for a period of no less than 90 days whereby the Clerk may have time to file an action.

We have left a message regarding this matter with both you and Mr. Marvin yesterday, detailing the limited time frame we are working with and requesting a return call to aid us in our effort to delay the destruction and we await your timely response. Furthermore, we have requested Mr. Turner turn over the name and number of his direct report at the Florida Bar for several months, as it appears that Mr. Turner may have problems relating to tendering opinions in favor of Wheeler when no investigation has completed and we await that contacts name to report these matters formally with.

Sincerely yours,



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“Congress shall have the power ... to promote the Progress of Science and Useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their Respective Writings and Discoveries.”