

SUPREME COURT OF FLORIDA

ELIOT I. BERNSTEIN, PRO SE )  
P. STEPHEN LAMONT, PRO SE )

Petitioner )

vs. )

THE FLORIDA BAR (IN THE MATTER OF )  
ATTORNEY COMPLAINTS AGAINST; )  
CHRISTOPHER C. WHEELER, FILE NO: )  
2003-51 109 (15c); CHRISTOPHER )  
C. WHEELER 2, FILE NO: PENDING CASE )  
NO. ASSIGNMENT; MATTHEW H. TRIGGS, )  
NO: PENDING CASE NO. ASSIGNMENT; )  
ERIC M. TURNER, FILE NO: PENDING )  
CASE NO. ASSIGNMENT); AND )  
COMPLAINTS OF CONFLICTS OF )  
INTEREST AND APPEARANCES OF )  
IMPROPRIETY WITH THE FOLLOWING )  
FLORIDA BAR REPRESENTATIVES; )  
MATTHEW H. TRIGGS AS A GRIEVANCE )  
COMMITTEE MEMBER AND FORMER )  
GRIEVANCE COMMITTEE MEMBER; )  
CHRISTOPHER WHEELER AS A GRIEVANCE )  
COMMITTEE MEMBER AND FORMER )  
GRIEVANCE COMMITTEE MEMBER; )  
KELLY OVERSTREET JOHNSON AS )  
PRESIDENT, KENNETH L. MARVIN AS )  
DIRECTOR OF LAWYER REGULATION, )  
JOHN ANTHONY BOGGS AS DIRECTOR )  
OF LAWYER REGULATION; LORRAINE )  
CHRISTINE HOFFMAN AS BAR COUNSEL; )  
ERIC MONTEL TURNER AS CHIEF )  
BRANCH DISCIPLINE COUNSEL; AND )  
JOY A. BARTMON AS CHAIR OF A )  
GRIEVANCE COMMITTEE )

CASE NO: SC04-1078

Respondents )

---

**AMENDED PETITION FOR: MOTION FOR EMERGENCY HEARING TO:  
BLOCK DESTRUCTION OF FILES BY THE FLORIDA BAR; AND, SECURE  
FILES FROM THE FLORIDA BAR; INJUNCTIVE RELIEF; DECLARATORY  
RELIEF; BEGIN IMMEDIATE INVESTIGATION OF FLORIDA BAR  
COMPLAINTS AGAINST CHRISTOPHER C. WHEELER, FILE NO: 2003-51  
109 (15c); CHRISTOPHER C. WHEELER 2, FILE NO: PENDING CASE NO.  
ASSIGNMENT; MATTHEW H. TRIGGS, NO: PENDING CASE NO.  
ASSIGNMENT; ERIC M. TURNER, FILE NO: PENDING CASE NO.  
ASSIGNMENT; MOVE COMPLAINTS TO THE NEXT HIGHEST LEVEL OF  
REVIEW, VOID OF CONFLICT OF INTEREST AND APPEARANCE OF  
IMPROPRIETY; BEGIN IMMEDIATE INVESTIGATION OF CONFLICTS OF  
INTEREST AND APPEARANCES OF IMPROPRIETY IN THE REVIEW OF  
ALL NAMED RESPONDENTS AS CHARGED AND IN THE ATTACHED  
COMPLAINT AGAINST MATTHEW H. TRIGGS**

**Petitioners, Eliot I. Bernstein and P. Stephen Lamont individually and Eliot I. Bernstein collectively hereinafter termed (“Petitioner”) hereby requests that the Court:**

1. Enter an order for granting a motion for an emergency hearing to prevent the destruction of the file pertaining to the Wheeler Complaint by The Florida Bar, and securing the file pertaining to the Wheeler Complaint by this Court.

2. Enter an order granting a petition for temporary and permanent injunctive relief prohibiting The Florida Bar from destroying Petitioner’s file pertaining to its complaint against Christopher C. Wheeler, Esq., The Florida Bar File No. 2003-51, 109 (15c) (“Wheeler Complaint”) and the Wheeler Complaint pending docket number (“Wheeler Complaint 2”) and as it relates to all other complaints with The Florida Bar and other state and federal investigations, including investigations at the United States Patent and Trademark Office whereby actions resulting from charges of Fraud Upon the United States Patent and Trademark, wherein the nexus of events is related to all complaints and with certain conflicts of interest that took place during the time of the (“Wheeler Complaint”) whereby all files are necessary for investigation from The Florida Bar in determining the extent of the conflicts. The attached Triggs complaint has been

filed with the Florida Bar and deals in depth with conflicts of interests attached Exhibit “F”.

3. Enter an order granting a petition for declaratory relief as to the nature of the position(s), including the dates of tenure, held by Christopher C. Wheeler, Matthew Triggs (“Triggs”) and Spencer Sax (“Sax”), with The Florida Bar, and proof of delivery to and review of the Wheeler Complaint by the Chair, and verified preservation of, and delivery to Petitioner, all Florida Bar attorney work product, correspondences and notes not delivered to Petitioner, in light of the conflict of interest, appearance of impropriety and abuse of public office of The Florida Bar as discussed in detail under section IV herein;

4. Enter an order granting a petition to begin an immediate investigation of the Wheeler Complaint; and, move the Wheeler Complaint and all subsequently related complaints to the next highest level of review, void of conflicts and the appearance of impropriety; enter an order for a conflicts of interest check to be performed on all Supreme Court and The Florida Bar employees or other officers, who have in any way participated or are to participate in any of the complaints on file with The Florida Bar and This Court case SC04-1078. The conflicts of interests involved in these matters will be apparent to This Court and that such conflicts checks be signed, stating that the individual is in no way related in any way to any party of the matters contained in the complaint and a further sworn statement that no conflict has existed since the filing of the complaints with The Florida Bar and a copy forwarded to Petitioners.

and in support state as follows:

## BACKGROUND

5. That Christopher C. Wheeler, ("Wheeler") was a partner of Proskauer Rose, LLP ("Proskauer") and who provided legal services to Petitioner.

6. That Kenneth Rubenstein, ("Rubenstein") who various times relevant hereto was initially misrepresented by Wheeler as a partner of Proskauer and later became a partner of Proskauer, and who provided legal services to the Petitioner both while at Meltzer, Lippe, Goldstein & Schlissel, LLP ("MLGS") and Proskauer.

7. That Raymond A. Joao, ("Joao") who initially was represented to be Rubenstein's associate at Proskauer, when in fact Joao has never been an employee of Proskauer but in fact was an employee of MLGS.

8. That beginning in 1998, Petitioner, through its agent and principal inventor Eliot I. Bernstein ("Bernstein"), held discussions with Wheeler and Rubenstein with regard to Proskauer providing legal services to Petitioner involving specific technologies developed by Bernstein and two others, Zakirul Shirajee ("Shirajee") and Jude Rosario ("Rosario") collectively termed hereinafter ("Inventors"), which technologies allowed for:

i. Zooming of digital images and video without degradation to the quality of the digital image due to what is commonly referred to as "pixelation"; and,

ii. The delivery of digital video using proprietary scaling techniques whereby a 75% bandwidth savings was discovered and a corresponding 75% processing power decrease and storage efficiency were realized; and,

iii. A combination of the image zoom techniques and video scaling techniques described above; and,

iv. The remote control of video cameras through communications networks.

9. That Bernstein, Inventors and later Petitioner, engaged the services of Proskauer to provide legal services to a company to be formed, including corporate formation and governance for a single entity and to obtain multiple patents and oversee US and foreign filings for such technologies including the provisional filings for the technologies as described in paragraph 4 above, ("Technology"), and such other activities as were necessary to protect the intellectual property represented by the Technology.

10. That the Technology, when bundled with third-party technologies, provides for VHS quality video at transmission speeds of 56Kbps ("modem dial-up connection"), previously thought to be impossible, to DVD quality at up to 6MB per second (traditional terrestrial or broadcast station to home antennae), and has an incredible seventy five percent (75%) savings in throughput ("bandwidth") on any digital delivery system such as cable, satellite, multipoint-multichannel delivery system, or the Internet, and a similar 75% savings in storage and processing on mediums such as digital video discs ("DVD's"), opening the door for low bandwidth video cell phones and other revolutionary video markets.

11. That at the time of the engagement of Proskauer and thereafter, Bernstein, petitioner companies and shareholders at such time, were advised and otherwise led to believe that Rubenstein was the Proskauer partner in charge of the account for patents and Wheeler for corporate matters, further this information was used to raise all of the

capital and included in a Wachovia Securities Private Placement Memorandum (“PPM”), pursuant to Regulation D of the Securities Act of 1933, that Proskauer co-authored, billed for and disseminated, whereby Wheeler and Rubenstein also served as active members of an Advisory Board for Petitioner companies in which Wheeler and Rubenstein were essential to raising capital and directing the patent applications, copyrights and corporate matters. This constitutes securities fraud perpetrated on Petitioner by Wheeler and Proskauer as evidenced to The Florida Bar in the Wheeler Complaint.

12. That upon information and belief, Wheeler, Rubenstein, and Joao upon viewing the Technology developed by Bernstein, and held by Petitioner, realized the significance of the Technology, its various applications to communication networks for distributing video and images and for existing digital processes, including but not limited to, all forms of video delivery, digital cameras, digital imaging technologies for medical purposes and digital video, and that Proskauer, MLGS, Wheeler, Rubenstein and Joao then conspired to undertake and in fact undertook a deliberate course of conduct to deprive Bernstein and Petitioner of the beneficial use of such Technology for their own gains. Proskauer, further allowed the unauthorized use of the Technology by third-parties, such as Rubenstein’s patent pools and pursuant to Non-Disclosure Agreements (“NDA”) for multitudes of their clients that are now not enforced, whereby Proskauer is fully cognizant of their client’s uses of Petitioner Technology under such NDA’s. Additionally, it is factually alleged that Wheeler, Rubenstein and Joao all have had personal financial gains through the misappropriation of Petitioner’s Technology and Proskauer has had profit and financial gain to its entire partnership and all partners, through the acquisition of the patent pools as a client (after learning of Petitioner’s

Technology), and the further exclusion of Petitioner from such patent pools which generate enormous fees to Proskauer and perhaps other untold revenues, all to the detriment and damage of the Petitioner.

13. That Wheeler, who was a close friend of Brian G. Utley (“Utley”), recommended to Bernstein and other members of the Board of Directors of Petitioner that Petitioner engage the services of Utley to act as President of Petitioner companies based on his knowledge and ability as to technology issues.

14. That at the time that Wheeler made the recommendation of Utley to the Board of Directors, Wheeler knew that Utley had been engaged in a dispute with his former employer, Diamond Turf Equipment, Inc. (“DTE”) and the fact that Utley had misappropriated certain patents on hydro-mechanical systems to the detriment of DTE, as Utley was terminated for cause according to Monte Friedkin (“Friedkin”), owner of DTE and that DTE was closed due to Utley, forcing the owner to take a several million dollar loss.

15. That on information and belief, Wheeler may have had a part in the misappropriation of the patents from DTE with Utley, in that Wheeler had formed a company for Utley where the misappropriated patents are believed to have been transferred. Despite Wheeler’s involvement, Wheeler was fully cognizant of this patent dispute with Utley and DTE, as confirmed by the former owner of DTE, Friedkin, and further confirmed in depositions with Utley and Wheeler. That Wheeler’s recommendation of Utley to the Board of Directors knowingly failed to disclose this to Petitioner and in fact Wheeler circulated a resume on behalf of Utley claiming that as a result of Utley’s inventions that DTE went on to become a leader in the industry, when

Wheeler knew that the company had been closed by the patent problems of Utley and perhaps Wheeler. That Wheeler further conspired with Utley to circulate a knowingly false and misleading resume to Petitioner shareholders and induced investment without ever disclosing this information.

16. That despite such knowledge, Wheeler never mentioned such facts concerning Utley to any representative of Petitioner and in fact undertook to "sell" Utley as a highly qualified candidate who would be the ideal person to undertake day to day operations of Petitioner acting as a qualified engineer which he was not.

17. That additionally, Wheeler continued to assist Utley in perpetrating such fraud on both the Board of Directors of Petitioner and to third parties, including for the Wachovia Securities PPM, by approving a false resume for Utley which was included in the raising funds, in violation of and pursuant to Regulation D of the Securities Act of 1933.

18. That based on the recommendations of Wheeler, as a partner of Proskauer and as a ten year friend of Utley, the Board of Directors agreed to engage the services of Utley as President and Chief Operating Officer based on false and misleading information knowingly proffered by Proskauer and Wheeler.

19. That almost immediately after Utley's employment, Wheeler provided a purported retainer agreement ("Retainer") for the providing of services by Proskauer to Petitioner, addressed to Utley. That the Retainer agreement comes after one year of Proskauer providing services whereby patent disclosures were given directly from Inventors to Proskauer partners in that time, including but not limited to, Wheeler, Rubenstein and Joao, and finally on information and belief, Petitioner states that



Proskauer and Utley conspired to replace the original retainer agreement with the Petitioner companies, with the Retainer void of patent services that were originally agreed upon and performed on. That the services provided were in fact to be partially paid out of the royalties recovered from the use of the Technology, which was to be included in patent pools overseen by Rubenstein who had deemed them “novel” and “essential” to the patent pools.

20. That the Retainer by its terms contemplated the providing of corporate and general legal services to Petitioner by Proskauer and was endorsed by Utley on behalf of Petitioner, the Board of Directors of Petitioner would not have Utley authorized to endorse same as it did not include the intellectual property work which Proskauer had already undertaken.

21. That prior to the Retainer, Proskauer, Rubenstein, Joao and Wheeler had provided legal services to Petitioner, including services regarding patents with Rubenstein being given full disclosure of the patent processes.

22. That Proskauer billed Petitioner for legal services related to corporate, patent, trademark, copyright and other work in a sum of approximately Eight Hundred Thousand Dollars (\$800,000) and now claims to have not done patent work, a materially false statement with insurmountable evidence to the contrary, as evidenced by Exhibit “A” (the management section, including Advisory Board, for the Wachovia Securities PPM used to induce investment and loans including from the Small Business Administration, a federal agency, and whereby it states that Proskauer was “retained patent counsel” for Petitioner companies and contrary to the current claims by Proskauer that they performed no patent work told to state and federal investigatory bodies.

23. That Proskauer billed Petitioner for copyright legal services never performed causing loss of intellectual property rights, double-billed by the use of multiple counsel on the same issue, falsified and altered billing information to hide patent work and systematically overcharged for services provided.

24. That based on the over-billing by Proskauer, Petitioner paid a sum in of approximately Five Hundred Thousand Dollars (\$500,000.00) together with a two and one-half percent (2.5%) equity interest in Petitioner, which sums and interest in Petitioner was received and accepted by Proskauer.

25. That Wheeler, Utley, Rubenstein, Joao, Proskauer, and MLGS conspired to deprive Petitioner of its rights to the Technology developed by Inventors:

i. Aiding Joao in improperly filing patents for Petitioner Technology by intentionally withholding pertinent information from such patent applications and not filing same timely, to allow Joao to apply for similar patents in his own name and other malfeasances, both while acting as counsel for Petitioner and subsequently. That Joao now claims that since working with Petitioner companies he has filed approximately ninety patents in his own name, rivaling Thomas Edison, and;

ii. Upon discovery of the problems in Joao's work and that Joao was writing patents benefiting from Petitioner's Technology in his name, that Wheeler and Utley referred the patent matters for correction to William J. Dick, ("Dick") of Foley & Lardner LLP ("Foley"), who was also a close personal friend of Utley and who had been involved, unbeknownst and undisclosed to Petitioner at the time, in the diversion of patents to Utley at

his former employer DTE, perhaps with Wheeler, to the detriment of DTE, thereby establishing a pattern of patent malfeasances; and,

iii. Transferring patent assignments to companies, the formations of which were unauthorized by Petitioner, whereby Proskauer may now have full ownership of such patents, quite to the detriment of Petitioner and Petitioner companies shareholders.

iv. That Wheeler further conspired in the transferring of prior patent applications or the filing of new patent applications, unbeknownst to Petitioner, conspiring with Foley so as to name Utley as the sole holder or joint inventor of multiple patents fraudulently and with improper assignment to improper entities, when in fact such inventions were and arose from the Technology developed by Inventors and held by Petitioner companies, prior to Utley's employment with Petitioner; and,

v. Further failing to list proper inventors and fraudulently adding inventors to the patents, constituting charges now pending before the Commissioner of Patents (“Commissioner”) of fraud upon the United States Patent and Trademark Office (“USPTO”) against these attorneys as filed by Petitioner and its largest investor Crossbow Ventures™, resulting in the failure of the patents to include their rightful and lawful inventors as confirmed in conversations and correspondence with the USPTO. The wrong inventors has lead to investors not having proper and full ownership in the patents and in some cases NO ownership; and,

vi. Failing to properly assign the inventions and fraudulently conveying to investors and potential investors knowingly false and misleading intellectual property dockets and other false and misleading information, prepared and disseminated by these attorneys. The intellectual property dockets illustrate false and misleading information on the inventors, assignees and owners of the Technology. The wrong assignments may lead to investors not having proper and full ownership in the patents; and,

vii. Knowingly, failing to ensure that the patent applications for the Technology contained all necessary and pertinent information relevant to the Technology and as required by patent law; and,

viii. Billing for, and then failing to secure copyrights. Failing to complete copyright work for the source code for the Technology of Petitioner as intellectual property. Further, falsifying billing statements to replace copyright work with trademark work, although the billings are full of copyright work that has never been performed; and,

ix. Allowing the infringement of patent rights of Petitioner and the intellectual property of Petitioner by patent pools overseen by Proskauer and Rubenstein, and, other clients of Proskauer, Rubenstein, and Wheeler, whereby Proskauer, Rubenstein, Joao and Wheeler profit from such infringement to the detriment of Petitioner and Proskauer, Rubenstein, Joao and Wheeler clients profit from violations of NDA's secured by Proskauer and their partners, infringements all to the detriment of Petitioner.

x. Through allowing Rubenstein, whom acted as patent counsel and an Advisory Board member to Petitioner, full access to the patent processes to proliferate throughout the patent pools he controls with Proskauer, wherein Rubenstein now attempts to state that he does not know the Company, the Inventors or the Technology and never was involved in any way, thereby constituting perjured deposition testimony and further false statements to a tribunal by Wheeler and Rubenstein. Witnesses and direct evidence refute Rubenstein's and Wheeler's denials, and, further, Proskauer failed to secure conflict of interest waivers from Petitioner, has no "Chinese Wall" between Rubenstein and Petitioner, that under ordinary circumstances such conflict waivers and separations would have been common place for Proskauer, as a result of the patent pools which directly compete with Petitioner Technology. Furthermore, Rubenstein heads the following departments for Proskauer: patents, trademarks and copyrights, and whereby Proskauer and Rubenstein are now the single largest benefactor of Petitioner Technology because of such conflicts and failure to obtain such waiver.

26. That Petitioner, in discussions with the USPTO on or about February 1, 2004, finds patent information different from every intellectual property docket delivered to Petitioner by every retained patent counsel, as to inventors, assignments, and, in particular, one or more patent applications in the name of Utley with no assignment to Petitioner, and to which, according to the USPTO, Petitioner presently holds no rights, titles, or interest in that particular patent application. That such patent issues have caused Petitioner, in conjunction with its largest investor, Crossbow Ventures (the largest South

Florida venture fund) and Stephen J. Warner, the Co-Founder, former Chairman of the Board and CEO, to file a complaint with the USPTO alleging charges of Fraud Upon the United States Patent and Trademark Office, now causing the Commissioner after review to put a six-month suspension on all Petitioner US patent applications while investigations are proceeding into the attorney malfeasances whereby no more damages may occur in such period.

27. That Wheeler and Proskauer, rather than pursuing the corporate formation and governance for entities directed by the Board of Directors, proceeded to engage in fraud and deceit by the corporate formation of multiple entities in a multi-tiered structure thus engaging, effectively, in a “shell game” as to which entity and under what structure would hold assignment of the Technology.

28. That upon information and belief, Wheeler and Proskauer through a disingenuous scheme comprised of the unauthorized formation of similarly named entities, unauthorized asset acquisitions and transfers, unauthorized name changes, falsification of inventors and falsification of assignments, all that effectively result in the assignment of Petitioner’s core inventions to; wrong inventors, wrong assignees and finally on information and belief, an entity, Iviewit Technologies, Inc., of which Proskauer is one of four, or less, presumed shareholders and whereby the company was set up solely by Proskauer to hold Proskauer stock in Petitioner company, and whereby the Petitioner companies shareholders now have no verifiable ownership interest in such entity which now holds several core patents, not authorized by the Board of Directors. With no evidence of an ownership position of Petitioner in Iviewit Technologies, Inc., and whereby an Arthur Andersen audit failed to provide such incident of ownership, it is

unclear if the Petitioner shareholders have any interest in these patents in such unauthorized entity. This potential “shell game” resulted from a name change from the unauthorized Proskauer entity named originally Iviewit Holdings, Inc. to Iviewit Technologies, Inc., which was formed by Proskauer, unbeknownst to the Board of Directors, with an identical name to a Petitioner company (Iviewit Holdings, Inc.) that was changing its name from Uview.com, Inc. and in the two weeks the unauthorized entity maintained an exactly identical name to Petitioner company, patents were assigned into the now named Iviewit Technologies, Inc., which on the day Petitioner company changed it’s name to Iviewit Holdings, Inc. Proskauer changed the name of their entity from Iviewit Holdings, Inc. to Iviewit Technologies, Inc., with the assigned patents ending up in the wrong company, whereby Proskauer may be a majority shareholder with Petitioner investors not having any ownership in the patents in the unauthorized entity. It is alleged that Proskauer maintained two sets of corporate books, two sets of patent books and was attempting to direct the core patents out of the Petitioner companies naming Utley as the inventor and leaving Petitioner companies bankrupt and with inferior patents while the core technologies were stolen off with.

29. That Utley, Wheeler and Proskauer engaged in the transfer of a loan from a group of Proskauer referred investors and that such loan transacted without approval from the Board of Directors or Crossbow Ventures and without full and complete documentation of the transaction ever being properly completed and no bank records produced to correspond to such transaction. That upon learning of such loan transaction and requesting auditing of such transaction, Petitioner found missing records and that, further, employees’ eyewitness testimonies in written statements, show a large briefcase

of cash, claimed to be from the Proskauer investors, was used to attempt to bribe employees to steal trade secrets and proprietary equipment, and further such equipment was stolen off with by Proskauer's management team led by Utley, as he was being fired with cause when he was found to be misappropriating patents into his name. This alleged theft of between Six Hundred Thousand Dollars (\$600,000.00) and One Million Dollars (\$1,000,000.00) by Proskauer and their management referrals, of money loaned to the Company, is currently under investigation by the Boca Raton Police Department in conjunction with the Securities and Exchange Commission and the Federal Bureau of Investigation (West Palm Beach).

30. That as a direct and proximate result of the actions of the Wheeler, Rubenstein, Joao, and Proskauer, Petitioner has been damaged in a sum estimated to be approximately Seventeen Billion Dollars (\$17,000,000,000.00), based on company projections and corroborated by industry experts as to the value of the Technology and the applications to current and future uses over the twenty year life of such patents.

31. That the series of events of paragraphs 1 through 30, resulted in Petitioner's filing of the Wheeler Complaint, and subsequently this Petition.

**I - MOTION FOR EMERGENCY HEARING TO: BLOCK DESTRUCTION OF FILES BY THE FLORIDA BAR; AND, SECURE FILES FROM THE FLORIDA BAR.**

32. That Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 30 as if fully set forth herein.

33. That Petitioners, Eliot I. Bernstein and P. Stephen Lamont collectively ("Petitioners") hereby requests that the Court: (i) *inter alia*, as a result of the conflict of Matthew H. Triggs ("Triggs") in this case, enter an order granting a motion for an



emergency hearing to prevent the destruction of The Florida Bar File No. 2003-51, 109(c) (“Wheeler Complaint”); and (ii) *interalia*, as a result of the Triggs conflict in this case, enter an order granting a motion for an emergency hearing to secure the file of the Wheeler Complaint by this Court and in support state as follows:

34. That on or about July 1, 2004 Petitioners discovered a conflict of interest, and a conflict acknowledged by John Anthony Boggs, Director, Legal Division of The Florida Bar (“Boggs”) in his letter of July 9 attached herein as Exhibit “G”, in the response to the Wheeler Complaint by Triggs, insofar as Triggs was a member of the Fifteenth Judicial Circuit Grievance Committee from on or about April 1999 to on or about March 31, 2003, and a period in which his representation of the Wheeler Complaint fell within a one year exclusionary period for grievance committee members.

35. That, *interalia*, as a result of the conflict of interest of Triggs, acknowledged by Boggs, Petitioners have filed an Amended Petition at even date herein.

36. That Petitioners, in an electronic mail message attached herein as Exhibit “H”, have been advised by Kenneth L. Marvin of The Florida Bar that he intends to destroy the file pertaining to the Wheeler Complaint on August 2, 2004.

37. That the file pertaining to the Wheeler Complaint is instrumental in revisiting the Wheeler Complaint as a result of the conflict of interest of Triggs, acknowledged by Boggs, as well as the now filed complaints against Triggs and Eric. M. Turner with The Florida Bar.

38. That as the file pertaining to the Wheeler Complaint is instrumental, Petitioner requests this Court to secure the entirety of the file pertaining to the Wheeler Complaint.

39. That Petitioners request in this matter directly follows upon the acknowledged conflict of interest and appearance of impropriety in the New York State bar complaints against Kenneth Rubenstein Docket 2003.0531, Raymond A Joao Docket 2003.0532, Thomas J. Cahill Docket 2004.1122 Inquiry Number, and Steven C. Krane Docket 2004.1883.

Wherefore, Petitioner requests that this Court enter an order for granting a motion for an emergency hearing to prevent the destruction of the file pertaining to the Wheeler Complaint by The Florida Bar, and securing the file pertaining to the Wheeler Complaint by this Court.

## **II – INJUNCTIVE RELIEF**

40. Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 30 as if fully set forth herein.

41. That Petitioner filed a complaint with The Florida Bar that alleges that Wheeler was involved in all facets of the above the series of events and has therefore committed professional misconducts with numerous violations of the Rules of Professional Conduct (“Rules”) as regulated by The Florida Bar.

42. That the lack of an adequate review, or any investigation, at The Florida Bar by Counsel Lorraine Christine Hoffman, Esq. (“Hoffman”), in July 2003, wherein she dismissed the Wheeler Complaint without investigation, as a result of ongoing litigation by and between Petitioner and Proskauer, a billing dispute case titled Proskauer Rose LLP v. Iviewit.com, Inc. et. al., Case No. CA 01-04671 AB (Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida filed May 2, 2001) (“Litigation”), and was the result of her desire to see what findings that court would make

in her termed “sufficiently similar” allegations, although Hoffman knew at such time that the case was wholly dissimilar, as the Litigation was merely a billing dispute case that contained a denied motion in January 2003, denied due to a late filing of the counterclaim which had allegations similar to the Wheeler Complaint. Yet, neither the counterclaim, nor any of the allegations contained therein was ever heard or tried, and due to this denial at the court, the complaint was filed with The Florida Bar with the allegations never heard by the court. That Hoffman’s delay may have been caused by the conflict of interest as fully defined under section IV herein.

43. That, once apprised that the Litigation had ended due to a technical default by Petitioner and Petitioner’s request for reinstatement of the Wheeler complaint, Hoffman, seemingly does an about face and claims that the Wheeler Complaint is a civil dispute outside of the jurisdiction of The Florida Bar, despite the multiplicity of professional misconducts alleged, including participating in a scheme in the misappropriation and conversion of Petitioner’s funds, conflicts of interests and other such ethical misconduct regulated by The Florida Bar, and further Hoffman was notified that no civil case was pending that contains any of the charges, being that The Florida Bar complaint was the first step, in several states of bringing these matters to justice. That Hoffman’s further delay and dismissal may have been caused by the conflict of interest as fully defined under section IV herein.

44. That upon review by Eric Montel Turner (“Turner”), Chief Branch Discipline Counsel, and again with no investigation into the complaint, Turner dismisses the Wheeler complaint and further makes an incorrect determination and endorsement on behalf of Wheeler in his response, whereby he claimed that Proskauer did NO patent

work for Petitioner, despite the volumes of evidence to the contrary contained in Petitioner's rebuttal, documents submitted in direct contradiction to his statement over the last several months including a management section of the Wachovia PPM that was submitted to Petitioner's largest investor for use to raise capital from the Small Business Administration, a federal agency, in which Rubenstein and Proskauer clearly are referred to as "retained patent counsel" and which Rubenstein and Wheeler are further listed as Advisory Board Members, Exhibit "A", finally such PPM was reviewed, co-authored, disseminated and billed for by Proskauer. Further, this Turner opinion and endorsement seems to defy the Rules Regulating the Florida Bar whereby it appears that without investigation The Florida Bar cannot make determinations in favor of either party, nor make endorsements of either side. Upon submission of a formal Florida Bar complaint against Turner for such endorsement, The Florida Bar has chosen to investigate the matter of the endorsement as an internal employee matter versus a formal bar complaint. Upon further information obtained recently, a conflict of interest and appearance of impropriety, as fully defined under section IV herein, may also have influenced The Florida Bar complaint against Turner and therefore in light of the recently discovered conflict and appearance of impropriety this may now cause the Turner bar complaint to be re-opened as a formal bar complaint.

45. That after receiving the Turner "dismissal" without investigation letter, Petitioner contacted Turner to find out how to motion the Wheeler Complaint to the next highest review level, whereby Turner stated that he was the final review for The Florida Bar and therefore the case was permanently closed and he was moving to destroy the file. When questioned further, Turner stated that Petitioner could call the general number of

The Florida Bar in Tallahassee and hung up. Upon contacting the Tallahassee office, Petitioner spoke with Kenneth L. Marvin (“Marvin”), Director Of Lawyer Regulation, who stated that Turner was factually incorrect and that the matter could be reviewed by the Chairperson of the 15(c) Grievance Committee (“Chair”). Marvin then directed Petitioner to have Turner follow procedure and move the case for review to the Chair.

46. Suddenly, upon notice that Marvin had been contacted, Turner does an about face and presumably turns the Wheeler Complaint to the next higher level of review at The Florida Bar, the Chair.

47. That, despite Petitioner’s requests, Turner refuses the accommodation of the proof of delivery to the Chair, the name and contact information for the Chair, and any other pertinent information about the Chair.

48. That, despite Turner’s assurance that the Chair would respond to the Wheeler Complaint in due course directly to Petitioner, that Turner then pens a letter in his own hand conveying a message, seemingly and unintelligibly from the Chair, attached Exhibit “B”, that merely regurgitates on behalf of the Chair, Turner’s prior determination that Wheeler’s firm, Proskauer had done no patent work, a determination made in endorsement of Wheeler’s position, all without any formal investigation, whereby The Florida Bar should have been precluded from endorsing either party in any way without an investigation, per the Rules. Further, that such endorsement may have been influenced by the conflict of interest, appearance of impropriety, abuse of public office all recently discovered and discussed further in section IV.

49. That the Chair’s response as per Turner, upon information and belief, a one Joy A. Bartmon, Esq. (“Bartmon”), may have been inapposite to the Rules

Regulating the Florida Bar in that the Chair's response seems to also attempt to endorse the Wheeler position that Proskauer did NO patent work and whereby no investigation had been done to reach such conclusion and therefore may constitute cause for an additional complaint to be filed against Bartmon if it is proven that the Turner response on her behalf was in fact tendered by Bartmon.

50. Further, should investigation prove The Florida Bar statements wrong regarding Proskauer not doing patent work, liability may arise to The Florida Bar, as The Florida Bar conclusions, have been being proffered to other state and federal agencies in investigations into these matters and have been used by other attorneys in their defense, citing Wheeler's purported innocence in the matters contained in The Florida Bar complaint against him after review and investigation by The Florida Bar, which such false statements caused influence on a tribunal investigating similar allegations. These statements regarding The Florida Bar outcome are far from the truth of the matter, and whereby The Florida Bar after being noticed of the misstatements refused to amend and retract their statements of endorsement and to further correct such false statements of the outcome of the Wheeler Complaint, made by another attorney, Dick, to the Virginia State Bar. The failure to report such misconduct of another attorney Dick, once Turner and Marvin were noticed of the false statements, appears also be a violation of Turner's and Marvin's ethical obligations to report such attorney misconduct to another tribunal.

51. That as a result of the missteps and miscues in the reviews by Hoffman, Turner, and Marvin, that may all have been improperly influenced by the Wheeler and Triggs conflict of interest and appearance of impropriety as defined fully in section IV herein, it is plausible that the conflict may have tainted the Wheeler Complaint, with the

assistance of Hoffman, Turner and Marvin and other John Doe's that may be determined at a later date.

52. That especially in light of Turner's claim that there was no higher level of review beyond his review and prior to Marvin's determination that a higher level of review was available, and then due to Turner's refusal to provide proof positive of delivery to, and verified proof of review by the Chair, Petitioner must request that This Court issue an injunction preventing The Florida Bar from destroying the file of the Wheeler Complaint on August 2, 2004.

53. That Petitioner has discovered a conflict of interest and appearance of impropriety by Wheeler and his attorney Triggs, whereby the entirety of the Wheeler response comes into question and the prior file, including all The Florida Bar internal review files must be re-analyzed in view of the conflict as discussed in detail under section IV.

Wherefore, Petitioner requests that This Court enter an order for temporary and permanent injunctive relief preventing The Florida Bar from its destruction of the Wheeler file on August 2, 2004, and for such other and further relief that the Court deems as appropriate.

### **III – DECLARATORY RELIEF**

54. That Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 30 as if fully set forth herein.

55. That during the period of the Turner review and the Chair review, Petitioner requested information pertaining to, including but not limited to:

i. Nature of the position(s), including the dates of tenure, of Christopher C. Wheeler with The Florida Bar, if any;

ii. Nature of the position(s), including the dates of tenure, of Spencer Sax (“Sax”) with The Florida Bar, if any;

iii. Nature of the position(s), including the dates of tenure, of Matthew Triggs with The Florida Bar, if any;

iv. A list of all Grievance Committee Members and any other person who has worked on the Wheeler Complaint with a confirmation that there are no additional conflicts of interests existing presently in these matters;

v. Proof of delivery and review of file by Chair, whom if the Turner letter on behalf of the Chair is further endorsed by the Chair, it would constitute yet another problem of endorsement without investigation as the Turner letter states on behalf of the Chair that Proskauer did NO patent work for Petitioner. This would also appear in violation of The Rules Regulating the Florida Bar regarding endorsing parties without investigation;

vi. Contact information for the Chair and the history of The Florida Bar Chair position since filing of the Wheeler Complaint, with a letter from each stating no conflict of interest in these matters;

vii. An explanation of the unintelligible letter proffered by Turner on behalf of the Chair with confirmation that the Chair confers with such unintelligible letter; and



viii. Any correspondences or notes pertaining to the Wheeler complaint not since delivered to Petitioner that were used in determining the opinion proffered by Turner and the Chair whereby they conclude and endorse Wheeler's defense that Proskauer did NO patent work for Petitioner.

56. That Turner failed, despite multiple requests by Petitioner, to provide the information requested that may prove valuable in amending or revising the Wheeler complaint and certainly where such information has now uncovered a previously undisclosed and hidden conflict of interest by Wheeler and Triggs as discussed fully in section IV, Petitioner therefore is in need of This Court ordering a declaration of the past and present status of Wheeler, Sax, Triggs, Grievance Committee Members, Chair at the Bar for all times since the original Wheeler Complaint and any other individual involved during the time period of the Wheeler Complaint to determine how deep such conflict of interest and influence peddling may have traversed and determine who was involved.

Wherefore, Petitioner requests that This Court enter an order for declaring the status of Wheeler, Sax, Triggs, Grievance Committee Members, Chair at the Bar or any other individual involved during the time period of the Wheeler Complaint who had any involvement in such matters.

**IV – BEGIN THE IMMEDIATE INVESTIGATION OF THE COMPLAINT  
AGAINST CHRISTOPHER C. WHEELER, ESQ.**

57. That Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 30 as if fully set forth herein.

58. That the Petitioner's alleges that the missteps and miscues by Hoffman, Turner, and Marvin was the genesis of a series of events, that protect Proskauer and Wheeler, using The Florida Bar as a shield and to further influence other investigatory bodies, with false and misleading information, that all appear to fall from the missteps and miscues of Hoffman, Marvin and Turner and who may have further been influenced by the Triggs\Wheeler conflict of interest and abuse of public office as discussed in detail in Section IV herein, to the following:

i. The deferment of Petitioner's Wheeler complaint causing such complaint to receive no formal investigation;

ii. That after notification that the civil litigation had ended and none of the attorney misconduct issues were heard or tried, that Hoffman did an about face and dismissed the Wheeler Complaint as a civil matter outside the jurisdiction of The Florida Bar;

iii. That Petitioner notified Turner that The Florida Bar was being used as a shield to create the false and misleading impression at the Virginia State Bar, that The Florida Bar had "investigated" and dismissed the action against Wheeler and that false statements were being used in other state and federal investigations, whereby the Florida Bar took no actions once noticed of such attorney misconduct by Dick;

iv. That Turner fails to report misconduct of Dick to the Virginia State Bar, knowing that Dick had promulgated false and misleading conclusions of The Florida Bar matter against Wheeler; and

v. That allow Hoffman, Turner and then Bartmon to endorse Wheeler's position without any investigation and further failing to address repeated requests to retract such statements;

vi. Hoffman and Turner do not investigate Petitioner's complaint against Wheeler, where such complaint would have required questioning of Wheeler leading to the uncovering of the entire matter. Where had the matter been void of conflict and the appearance of impropriety, and attorney sanctions or investigations into the professional misconducts by The Florida Bar were instituted, that such actions could have proved instrumental in preventing further damages and liabilities to Petitioner and where these damages must be evaluated again to see if the conflict of interest now found, as discussed in detail in Section IV herein, may have been an influence in such outcome, further causing liabilities for all those now involved with the conflict.

59. That Petitioner alleges that this coordinated series of attempts to stave off and delay the investigation of the complaints against Wheeler emanates from the very highest levels at Proskauer and across to The Florida Bar through the conflict of interest with Triggs, where Triggs and Proskauer knowingly abused the public office position of Grievance Committee Member that Triggs had held since 1999, used as a means to protect Wheeler from facing the charges of the complaint through Triggs influence peddling with The Florida Bar and as a means to protect Proskauer's position as the now self proclaimed formative force in the pioneering of the patent pool for MPEG technology, a technology pool that directly competes with the Petitioner Technology, and

that would, in effect, be trumped by the Petitioner's Technology which have been valued over the life of the patents at approximately seventeen billion dollars (\$17,000,000,000) by industry experts.

60. That these patent thefts have led to Proskauer becoming the preeminent player in Petitioner's Technology, through the acquisition of Rubenstein and his patent department from MLGS, immediately after determining the value of the Petitioner's patent applications, where prior, since 1875, Proskauer had been a mainly real estate law firm with no patent department. The acquisition of Rubenstein who specializes and is a preeminent force in the niche market that Petitioner's inventions relate to, appears highly unusual and after learning of the Company's inventions these patent pools controlled by Proskauer and Rubenstein, are now the single largest benefactor of Petitioner's Technology. The Technology of Petitioner applies to almost every known form of digital imaging and video and has been heralded in the industry as "holy grail" inventions.

61. That on or about February 1, 2004, Petitioners filed a complaint with the Commissioner of Patents, at the bequest of Harry I. Moatz ("Moatz"), the Director of the Office of Enrollment and Discipline, for registered patent attorneys, a unit of the USPTO. That Moatz has found problems with inventors, assignments and ownership of the patent applications filed by Rubenstein and Joao for Petitioner, culminating in Moatz directing Petitioner to file charges with the Commissioner against Rubenstein and Joao for Fraud Upon the United States Patent and Trademark Office and a true copy of which is attached herein as Exhibit "C". These charges of Fraud Upon the United States Patent and Trademark Office by these attorneys have been joined by the Crossbow Ventures in

addition to Petitioner, as mentioned a four million dollar investment is at risk from these attorneys misconducts. Similarly, it is claimed that fraud has occurred against Petitioner.

62. That on or about January 2, 2003, Moatz, inquired as to the status of the Petitioner's complaints in Florida against Wheeler, which had languished since filing.

63. That the Commissioner has heard Complainant's specific, factual allegations of Fraud Upon the United States Patent and Trademark Office and has granted a six (6) month suspension of the Complainant patent applications from further prosecution at the USPTO, while matters pertaining to the attorney misconduct can be further investigated. Petitioner has also filed formal responses of similar allegations with the European Patent Office and intends to file soon with the Japanese Patent Office.

64. That Petitioner apprised Turner of the USPTO's actions on or about March 2004, Turner, when viewing the actions of a United States Federal agency, a United States Federal agency operating under the aegis of the United States Department of Commerce, and a United States Federal agency operating under a department that is a United States cabinet level agency, Turner should have called for an immediate investigation of the Wheeler complaint, rather than his tepid determination and endorsement that Proskauer did no patent work, an endorsement by The Florida Bar of Wheeler's position with absolutely no formal investigation into the matter and contrary to multitudes on evidence and sworn statements of witnesses submitted to The Florida Bar in the Wheeler Complaint.

65. Where the specific factual allegations of Petitioner have been deflected by Proskauer through the misuse of The Florida Bar and the New York Supreme Court Appellate Division, First Department Disciplinary Committee, ("Department") where in

New York another conflict of interest and appearance of impropriety caused by Proskauer partners, has caused Chief Counsel of the Department to motion the matter to the next highest level of review void of conflict and the appearance of impropriety, after recently discovering such conflict, Exhibit “D”, thereby such conflict may have aided Wheeler in alluding formal investigation from:

- i. Charges of patent theft against these patent attorneys;
- ii. Knowing and willful falsification of patent applications by these attorneys;
- iii. Purposeful falsification of inventors by these attorneys;
- iv. Patent application(s) filed whereby no rights, titles, or interests are currently held by Petitioner per the USPTO;
- v. Further wrongful assignments to some entities, in one particular instance concerning several core patent applications, the equity may be held by Proskauer rather than the investors of Petitioner;
- vi. To the forced insertion by Proskauer of individuals that mismanaged Petitioner and some now stand accused before the USPTO and the Boca Raton, Florida Police Department of misappropriation of patent applications;
- vii. To the alleged misappropriation and conversion of funds by individuals referred by Wheeler and with the assistance of Wheeler;
- viii. To Wheeler’s failure to report to the Board of Directors of Petitioner when requested regarding his questionable actions and during Proskauer’s tenure as general and patent counsel;

ix. To Proskauer's May 2001 billing lawsuit against Petitioner, used as means to harass and further cause damages to Petitioner;

x. To material false and misleading statements by Wheeler to The Florida Bar and a Florida Court

xi. The false and misleading statements by Dick to the Virginia State Bar;

xii. To suppression of Petitioner's specific factual allegations that are supported by volumes of evidence already submitted to The Florida Bar and further supported by Stephen J. Warner, Co-Founder and Chairman of Crossbow Ventures, Inc., Petitioner's lead investor as well as many other shareholders;

xiii. To Proskauer's tactic to utilize Triggs, who had a conflict of interest that both Wheeler and Triggs failed to disclose, to influence The Florida Bar to defer and dismiss the Wheeler complaint and;

xiv. Where the events of (i) through (xii) have all been successfully used by Proskauer with The Florida Bar and the Department acting as shields, mired in conflicts of interest and the appearances of impropriety in two state bars, whereby such conflicts have aided in the avoidance of investigation that should have been instituted by Hoffman, Turner and Marvin and that should have prevented further damages to Petitioner had proper due process been given to the complaints, free of the conflict and the appearance of impropriety created by Triggs and Wheeler's abuse of public office.

Wherefore, Petitioner requests that This Court enter an order directing the immediate investigation of the Wheeler Complaint in light of the recently uncovered conflict and provide complete disclosure of such conflict and issue a retraction of any endorsement tendered by The Florida Bar that may have been influenced by the Triggs conflict as discussed in detail in section IV herein.

**V – MOVE COMPLAINT TO THE NEXT HIGHEST REVIEW, VOID OF CONFLICTS AND APPEARANCE OF IMPROPRIETY**

66. That Petitioner re-alleges and hereby incorporates the allegations of Paragraphs 1 through 30 as if fully set forth herein.

67. That it has been shown to The Florida Bar that a conflict of interest and the appearance of impropriety existed in the Wheeler response to The Florida Bar complaint against him, a conflict caused by his attorney and partner, Matthew Triggs, who has violated his public office position of Grievance Committee Member, whereby he was prohibited from acting in any matter before The Florida Bar, under section:

3 7.11 (i) Disqualification as Trier and Attorney for Respondent Due to Conflict.

(4) Partners, Associates, Employers, or Employees of the Firms of Former Grievance Committee Members or Former Board of Governors Members Precluded From Representing Parties Other Than The Florida Bar. Attorneys in the firms of former board members or former grievance committee members shall not represent any party other than The Florida Bar in disciplinary proceedings authorized under these rules for 1 year after the former member's service without the express consent of the board.

Where Triggs had a Grievance Committee Role until 4/1/02 and whereby he was precluded from acting in any matter as counsel for any party until 4/1/03 and whereby Triggs violated such rule by acting as counsel, as evidenced by Exhibit “E” to Wheeler prior to such time and in violation of his public role.



56. That Wheeler and Triggs knowingly perpetrated such conflict to gain favoritism and influence The Florida Bar from taking investigatory actions against Wheeler and whereby such conflict and appearance of impropriety may have emanated to members of The Florida Bar, causing actions that may have been due to the influence this appearance of impropriety suggests protecting Wheeler and Proskauer, further rendering an immediate moving of the complaint of Wheeler to the next highest review determined by This Court to be void of further conflicts of interest of Triggs, Wheeler and The Florida Bar.

57. That Wheeler and Triggs have now caused The Florida Bar to have the appearance of impropriety from one its members and therefore if not dealt with by an unbiased third-party could lead to erosion of the public confidence in the profession of law and the enforcement agency, The Florida Bar, entrusted by the Supreme Court of Florida and representing such Court in protecting the public from attorney misconducts.

58. That a new complaint against Wheeler is being filed for the new charges of conflict of interest, appearance of impropriety, abuse of public, all charges contained in the original complaint against Wheeler, and that Petitioner requests that this complaint be moved out of The Florida Bar for review, to an unbiased or conflicted third party or that the Court institute procedures to protect Petitioner from further conflict and further appearance of impropriety by The Florida Bar in these matters and certainly by removing any parties already involved in any review to this point. Further, that in moving the matter, Petitioner requests that all conflicts and appearances of impropriety be fully disclosed to the next highest level review and with an immediate investigation due to the

lengthy delay already presumed to have been influenced by the current conflict of interest caused by Wheeler and Triggs.

59. That Petitioner requests that due to the Wheeler and Triggs conflict, that all related bar complaints filed or contemplated being filed against Turner, Hoffman, Triggs, Marvin, Bartmon and potentially others be moved out of the conflict to an independent third party for review or any other remedy This Court may find appropriate to avoid further conflict of interest and appearance of impropriety at The Florida Bar.

60. That the Petitioner requests that This Court in determining its actions to the matters contained herein, be highly sensitive to the six month suspension dates currently at the USPTO and therefore request immediate actions to uncover any involvement of attorney misconduct caused by the Wheeler\Triggs conflict and as it relates to Hoffman, Turner, Bartmon and Marvin in relation to these matters.

61. That, Petitioner has apprised This Court of similar conflicts at the Department (see Exhibit "D") that are directly related to the same nexus of events and that the highest levels of Proskauer used these disingenuous schemes, the use of Proskauer partners that were insiders at the respective state bar agencies in both New York and Florida, to quash the complaints against Wheeler, Rubenstein and Joao through the abuse of these public offices.

62. That Petitioner requests that This Court be aware that this case has already had several problems in the filing of the Complaint, whereby in conversation with Thomas Hall, Clerk of the Court, on July 08, 2004 whereby Mr. Hall stated that he had received the prior amended complaint and had put it before This Court for hearing. In a call with the Clerk's office on July 27, 2004 it is brought to our attention by coincidence

that an order had been issued by This Court had been issued on July 23, 2004 and whereby as today, the order has not been delivered. Had this gone unchecked a possibility would have again risen whereby The Florida Bar was attempting destruction of their files after being stopped the first time on July 1, 2004 by This Court clerk Debbie Yarbrough, the Petitioners were then told that The Florida Bar that despite This Courts request to hold all files and agreement that such would be done until such time as This Court had ruled on this matter. Boggs and Turner then decide to write a letter stating they plan to move ahead with the destruction of the files on August 1, 2004. Where further This Courts lost letter by Mr. Hall has an August 2, 2004 date for answer. Had we never known of This Courts motion until August 2, 2004 or whenever thereafter it may have arrived, a window of opportunity would have been presented for The Florida Bar to destroy such files, while Petitioner believed on good faith from the Clerk's of This Court, that the matters were already being reviewed by This Court. As stated throughout, since there is already conflicts within This Court, one tends to favor these coincidences mentally as further appearances of impropriety caused by deeply influenced and many years uncovered conflicts that may permeated to levels unknown, and therefore again require a most thorough compliance with all state and federal laws concerning conflicts of public offices by officers, procedurally correct in all facets to avoid further appearances and especially with liabilities at a minimum estimated potential damage of billions of dollars and the nexus of events surrounding the conflicts, are cover ups to patent thefts and hosts of other criminal violations.

63. That finally Petitioner requests that This Court be aware that per Mr. Hall this motion has not been notarized at his will. Further, that due to already costly delays

and further delays which could have cost Petitioner valuable files evidencing a multiplicity of conflicts within This Court, we ask that This Court make no further delays for technicalities and immediately begin proper and thorough review of the matters, free of further conflicts.

Wherefore, Petitioner requests that This Court enter an order elevating the Wheeler Complaint, and all other related complaints cited herein, to the next highest level of review void of conflict of interest and the appearance of impropriety and/or move the entirety of the matters to a Federal Court outside the scope of conflict, whereby it may further be free from conflicts that may already be in place in the state of Florida and New York, where conflicts now reach Supreme Courts which now are conflicted as described in attached, Exhibit "F"..

This 28th day of July 2004,



Digitally signed by Eliot I. Bernstein  
DN: CN = Eliot I. Bernstein, C = US, O =  
Iviewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGES 144 SC04-1078  
Date: 2004.07.28 15:31:40 -04'00'

X

\_\_\_\_\_  
Eliot I. Bernstein, Pro Se

X

\_\_\_\_\_  
P. Stephen Lamont, Pro Se

10158 Stonehenge Circle, Suite 801  
Boynton Beach, Fla. 33437  
Telephone: (561) 364-4240

and further delays which could have cost Petitioner valuable files evidencing a multiplicity of conflicts within This Court, we ask that This Court make no further delays for technicalities and immediately begin proper and thorough review of the matters, free of further conflicts.

Wherefore, Petitioner requests that This Court enter an order elevating the Wheeler Complaint, and all other related complaints cited herein, to the next highest level of review void of conflict of interest and the appearance of impropriety and/or move the entirety of the matters to a Federal Court outside the scope of conflict, whereby it may further be free from conflicts that may already be in place in the state of Florida and New York, where conflicts now reach Supreme Courts which now are conflicted as described in attached, Exhibit "F"..

This 28th day of July 2004,



Digitally signed by Eliot I. Bernstein  
DN: CN = Eliot I. Bernstein, C = US, O =  
Iviewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGES 144 SC04-1078  
Date: 2004.07.28 15:31:40 -04'00'

X

Eliot I. Bernstein, Pro Se



P. Stephen Lamont

Digitally signed by P.  
Stephen Lamont  
DN: cn=P. Stephen Lamont,  
o=Ivewit Holdings, Inc.,  
ou=Corporate, c=US  
Date: 2004.07.28 16:08:30  
-04'00'

X

P. Stephen Lamont, Pro Se


10158 Stonehenge Circle, Suite 801  
Boynton Beach, Fla. 33437  
Telephone: (561) 364-4240

and further delays which could have cost Petitioner valuable files evidencing a multiplicity of conflicts within This Court, we ask that This Court make no further delays for technicalities and immediately begin proper and thorough review of the matters, free of further conflicts.

Wherefore, Petitioner requests that This Court enter an order elevating the Wheeler Complaint, and all other related complaints cited herein, to the next highest level of review void of conflict of interest and the appearance of impropriety and/or move the entirety of the matters to a Federal Court outside the scope of conflict, whereby it may further be free from conflicts that may already be in place in the state of Florida and New York, where conflicts now reach Supreme Courts which now are conflicted as described in attached, Exhibit "F"..

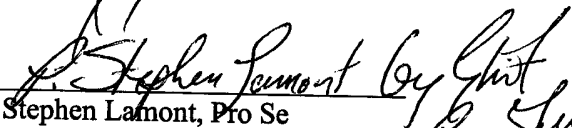
This 28th day of July 2004,

X

  
Eliot I. Bernstein, Pro Se

Digitally signed by Eliot I. Bernstein  
DN: CN = Eliot I. Bernstein, C = US, O =  
Iviewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGES 144 SC04-1078  
Date: 2004.07.28 15:31:40 -04'00'

X

  
P. Stephen Lamont, Pro Se


10158 Stonehenge Circle, Suite 801  
Boynton Beach, Fla. 33437  
Telephone: (561) 364-4240

*Beinfur  
his  
attorney  
in fact*

and further delays which could have cost Petitioner valuable files evidencing a multiplicity of conflicts within This Court, we ask that This Court make no further delays for technicalities and immediately begin proper and thorough review of the matters, free of further conflicts.

Wherefore, Petitioner requests that This Court enter an order elevating the Wheeler Complaint, and all other related complaints cited herein, to the next highest level of review void of conflict of interest and the appearance of impropriety and/or move the entirety of the matters to a Federal Court outside the scope of conflict, whereby it may further be free from conflicts that may already be in place in the state of Florida and New York, where conflicts now reach Supreme Courts which now are conflicted as described in attached, Exhibit "F"..

This 28th day of July 2004,

  
X \_\_\_\_\_  
Eliot I. Bernstein, Pro Se

Digitally signed by Eliot I. Bernstein  
DN: CN = Eliot I. Bernstein, C = US, O =  
Mewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGE: 44 SC# 4-1078  
Date: 2004.07.28 15:31:40 -04'00'

P. Stephen Lamont  
X \_\_\_\_\_  
P. Stephen Lamont, Pro Se

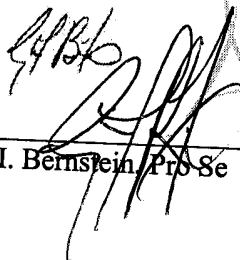
Digitally signed by P.  
Stephen Lamont  
DN: cn=P. Stephen Lamont,  
o=Mewit Holdings, Inc.,  
ou=Corporate, c=US  
Date: 2004.07.28 16:08:30  
+07'00'

10158 Stonehenge Circle, Suite 801  
Boynton Beach, Fla. 33437  
Telephone: (561) 364-4240

*P. Stephen Lamont*  
*By*  
*Sh. Berk*  
*Attorney*  
*in fact*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile this 28<sup>th</sup> day of July 2004, to The Florida Bar.

  
X \_\_\_\_\_  
Eliot I. Bernstein, Pro Se

Digitally signed by Eliot I. Bernstein  
DN: CN = Eliot I. Bernstein, C = US, O =  
Iviewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGES: 144 SC04-1078  
Date: 2004.07.28 16:16:19 -04'00'



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile this 28<sup>th</sup> day of July 2004, to The Florida Bar.



Digitally signed by Eliot I. Bernstein  
DN: CN = Eliot I. Bernstein, C = US, O =  
Iviewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGES 144 SC04-1078  
Date: 2004.07.28 16:16:19 -04'00'

X

\_\_\_\_\_  
Eliot I. Bernstein, Pro Se



EXHIBIT A  
Wachovia PPM

EXHIBIT A



"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

**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,



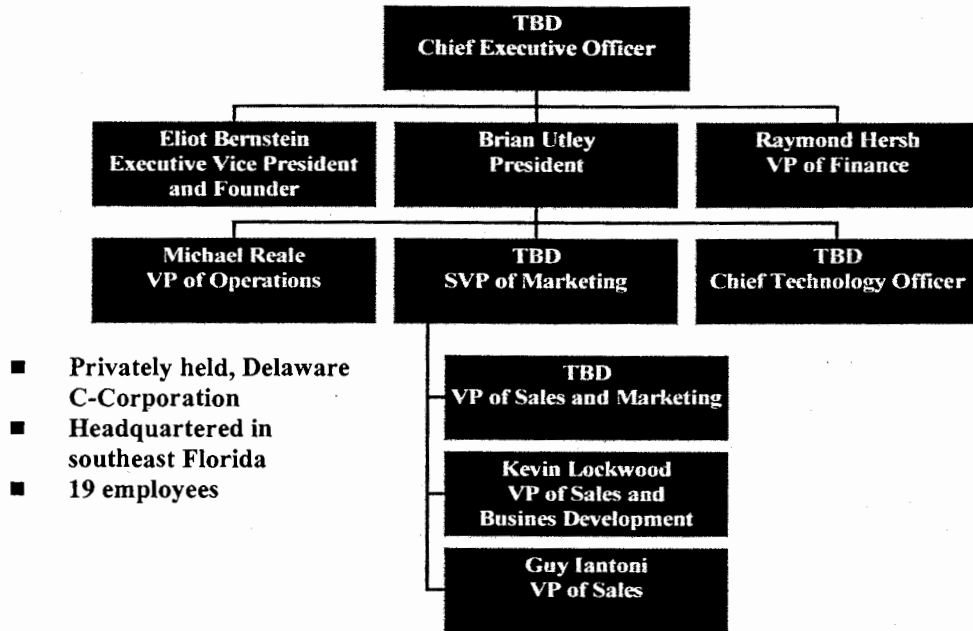
Brian G. Utley



### V. MANAGEMENT

Organization Chart

Figure 10 Organizational Chart



Senior Management Biographies

Whereas the Company has retained Korn / Ferry to assist in the identification and recruitment of a high impact Chief Executive Officer (preferably from the media or entertainment industry) and Chief Technical Officer, iviewit has assembled a complementary and seasoned, management team with Fortune 100 and early-stage, entrepreneurial experience. This team consists of the following personnel:

**Brian G. Utley, President (67)** — For over 30 years, Mr. Utley was responsible for the development and world-wide management of many of IBM's most successful products such as the AS400 and the PC. Entering IBM's executive ranks in the early 1980s, Mr. Utley's impact was felt in all areas of IBM's advanced technology product development, including Biomedical Systems, European Operations, and most importantly, IBM's launch of the Personal Computer. Following the introduction of the PC in the United States, Mr. Utley moved to Europe where he was responsible for a number of IBM's overseas activities including managing the launch of the PC across Europe and the Middle East. His career with IBM culminated with his responsibility as Vice President and General Manager of IBM Boca Raton with a work force of over 6,000 professionals. He is a graduate of San Francisco City College.

**Eliot I. Bernstein, Founder and Vice Chairman (37)** — Prior to founding iviewit, Mr. Bernstein spent 15 years with SB Lexington where he was President of the West Coast Division creating and developing many innovative, computer-based multi-media marketing tools which remain in use supporting multi-billion dollar service industries. Mr. Bernstein is a graduate of the University of Wisconsin.

**Michael A. Reale, VP of Operations (60)** — Mr. Reale has over 20 years of operations experience, including P&L, quality, and delivery performance accountability. Most recently, Mr. Reale was the Chief Operating Officer for Boca Research (Nasdaq:BOCI), a manufacturer of personal computer enhancement and Internet thin client products. Prior to Boca Research, Mr. Reale spent two years as President of MGV Manufacturing Corp., a premier provider of computer memory assemblies with operations in the U. S. and Europe.



Mr. Reale was also responsible for seven operations in the United States and overseas as Senior Vice President for SCI Systems, Inc., a Fortune 500 electronics contract manufacturer. His operating background also includes twenty years with IBM culminating as Director of Manufacturing for the Personal Computer Division. Mr. Reale received his BA and MBA from Pace University.

**Raymond T. Hersh, Vice President of Finance (58)** — Mr. Hersh is a private investment banker, specializing in strategic development. He has over 35 years of successful business and operating experience involving financial services, telecommunications, manufacturing, and corporate strategic planning. For over 20 years, Mr. Hersh has operated and grown companies in Florida, and most recently, he was co-founder and President/CEO of New Medical Concepts, Inc., a telecom company specializing in providing healthcare information. He successively grew two Florida-based specialty manufacturing companies from combined revenues of about \$2.7 million to over \$19 million. Mr. Hersh also spent nine years as an investment banker in New York City where his last position was President of a member firm of the New York and American Stock Exchanges. Earlier, he spent five years as an Enforcement Attorney with the U. S. Securities and Exchange Commission in New York City where he exited as a Branch Chief. He is a member of the New Jersey and New York Bars. Mr. Hersh received his BA from Lafayette College and his LLB/JD from the University of Pennsylvania.

**Kevin J. Lockwood, Vice President of Sales and Business Development (40)** — Mr. Lockwood joins iviewit from Cylex Systems where he held the position of Executive Vice President of Sales and assisted in securing three rounds of funding exceeding \$20 million. He also was instrumental in developing a distribution channel as well as signing accounts such as Outsourcing International, Tampa General and a significant seven-year contract with Best Buy Corporation. He also held the position of Head of Sales for Acer America, Inc. where he increased sales from a run rate of \$150 million annually to over \$1.5 billion annually in only a 17-month time. In addition, Mr. Lockwood successfully launched the Fujitsu P.C. into the U.S. and in the first year amassed revenues of over \$200 million. He is a graduate of the University of Maryland with a Bachelor of Science degree in Business Administration.

**Guy Iantoni, Vice President of Sales (35)** — Prior to joining iviewit in 1999, Mr. Iantoni was Senior Financial Representative with Fidelity Investments. From 1995 to 1997, he served as an Investment Management Consultant to the private client group of Morgan Stanley Dean Witter & Company, Inc. Prior thereto, Mr. Iantoni spent four years with Eli Lilly and Company creating and implementing many direct marketing and sales campaigns for the healthcare industry. He has developed computer databases and systems to effectively market and target segments in both the financial markets and the healthcare industries. Mr. Iantoni is a graduate of the University of Wisconsin with an advanced degree in Pharmacy.

**Board of Directors**

**Simon L. Bernstein – Chairman Emeritus  
SB Lexington**

Mr. Bernstein has pioneered the development of proprietary life insurance products and has formed two companies to facilitate the sales of these products. Mr. Bernstein developed for both companies a national sales and marketing network, which now account for over a billion in life premium sales. Mr. Bernstein's career in the life insurance industry began in 1965 when he became the top producer for Aetna Life and Casualty Company. He has remained in the top 5% of life insurance sales agencies since that time. Mr. Bernstein supplied the initial "angel" investment for iviewit.

**Eliot I. Bernstein – Founder & Vice Chairman**

**Brian G. Utley - President**

EXHIBITS  
VI  
VII

**Kenneth Anderson**  
**myCFO**

Mr. Anderson brings over 20 years of experience in the financial services world to his recent move to Jim Clark's new start-up myCFO. Prior to joining myCFO, Mr. Anderson served as a partner in Arthur Andersen's private client services practice where he created the family wealth and financial planning practice for the southern California practice. He focused on estate and income tax planning for high net worth individuals and families. Mr. Anderson has significant experience in compensation, insurance, and business succession consulting.

He is a board member of the Idyllwild Arts and Boy Scouts of America, Western Council. Ken is a founding member of the Family Business Program at the University of Southern California. He served as director of the Society of CPA/Financial Planners, was a member of the California CPA Society Committee on Personal Financial Planning. Mr. Anderson is on the Board of Directors of iviewit and Schaeffer Autosimulation, LLC. Mr. Anderson holds a BS in accounting and economics from Valparaiso University and a JD with an emphasis on taxation from the Valparaiso University School of Law.

**Maurice R. Buchsbaum**  
**Chief Executive Officer, Emerald Capital Partners**

Mr. Buchsbaum has engaged in corporate finance projects as a principal, advisor, consultant, officer, director or senior managing director for the past 27 years. As a partner or senior officer of several leading investment banks (including Drexel Burnham, Kidder Peabody and JW Genesis), he has worked in all aspects of corporate finance. He formed Emerald Capital Partners in early 1999, to provide strategic planning and banking advice to a myriad of small and medium sized American growth companies. He has engaged in numerous public and private transactions and activities that include seed capital, early stage financing, major and late stage strategic finance, restructuring and mergers/acquisitions ranging in size from \$1 million to \$700 million. His industry experience includes health care, technology, telecommunications, biotechnology, financial services, environmental, and airlines. He holds BS and MBA degrees with honors from Ohio State University, and was a fellow in the doctoral program at Northwestern University.

**Donald G. Kane, II**  
**President, GDI**

Prior to joining GDI (a privately held holding company that controls four B2B companies), Mr. Kane was a Managing Director in the Investment Banking Division of Goldman Sachs & Co. During his fourteen-year career at Goldman Sachs, Mr. Kane created the firm's Midwest Financial Institutions practice and founded the Global Financial Institutions Technology Group. He is a Board member and Vice Chairman of Sagence Systems, Inc., a GDI company and is a member of the Board of Versifi, Inc. and Ergo Systems. Mr. Kane is an advisor to Signcast, Inc., Gryphon Holdings, and Capita Technologies. He is a member of the Kellogg Graduate School of Management Advisory Board at Northwestern University and is a member of the Board of the Metropolitan YMCA of Chicago.

**Gerald R. Lewin**  
**Senior Partner, Goldstein Lewin & Co.**

Mr. Lewin has been a certified public accountant since 1973 and is licensed to practice in the states of Florida and Michigan. Mr. Lewin is a Senior Partner of Goldstein Lewin & Co., a leading southeastern accounting firm. Mr. Lewin specializes in business consulting and is highly knowledgeable in many areas of accounting, tax and financial planning. Mr. Lewin is a member of both the American Institute of Certified Public Accountants and the Florida Institute of Certified Public Accountants.

**H. Hickman Powell**  
**General Partner, Crossbow Ventures**

Prior to joining CrossBow Ventures, Mr. Powell spent 14 years as an investment analyst and corporate finance advisor. He worked with McKinsey & Company and J.P. Morgan

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**

**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**

Completely contradicts statements made by Rubenstein and Wheeler to the Florida Bar and the New York Bar

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

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.

**Legal & Accounting Counsel**

world. Founded in 1875 in New York City, the firm employs 475 attorneys and has wide experience in all areas of practice important to businesses, including corporate finance, mergers and acquisitions, real estate transactions, bankruptcy and reorganizations, taxation, litigation and dispute resolution, intellectual property, and labor and employment law.

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

One of the nation's leading entertainment law firms. Based in Los Angeles, California, it represents many of the most prominent actors, writers, directors and producers of feature films, television programming and other entertainment content. The firm also represents various content and technology companies in the Internet industry, including prominent web sites, entertainment-oriented portals, aggregated celebrity sites and various e-commerce companies. The firm is assisting in developing the business structure and strategic relationships for iviewit.

**Foley & Lardner**

One of the oldest and largest law firms in America. Founded in 1842, the firm now has more than 750 attorneys in 14 offices, following the February 1996 merger with Weissburg and Aronson, Inc. Foley & Lardner's over 100 highly skilled intellectual property attorneys constitute one of the largest and most sophisticated technology groups in a general-practice law firm in the United States. As one of the few large national law firms with a global intellectual property law group, it is uniquely positioned to help iviewit capitalize on its foreign filings. The firm's broad-based representations in litigation, regulatory affairs and general business counseling is complemented by one of the world's most highly trained staffs, which includes 65 engineering and advanced technical degrees, including 12 Ph.D.'s. The list of clients using Foley & Lardner to fill their intellectual property legal needs ranges from small entrepreneurial start-up companies to large international and multinational corporations. Foley & Lardner attorneys provide solutions and successfully serve the needs of clients around the world, including those situated in the United States, Canada, Latin America, the European Union, Eastern Europe, the Middle East, and the Pacific Rim.

- **William J. Dick** - Special Counsel to the West Palm Beach office of Foley & Lardner. A member of the firm's Intellectual Property Department (Electronics Practice Group), Mr. Dick currently focuses on mentoring other members of the Electronics and Consumer Products Practice Groups in various IP related matters. He also conducts weekly classes in patent related matters for new associates. Mr. Dick joined Foley & Lardner after 26 years with IBM. He began as a patent attorney, and has handled all phases of patent, trademark and copyright duties, including litigation. Mr. Dick's most recent position with IBM was as Assistant General Counsel to IBM Asia Pacific. Mr. Dick is a graduate of the University of Virginia (B.M.E., 1956; L.L.B., 1962 changed to J.D., 1970)
- **Douglas Boehm** - a partner in the Milwaukee office of Foley & Lardner and a member of the firm's Intellectual Property Department (Consumer & Industrial Products Practice Group and Health Information Technology Practice Group), Mr. Boehm practices in the areas of patent, trademark, copyright, and trade secret counseling; U.S. and foreign patent prosecution; and computer software and intellectual property licensing and technology transfers. Mr. Boehm's technical focus encompasses electrical and electronic engineering, including analog/digital/RF circuitry, radio telecommunications, lasers and fiber optics, and computer hardware and software. He has extensive experience in private industry, having worked as a development engineer and patent agent for Motorola, and as patent counsel for a subsidiary of Amoco Technology Company.

EXHIBIT B

Turner Letter

EXHIBIT B



## 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

G:\CBDC REVIEW\cbdc chair review\bernstein wheeler close.wpd

EXHIBIT C

939 PATENT OFFICE



EXHIBIT C



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 "E.I. Bernstein".

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

---

10158 Stonehenge Circle ♦ Suite 801 ♦ Boynton Beach, FL 33437-3546 ♦ T: 561.364.4240 ♦ F: 561.364.4240



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
Page 2 of 8

**CHANGE OF INVENTOR REQUEST**  
**US SERIAL NO. 09 630 939**

**PURSUANT TO 37CFR 1.48**  
**INTENT TO DECEIVE AND COMMIT 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



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
Page 3 of 8

Non Provisional filings that claim priority to the Provisional application. Successor counsel to "FL" attorneys Norman Zafman, Thomas Coester and Farzad Amini 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 malfeasancess 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 Brain 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



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
Page 4 of 8

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 compete 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.



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
Page 5 of 8

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.



U.S. Patent and Trademark Office  
Commissioner of Patent & Trademarks  
Thursday, February 12, 2004  
Page 6 of 8

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  
Page 7 of 8

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

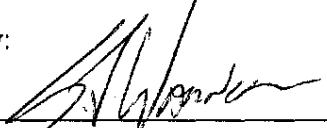
On this \_\_\_\_ day of February 2004

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



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	Eliot 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

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.

EXHIBIT D

CAHILL MOTION

EXHIBIT D

DEPARTMENTAL DISCIPLINARY COMMITTEE  
SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
61 BROADWAY  
NEW YORK, N.Y. 10006  
(212) 401-0800  
FAX: (212) 401-0810

PAUL J. CURRAN, ESQ.  
CHAIRMAN  
HALIBURTON FALES, 2D., ESQ.  
HON. THOMAS B. GALLIGAN  
MARTIN R. GOLD, ESQ.  
DENIS MCINERNEY, ESQ.  
ROY L. REARDON, ESQ.  
STEPHEN L. WEINER, ESQ.  
SPECIAL COUNSEL

LAWRENCE J. BANKS  
SALLY W. BERG  
DOUGLAS W. BRANDRUP, ESQ.  
CHRISTOPHER E. CHANG, ESQ.  
ANN J. CHARTERS  
BRIAN M. COGAN, ESQ.  
DENIS F. CRONIN, ESQ.  
TELESFORO DEL VALLE JR., ESQ.  
CHARLES E. DORKEY III, ESQ.  
PAUL F. DOYLE, ESQ.  
PATRICIA FARREN, ESQ.  
MARION T. ETHEREDGE  
STEVEN N. FEINMAN, ESQ.  
ROSALIND S. FINK, ESQ.  
CHARLOTTE MOSES FISCHMAN, ESQ.  
BEATRICE S. FRANK, ESQ.  
MARANDA E. FRITZ, ESQ.  
WILLIAM A. GALLINA, ESQ.  
ROBERT L. HAIG, ESQ.  
RICHARD J. HOLWELL, ESQ.  
SUSAN M. KARTEN, ESQ.  
JOHN J. KENNEY, ESQ.  
DAVID G. KEYKO, ESQ.  
MYRON KIRSCHBAUM, ESQ.  
LENORE KRAMER, ESQ.  
WILLIAM FRANCIS KUNTZ II, ESQ.  
MICHAEL A. LACHER, ESQ.  
DEBORAH E. LANS, ESQ.  
MARVIN LEFFLER  
BURTON N. LIPSHIE, ESQ.  
HENRIETTA LYLE  
MARY B. MAGUIRE  
CHARLES C. MARINO  
DOUGLASS B. MAYNARD, ESQ.  
LAWRENCE D. MCGOVERN, ESQ.  
CHARLES G. MOERDLER, ESQ.  
MATHIAS E. MONE, ESQ.  
MERCEDES A. NESFIELD  
JANE W. PARVER, ESQ.  
ANTHONY M. RADICE, ESQ.  
ANDREW W. REGAN, ESQ.  
TIMOTHY G. REYNOLDS, ESQ.  
MICHAEL J. ROSENBERG  
REUBEN SAMUEL, ESQ.  
AUGUSTIN J. SAN FILIPPO, ESQ.  
SAMUEL W. SEYMOUR, ESQ.  
DANIEL E. SIFF, ESQ.  
MARIAN E. SILBER, ESQ.  
EUGENE P. SOUTHER, ESQ.  
JOHN L. WARDEN, ESQ.  
ERIC J. WARNER, ESQ.  
SUSAN WELSHER  
COMMITTEE MEMBERS

THOMAS J. CAHILL  
CHIEF COUNSEL  
SHERRY K. COHEN  
FIRST DEPUTY CHIEF COUNSEL

ANDRAL N. BRATTON  
DEPUTY CHIEF COUNSEL

CHRISTINE C. ANDERSON  
ROBERTA N. KOLAR  
ANGELA CHRISTMAS  
NICOLE CORRADO  
JORGE DOPICO  
MADY J. EDELSTEIN  
JEREMY S. GARBER  
NAOMI F. GOLOSTEIN  
JOSEPH J. HESTER  
JUN HWA LEE  
VITALY LIPKANSKY  
STEPHEN P. MCGOLDRICK  
BIANCA MICHELIS  
KEVIN E.F. O'SULLIVAN  
JAMES T. SHED  
EILEEN J. SHIELDS  
JUDITH N. STEIN  
RAYMOND VALLEJO  
LA TRISHA A. WILSON  
STAFF COUNSEL

June 17, 2004

BY HAND

PERSONAL AND CONFIDENTIAL

Ronald Uzenski, Motion Clerk  
Supreme Court, Appellate Division  
First Judicial Department  
27 Madison Avenue  
New York, New York 10010

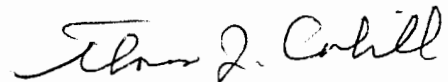
Re: Matter of Rubenstein and Joao  
Motion to Transfer

Dear Mr. Uzenski:

Please find submitted herewith an original and seven (7) copies of a Notice of Motion and Affirmation to transfer the complaints against the above referenced attorneys to another Judicial Department. The motion is returnable July 12, 2004.

Please note the affidavit of service upon the parties on the blueback of the original Motion.

Very truly yours,



Thomas J. Cahill

TJC/nkd

Encls:

cc: Kenneth Rubenstein, Esq.  
Raymond A. Joao, Esq.  
Eliot I. Bernstein

I:\Tjc\2004\uzenski.kra.wpd

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

-----X

In the Matter of an Attorney and  
Counselor-at-Law:

NOTICE OF MOTION

Departmental Disciplinary Committee  
for the First Judicial Department,

Petitioner.

-----X

PLEASE TAKE NOTICE that upon the annexed affirmation of Thomas J. Cahill, Esq., Chief Counsel to the Departmental Disciplinary Committee for the Appellate Division, First Judicial Department (the "Committee"), a motion will be submitted to this Court at the Appellate Division Courthouse, 27 Madison Avenue, New York, New York 10010, on July 12, 2004 at 10:00 A.M. or as soon thereafter as counsel can be heard, for an order granting the Committee permission to transfer the investigation and disposition of two complaints (Docket Nos. 2003.0531 and 2003.0532) to another Judicial Department for assignment to a grievance committee that this Court deems

appropriate, on the grounds that there may be an appearance of  
impropriety.

DATED: New York, New York  
June 17, 2004

Yours, etc.,

THOMAS J. CAHILL  
Chief Counsel  
Departmental Disciplinary  
Committee for the First  
Judicial Department  
61 Broadway - 2<sup>nd</sup> Floor  
New York, NY 10006  
(212) 401-0800

To: Kenneth Rubenstein, Esq.  
c/o Steven C. Krane, Esq.  
Proskauer Rose  
1585 Broadway  
New York, New York 10036

Raymond A. Joao, Esq.  
c/o John Fried, Esq.  
Fried & Epstein, LLP  
1350 Broadway, Suite 1400  
New York, New York 10018

Eliot I. Bernstein  
IVIEWIT  
10158 Stonehenge Circle  
Boynton Beach, Florida 33437

I:\Tjc\2004\Krane.nm.wpd

-2-



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

-----X

In the Matter of an Attorney and  
Counselor-at-law:

AFFIRMATION

Departmental Disciplinary Committee  
for the First Judicial Department,

Petitioner.

-----X

THOMAS J. CAHILL, an attorney duly admitted to practice  
law in the State of New York, hereby affirms under the penalty  
of perjury:

1. I am Chief Counsel to the Departmental Disciplinary  
Committee for the First Judicial Department (the "Committee"),  
and I am fully familiar with the facts and circumstances  
prompting this motion.

2. This affirmation is respectfully submitted in  
support of an application to transfer the investigation of two  
complaints (Docket Nos. 2003.0531 and 2003.0532) to another  
Judicial Department for assignment to a grievance committee  
that this Court deems appropriate, on the grounds of a

potential conflict of interest and appearance of impropriety.

3. On or about February 26, 2003 Eliot I. Bernstein ("Mr. Bernstein") filed a complaint against Raymond A. Joao, Esq. and Kenneth Rubenstein, Esq., who was represented by Steven C. Krane, Esq., ("Mr. Krane") from the firm Proskauer Rose. Since the issues alleged in the complaints were being pursued in civil court, the complaints were closed pending litigation on August 29, 2003.

4. On January 15, 2004 Mr. Bernstein asked the Committee to reconsider its decision to close the complaints pending litigation.

5. Subsequently, on April 19, 2004 the Appellate Division, First Judicial Department, appointed Mr. Krane as Referee with the Committee.

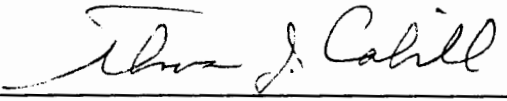
On May 25, 2004 Mr. Bernstein wrote to the Committee objecting to Mr. Krane's former connection to the Committee and representation of Kenneth Rubenstein, Esq., and requesting that the Committee strike Mr. Krane's answer on behalf of his client to his February 26, 2003 complaint.

6. In order to avoid the appearance of impropriety

which could result from having the Committee determine the merits of the complaints, these matters should be transferred to another jurisdiction.

WHEREFORE, based upon the reasons set forth above, the Committee respectfully requests that this Court issue an order transferring Docket Nos. 2003.0531 and 2003.0532 to another Judicial Department for assignment to a grievance committee that this Court deems appropriate, and for such other and different relief as the Court deems just and proper.

Dated: New York, New York  
June 17, 2004

  
\_\_\_\_\_  
THOMAS J. CAHILL

I:\Tjc\2004\Krane.aff.wpd

EXHIBIT E

Triggs response for Wheeler

EXHIBIT E

**PROSKAUER ROSE LLP**

2255 Glades Road  
Suite 340 West  
Boca Raton, FL 33431-7360  
Telephone 561.241.7400  
Elsewhere in Florida  
800.432.7746  
Fax 561.241.7145

NEW YORK  
LOS ANGELES  
WASHINGTON  
NEWARK  
PARIS

**Matthew Triggs**  
Member of the Firm

Direct Dial 561.995.4743  
mtriggs@proskauer.com

March 21, 2003

Lorraine Christine Hoffman, Esq.  
Assistant Staff Counsel  
The Florida Bar  
Cypress Financial Center, Suite 835  
5900 North Andrews Avenue  
Fort Lauderdale, Florida 33309

Re.: Complaint of Eliot Bernstein against Christopher Clark Wheeler, Esq.  
The Florida Bar File No. 2003-51, 109(15C)

Dear Ms. Hoffmann:

This will confirm that your office has granted a two week enlargement of time for Mr. Wheeler to submit his response to Mr. Bernstein's bar complaint. According to our calculations, Mr. Wheeler's response will now be due on or before April 7, 2003. We appreciate your accommodation in this regard.

Sincerely,



Matthew Triggs

MT/kr

cc: Mr. Eliot I. Bernstein

EXHIBIT F

Triggs Florida Bar Complaint



IVIEWIT HOLDINGS, INC

---

---

FACSIMILE TRANSMITTAL SHEET

---

---

TO:	<b>Eric Montel Turner</b> <b>Anthony Boggs</b> <b>Kelly Overstreet Johnson</b> <b>Kenneth Marvon</b>	FROM:	Eliot I. Bernstein
FAX NUMBER:	(954) 772-0660	DATE:	July 22, 2004
COMPANY:	The Florida Bar	TOTAL NO. OF PAGES INCLUDING COVER:	64
PHONE NUMBER:	(954) 772-2245 (3)(7)	SENDER'S REFERENCE NUMBER:	[Click here and type reference number]
RE:	<b>FLORIDA BAR COMPLAINT</b> <b>MATTHEW TRIGGS AND</b> <b>PROSKAUER ROSE</b>	YOUR REFERENCE NUMBER:	[Click here and type reference number]

---

---

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

---

---

NOTES/COMMENTS:

Mr. Turner,

Please forward this complaint to all parties listed on this sheet. Please call to confirm receipt of all 64 pages.

Thank you in advance for your consideration.

Eliot I. Bernstein  
Founder, President & Inventor  
[iviewit@adelphia.net](mailto:iviewit@adelphia.net)





# The Florida Bar Internet Inquiry/Complaint Form

**MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER  
ROSE LLP**

**PART ONE: (See instructions, part one.)**

Iviewit Holdings, Inc., Eliot Bernstein & P. Your Name <b>Stephen Lamont</b> Address: <b>10158 Stonehenge Circle - Suite 801</b> City: <b>Boynton Beach</b> State: <b>FL</b> Phone: <b>561-364-4240</b> Zip Code: <b>33437</b> ACAP Reference No. _____	Attorney's Name Address: <b>Suite 340 West</b> City: <b>2255 Glades Road</b> Phone: <b>Boca Raton, FL 33431-7360</b> <b>(561) 995-4702</b>
--	--

**PART TWO: (See instructions, part two.)** The specific thing or things I am complaining about are:

**See attached - Part Two**

---

---

---

---

---

---

---

---

---

---

**PART THREE: (See instructions, part three.)** The witnesses in support of my allegations are: [see attached sheet].

**PART FOUR: (See instructions, part four.)**

I did did not (circle one or the other) attempt to use ACAP to resolve this situation.  
 To attempt to resolve this matter, I did the following:

---

---

---

---

---

---

---

---

**PART FIVE (See reverse, part five.):** Under penalty of perjury, I declare the foregoing facts are true, correct and complete. I have read and understand the information on the reverse of this page and contained in the pamphlet "Complaint Against a Florida Lawyer." I also understand that the filing of a Bar complaint will not toll or suspend any applicable statute of limitations pertaining to my legal matter.



**P. Stephen  
Lamont**

Signature  
Not Verified

Digitally signed by  
P. Stephen Lamont  
DN: cn=P.  
Stephen Lamont,  
o=Iviewit Holdings,  
Inc.,  
ou=Corporate,  
c=US  
Date: 2004.07.22  
10:17:05 -04'00'

7/22/04

Date

Digitally signed by Eliot I. Bernstein  
DN: cn = Eliot I. Bernstein, c = US, o =  
Iviewit Holdings, Inc.  
Reason: I am the author of this document  
Location: BOYNTON BEACH, FL -  
PAGES: 1  
Date: 2004.07.22 08:03:25 -04'00'

7/22/04

Date

Signature

P. Stephen Lamont both individually and as  
CEO of Iviewit Holdings, Inc.

Signature

Eliot Ivan Bernstein both individually and as Founder, President  
and Inventor - Iviewit Holdings, Inc.

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

That Eliot I. Bernstein (“Bernstein”) and P. Stephen Lamont (“Lamont”), individually, pro se, on behalf of the following companies as acting officers and third party beneficiaries, and, on behalf of shareholders, or any shareholder wishing to join this complaint individually who has vested interest in the following companies:

**THE IVIEWIT HOLDINGS COMPANIES**

1. **UVIEW.COM, INC. – DELAWARE;**
  - WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
  - HEREINAFTER, (“IVIEWIT HOLDINGS (1)”)**
2. **IVIEWIT HOLDINGS, INC. – DELAWARE - (fka UVIEW.COM, INC.);**
  - WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
  - HEREINAFTER, (“IVIEWIT HOLDINGS (2)”)**
3. **IVIEWIT HOLDINGS, INC. – DELAWARE;**
  - NOT APPROVED BY THE IVIEWIT BOARD**
  - WHEREBY PROSKAUER MAY OWN THIS COMPANY TO THE DETRIMENT OF IVIEWIT SHAREHOLDERS**
  - WHEREBY THIS COMPANY MAY HAVE HELD OR STILL HOLD CORE PATENTS OF COMPLAINANTS IN A COMPLEX LEGAL SHELL GAME INVOLVING THE USE OF MULTIPLE AND SIMILAR NAMED CORPORATIONS**
  - WHEREBY FURTHER NO INCIDENCE OF OWNERSHIP WAS FOUND OR PRESENTED TO AUDITORS UNDER AN AUDIT OF COMPLAINANT COMPANIES WHEN DIRECTLY REQUESTED, WHEREBY NO INTEREST BY IVIEWIT IN SUCH PROSKAUER ENTITY HAS BEEN FOUND;**
  - WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
  - HEREINAFTER, (“PROSKAUER ENTITY”) OR (“IVIEWIT HOLDINGS (3)”)**
4. **IVIEWIT TECHNOLOGIES, INC. (fka IVIEWIT HOLDINGS, INC. (3)) – DELAWARE;**
  - NOT APPROVED BY THE IVIEWIT BOARD**
  - WHEREBY PROSKAUER MAY OWN THIS COMPANY TO THE DETRIMENT OF IVIEWIT SHAREHOLDERS**
  - WHEREBY THIS COMPANY MAY HAVE HELD OR STILL HOLD CORE PATENTS OF COMPLAINANTS IN A COMPLEX LEGAL SHELL GAME INVOLVING THE USE OF MULTIPLE AND SIMILAR NAMED CORPORATIONS**
  - WHEREBY FURTHER NO INCIDENCE OF OWNERSHIP WAS FOUND OR PRESENTED TO AUDITORS UNDER AN AUDIT OF COMPLAINANT COMPANIES WHEN DIRECTLY REQUESTED,**

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

**WHEREBY NO INTEREST BY IVIEWIT IN SUCH PROSKAUER ENTITY HAS BEEN FOUND;**

- ❑ WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
- ❑ HEREINAFTER, (“PROSKAUER ENTITY”) OR (“IVIEWIT HOLDINGS (4)”)**

**5. IVIEWIT HOLDINGS, INC. – FLORIDA;**

- ❑ NOT APPROVED BY THE BOARD OF IVIEWIT**
- ❑ AN ENTITY APPEARING NON-EXISTENT IN FLORIDA STATE RECORDS**
- ❑ AN ENTITY PROSKAUER SECURED AND PLACED AN OFFICER AND DIRECTOR POLICY FOR IVIEWIT ON SUCH NON-EXISTENT COMPANY**
- ❑ AN ENTITY CURRENTLY UNDER INTERNAL AFFAIRS AND FRAUD INVESTIGATION AT AMERICAN INTERNATIONAL GROUP (AIG)**
- ❑ WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
- ❑ HEREINAFTER, (“IVIEWIT HOLDINGS (5)”)**

**THE IVIEWIT.COM COMPANIES**

**6. IVIEWIT.COM, INC. – FLORIDA;**

- ❑ NOT APPROVED BY THE BOARD OF IVIEWIT**
- ❑ A SEPARATE AND DISTINCT COMPANY FROM, AS TO BE DEFINED LATER AS IVIEWIT.COM (2), IVIEWIT.COM (3) AND IVIEWIT.COM (4)**
- ❑ WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
- ❑ HEREINAFTER, (“IVIEWIT.COM (1)”)**

**7. IVIEWIT.COM, INC. – DELAWARE;**

- ❑ WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
- ❑ HEREINAFTER, (“IVIEWIT.COM (2)”)**

**8. I.C., INC. – FLORIDA - (fka IVIEWIT.COM (1))**

- ❑ NOT APPROVED BY THE BOARD OF IVIEWIT**
- ❑ WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
- ❑ HEREINAFTER (“IVIEWIT.COM (3)”)**

**9. IVIEWIT.COM LLC – DELAWARE;**

- ❑ WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE**
- ❑ HEREINAFTER (“IVIEWIT.COM (4)”)**

**THE IVIEWIT COMPANIES**

**10. IVIEWIT LLC – DELAWARE;**

- WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE MISSING AND INCOMPLETE
- HEREINAFTER (“IVIEWIT (1)”)

**11. IVIEWIT CORPORATION – FLORIDA;**

- WHEREBY THERE IS NO KNOWN LISTING WITH FLORIDA STATE RECORDS FOR THIS PROSKAUER FORMED ENTITY
- WHERE PROSKAUER BILLS FOR SERVICES TO SUCH UNKNOWN ENTITY, FURTHER SUBMITTING SUCH BILLINGS TO THE FIFTEENTH JUDICIAL CIVIL CIRCUIT COURT (“15C”)
- WHERE IT APPEARS CORPORATE FORMATION PAPERS WERE SIGNED FOR SUCH ENTITY;
- WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE
- HEREINAFTER (“IVIEWIT (2)”)

**12. IVIEWIT, INC. – FLORIDA;**

- WHEREBY PROSKAUER MAINTAINED CORPORATE RECORDS ARE NOW MISSING AND INCOMPLETE
- HEREINAFTER (“IVIEWIT (3)”)

AND,

**13. ANY OTHER JOHN DOE COMPANIES (“JOHN DOE”) NOT KNOWN AT THIS TIME**

Hereinafter, the companies listed above collectively referred to as (“Iviewit”), and taken together with the individual complainants (“Complainant”), Iviewit interchangeable with Complainant hereinafter. Complainant complains of the following violations of the The Florida Bar (“Flabar”) Rules Regulating the Florida Bar (“Rules”) and any other federal or state laws as The Supreme Court of Florida (“This Court”) may deem applicable to invoke, by, including but not limited to;

Matthew H. Triggs (“Triggs”), in this matter before This Court and its department Flabar, hereinafter this matter referred to as the (“Triggs Complaint”);

and,

Proskauer Rose LLP, a New York Limited Liability Partnership with offices located at: One Boca Place, Suite 340 West, 2255 Glades Road, Boca Raton, FL 33431-7360 in Florida and domiciled in New York and any subsidiaries or affiliates, and further with all

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

of its partners, associates and any other employee, as both partners and individually, hereinafter referred to collectively as (“Proskauer”) and all matters before This Court regarding Proskauer, hereinafter (“Proskauer Complaint”);

and,

Let this serve as an individual complaint, in a related nexus of events as cited herein, against the following Florida lawyers of Proskauer individually, and any other partner or members of the firm individually, as governed under the Flabar Rules or any other laws as This Court finds applicable:

- **KIMBERLY L. BARBAR**
- **ANDREA ROSENBLUM BERNSTEIN**
- **CORY W. EICHHORN**
- **JOHN M. FOX-SNIDER**
- **ALBERT W. GORTZ**
- **MARCY HAHN-SAPERSTEIN**
- **LISA BERKOWITZ HERRNSON**
- **ROBERT JACOBOWITZ**
- **STUART T. KAPP**
- **GEORGE D. KARIBJANIAN**
- **ARLENE KARIN KLINE**
- **ANDREW D. LEVY**
- **FRED W. MATTLIN**
- **GEORGE A. PINCUS**
- **JURATE SCHWARTZ**
- **DONALD E. 'ROCKY' THOMPSON II**
- **STEPHANIE REED TRABAND**
- **MICHAEL R. TRICARICO**
- **MATTHEW H. TRIGGS**
- **LAURA J. VARELA**
- **ALLAN H. WEITZMAN**
- **CHRISTOPHER C. WHEELER**
- **MARA LERNER ROBBINS**
- **GAYLE COLEMAN**
- **JILL ZAMAS**
- **OTHER JOHN DOE PROSKAUER PARTNERS NOT KNOWN**

And whereby Complainant complains of all of the following, including but no limited to:

1. That all Iviewit companies were formed by Proskauer and now appear part of a complex shell game of companies to transfer Iviewit intellectual property patent pending applications:

All with fraudulent intent by Proskauer and certain other cohorts, whereby;

- i. incomplete corporate records were maintained by Proskauer;

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

- ii. entire stock ledgers are now missing. In certain instances, where again Proskauer controlled the entity records, the stock held by Proskauer in Iviewit, issued to Proskauer by Proskauer, in the Proskauer Entity, whereby such securities transactions relating to Proskauer's shares of Iviewit in the Proskauer Entity, are now missing from corporate records maintained entirely throughout by Proskauer, and finally, where Iviewit shareholders may own nothing in this company which holds core patent applications;
- iii. audits into the Proskauer Entity and Iviewit by Arthur Andersen and Co. ("Andersen") were purposely derailed by Proskauer and others, and, Iviewit was cancelled as a client by Andersen after a year long audit, when Iviewit, through Proskauer referred management, refused to comply with the auditors requests, including a request for Proskauer to turn over proof, as in valid stock certificates, of the Proskauer shares issued by Proskauer to themselves in the Proskauer Entity. These proofs were never provided to the Andersen auditors and still remains missing and shrouded in fraud and destruction of corporate records, at all times maintained and controlled by Proskauer, failing to appear even under a court ordered production demand for all documents to be turned over by Proskauer, all to the detriment of Iviewit and its shareholders;
- iv. evidence shows that the Andersen auditors had complained of false and misleading information regarding the audit being provided to mislead auditors intentionally, and further, Andersen failed to find ownership interest by the shareholders of Iviewit in such Proskauer Entity;
- v. further evidence from the United States Patent & Trademark Office ("USPTO") recently finds that certain critical and core patents may have been purposely redirected to the Proskauer Entity to the detriment of Iviewit shareholders, and thus elaborate steps were taken by Proskauer to cover-up this shell game of companies with the intent of stealing off with core inventions in identically named companies;
- vi. patents of Complainant were purposely and wrongfully assigned by Proskauer agents, to companies, including but not limited to, the Proskauer Entity and in some instances no assignments were made to any Iviewit companies and remain today unassigned in the sole name of Proskauer referred management all to the detriment of Iviewit shareholders;
- vii. in other instances inventors were fraudulently changed (through submission of false and felonious "Oath and Declaration" forms to the USPTO, claiming false inventors for patents now found solely owned by other unbeknownst parties. The patent office cannot disclose any information on patents listed by Proskauer and others listed on Iviewit intellectual property dockets submitted to investors by Proskauer and discovered, on or about February 2004, in conversation with OED and a team assembled by such OED of five senior members of the USPTO, who have righteously aided Iviewit into the current suspension granted by the Commissioner of Patents at the USPTO, who have now confirmed that such application is not the property of Iviewit as stated on such investor dockets, and further that much more was revealed when the assignees and

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

inventors were also confirmed inapposite of the Iviewit dockets prepared by Iviewit patent counsel. Evidence has been submitted to Flabar in this matter as well as the contact information for Harry I. Moatz, Director, Office of Enrollment and Discipline of the United States Patent & Trademark Office (“OED”) and herein as, Exhibit “”.

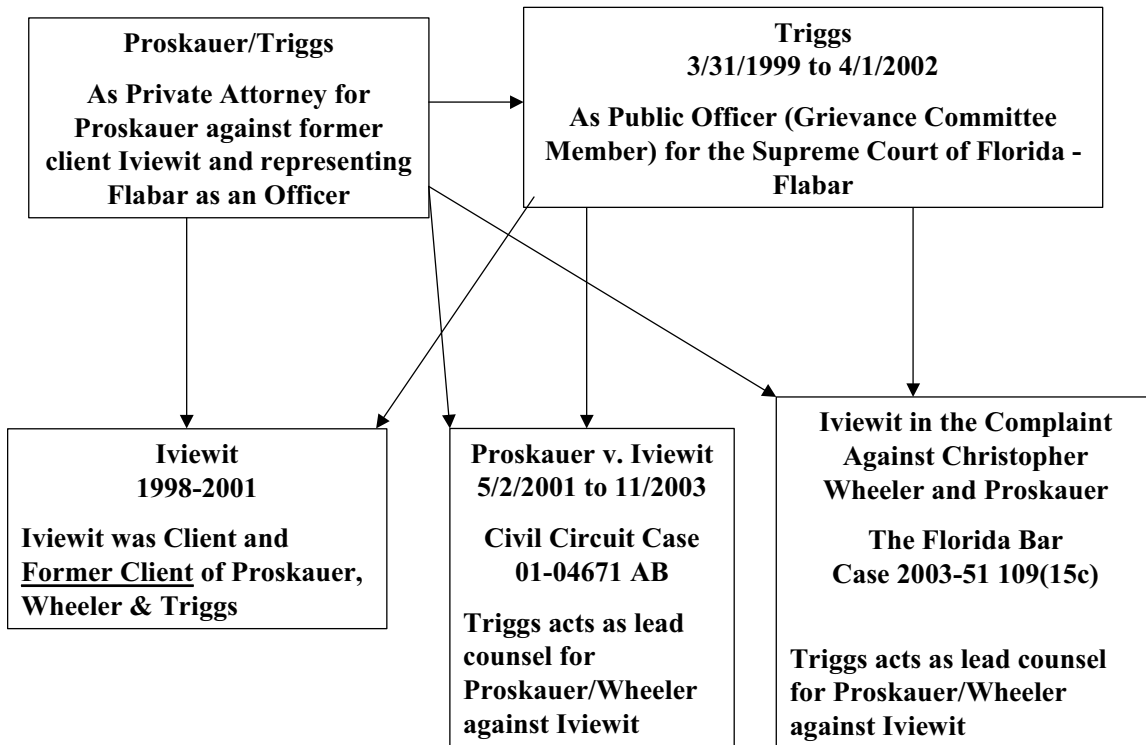
- viii. two sets of patent books were maintained in a patent shell game similar and in conjunction with the corporate shell game of identical named companies;
- ix. patents end up in the name of Proskauer referred management, whereby sole inventor status is claimed by a one Brian G. Utley (“Utley”) with no ownership or assignment in such inventions (“Zoom and Pan Imaging Design Tool” and “Zoom and Pan on a Digital Camera”) by Iviewit or its investors in such fraudulently applied for patents, with no approval or consent of the Iviewit board members or investors, and sent to Utley directly at his home. Finally, it has been evidenced to the Flabar in the Triggs Complaint that Proskauer partner Christopher C. Wheeler (“Wheeler”) in the Flabar Case No. 2003-51, 109 (15C) (“Wheeler Complaint”), (Florida Bar File Wheeler Complaint - **see Flabar for entire copies of files as maintained by Flabar, filed sometime on or about February 2003**).
- x. Whereby Utley perjures himself under deposition, stating he holds no such rights in any Iviewit patents and knows nothing about Iviewit technology being on a digital camera, now confirmed patently false by USPTO OED by evidence at the USPTO that Utley is listed as an inventor on a patent application for “Zoom and Pan on Digital Camera”, contrary to his deposition Proskauer Rose, LLP v. Iviewit Holdings, Inc., et. al. in the Fifteenth Judicial Civil Circuit Court Case No. 01-04671 AB (“Litigation”), and whereby Wheeler similarly in deposition in the Litigation attempts to claim that he also knows nothing about Iviewit technology on a digital camera and other false and misleading statements, contrary to masses of evidence showing he had full knowledge, masses of information sent to Flabar and thereafter ignored;
- xi. Utley further was a decades old friend of Wheeler, vouched for by Proskauer/Wheeler on a resume fraught with outright lies submitted by Wheeler on behalf of Utley, where disclosure of past patent malfeasances by Utley at his former job are masked and concealed with intent to deceive by Wheeler and Utley. In fact, on information and belief, Wheeler was also involved in the corporate setup whereby patents similarly were diverted out of Utley’s last employer, Diamond Turf Equipment (“DTE”), unbeknownst to the owner, into a company Wheeler setup for Utley, Premier Connections, this led to Utley again being fired for cause and the owner of DTE forced to close such business at a multi-million dollar loss as testified to by Monte Friedkin, **(954) 972-3222 x310**;
- xii. fraud was committed upon the USPTO by Proskauer attorneys, fraud on a cabinet level agency created by the Constitution, in the filing of patently false inventor oaths and declarations made to such federal agency and currently under investigation by the USPTO OED, The Federal Bureau of Investigation (“FBI”)



**FLORIDA BAR COMPLAINT – PART TWO**  
**MATTHEW H. TRIGGS &**  
**THE LAW OF FIRM PROSKAUER ROSE LLP**

- and other state and federal agencies, all to the detriment of Iviewit shareholders by loss of rights and ownership in the patents, and all appear to benefit Proskauer;
- xiii. Proskauer set up identically named corporations to receive patents, whereby the shareholders of Iviewit, venture capital firms invested in Iviewit and the inventors now hold no definable interest in such exactly identical named company as the Proskauer Entity, according to OED, certain core technologies which are supposed to be owned by Iviewit and invented by Iviewit inventors are not, and although listed as Iviewit assets by Proskauer for inducement to invest, they end up in the Proskauer Entity or other John Doe companies that may not be known to exist, all through fraud and deceit;
  - xiv. all of these actions have now caused actions in the state Supreme Courts of New York and Florida and federal actions by the USPTO Commissioner of Patents (“Commissioner”) as will be recited herein.
  - xv. The cost of this “corporate general advice and corporate set-up” as Proskauer bills for it, cost Iviewit, a start-up technology company with intellectual property, approximately eight hundred thousand dollars (\$800,000.00) with none of that bill for protecting the patents, according to the Proskauer story. According to Proskauer’s tale but the truth of this, and it is Iviewit’s contention all along, that Proskauer falsified all of their bill and further submitted such false and fraudulent records, whereby in an attempt to cover up after being caught, and now for an additional two years as Iviewit learned what happened in this conspiracy, whereby patent work in the billings and hosts of meetings in the beginning of the Iviewit and Proskauer relationship are all missing from bills Proskauer submitted in the Litigation, all evidenced prior in the Wheeler Complaint. In fact, much of the bill submitted to the 15C, in the billing case is on an Iviewit entity that does not exist or whereby other billings are missing for each of the 13 companies known. Further, in the original billing case Proskauer levied on Iviewit, Proskauer in fact sued entities that they factually had no billings or retainers with, some of which appear to be attempts to build debt on Iviewit patent companies, which at the time seemed very strange when Complainant did not know such companies at the time held patents as it was not discovered by OED at that time, yet it seem strange and Proskauer was forced to re-file the complaint against Iviewit in the 15C.
  - xvi. Which after changing such billings, to remove Kenneth Rubenstein (“Rubenstein”) State of New York Supreme Court – Appellate Division First Department (“NY Department”) Docket 2003.0531 (“Rubenstein Complaint”), Rubenstein, Wheeler and Rubenstein felt confident in deposition stating they new nothing of the technologies and did no patent work, and other such false and misleading statements, made to tribunals inapposite the truth. Complainant feels that a review of such matters as in the Wheeler Complaint alone, will prove these statements false.

## Matthew H. Triggs - Conflicts of Interest



□ **1998-2001**

Proskauer thereby Wheeler and Triggs as partners, represented Iviewit as a client for services including; patents, trademark, securities, corporate, immigration, etc...

□ **3/31/1999 to 4/1/2002**

Triggs served in public office as a fully insured Member of Flabar as afforded under the Bylaws of the Rules ("Bylaws"). It is imperative to note that Complainant complains that specific factual allegations in the Wheeler Complaint may have begun before appointment, and, simultaneously throughout Triggs' entire term as a public official, and after review of the entirety of the Triggs conflicts herein, it will be shown to be cause for concern that Triggs was planted to spearhead the diversion of any complaints filed in This Court, and further evidences that through Wheeler's brother, James Wheeler ("James") a partner at Broad and Cassel, there may be further evidence of such planted individuals reaching the Executive offices of Flabar;

□ **5/2/2001 to 11/2003**

Triggs, acted as lead counsel for Proskauer v. Iviewit in concurrence with his Member term and in conflict with his former Member term, representing Proskauer privately against a former client;

□ **2/2003 to Current**

Triggs, acted as counsel, again in conflict, for Wheeler in the Wheeler Complaint on behalf of Proskauer\Wheeler, as a former Member, in a prohibition period

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

whereby Triggs was excluded from representing any party for a period of no less than one-year after his term, without express consent of the board of Flabar.

**I. VIOLATION ONE – CONFLICT OF INTEREST**

**VIOLATION AS MEMBER AND FORMER MEMBER OF  
A GRIEVANCE COMMITTEE OF THE SUPREME COURT OF  
FLORIDA - (“MEMBER”);**

**GENERAL RULES OF PROCEDURE**

2. That Proskauer and Wheeler selected Triggs to represent Wheeler while conflicted as a former Member, knowing of several conflicts of interest as they relate to the prohibition period of former Members representing any party for a period of **no less** than one year from public office service as a public officer of The Florida Supreme Court without full disclosure and further subject to written waiver by the Flabar Board and thereby it conveys that they had intent to deceive and conceal the conflict as will be evidenced throughout the Proskauer Complaint, Complainant cites from the Rules:

**RULE 3-7.11 GENERAL RULES OF PROCEDURE**

**(i) Disqualification as Trier and Attorney for Respondent Due to Conflict.**

**(3) Attorneys Precluded From Representing Parties Other Than The Florida Bar. An attorney shall not represent any party other than The Florida Bar in proceedings provided for in these disciplinary rules under any of the following circumstances:**

**(A) If the attorney is a member or former member of the board of governors, member or former member of any grievance committee, or employee or former employee of The Florida Bar and while in such capacity participated personally in any way in the investigation or prosecution of the matter or any related matter in which the attorney seeks to be a representative or if the attorney served in a supervisory capacity over such investigation or prosecution.**

**(E) A member of a grievance committee shall not represent any party except The Florida Bar while a member of a grievance committee**

**and shall not thereafter represent such party for a period of 1 year without the express consent of the board.**

(F) A partner, associate, employer, or employee of an attorney prohibited from representation by subdivisions (3)(C), (3)(D), and (3)(E) of this rule shall not represent any party except The Florida Bar without the express consent of the board of governors.

3. That Triggs was prohibited as a former Member from acting on behalf of any party until April of 2003 and in February of 2003 began representation of Wheeler. Clearly, without disclosure and without express Flabar board consent, a violation of public office of The Supreme Court of its department Rules for Flabar. A violation that opens the portal for the appearance of impropriety that reflects on a fully insured Member of Flabar by a public officer serving a Member term.

4. That by the conflicted Triggs representation of Wheeler for however short a period it may have been, that Proskauer, Triggs and Wheeler knowingly, willfully, and with malice failed to disclose it and seek Flabar board waiver, knowing that other conflicts would be exposed if such waiver were requested. This leaves open for however long a time period, a serious conflict which automatically creates bias in the Wheeler Complaint through violation of public office by Triggs, where conflicted Member Triggs intentionally fails to disclose a conflict and further fails to gain express consent of the board, all causing the appearance of impropriety for Flabar and all pointing to flagrant abuse of public office, all professional misconducts as governed by Flabar and oversight by This Court.

## II. VIOLATION TWO – CONFLICT OF INTEREST

### CONFLICT AS A MEMBER OF THE SUPREME COURT OF FLORIDA;

#### RULES OF DISCIPLINE; JURISDICTION TO ENFORCE RULES; GRIEVANCE COMMITTEES; GENERAL RULES OF PROCEDURE; SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT

5. That Triggs, also while serving his Member term, served conflicting parties by representing personally and substantially, as lead counsel no less, to a private client (his very own firm of Proskauer), in a civil lawsuit, against Iviewit a former client, and at the same time of his term as a public officer, and further and most shamefully, at the same time that he begins representing Wheeler as a former Member of Flabar in conflict, he know increases the conflicts again in the Litigation. Not only now guilty of the conflict outlined in Conflict One, but now additionally in conflict with his private representation in the ongoing Litigation while a public officer and further a public officer failing to follow proper procedure in flagrant disregard for the Flabar Board rule, whereby Triggs represents Proskauer\Wheeler as a private client against Iviewit in the Litigation, and simultaneously for a period of time and concurrent with his representation of Wheeler while a former Member in conflict. Again, Triggs fails to disclose yet another conflict, his civil and private representation of Proskauer and his public service representation of Wheeler in the Wheeler Complaint, and again seeks no express consent of the Flabar board, where in light of the Conflict One and now Conflict Two and where the appearance of impropriety from allowing such conflicts would be clear, the Flabar would most likely not have approved any attempted waivers for Triggs and thus why Triggs fails to disclose, further conceals and further advances his conflicts.

6. That this a most serious conflict interest and again an undeniable conflict and further a never disclosed conflict indicating concealment, that Triggs failed to ever get the conflicts waived by the board of Flabar, causes liability to the Flabar, for a fully insured former Member of the Flabar. That had Triggs revealed his representation in the civil matter while in conflict with another matter before the Flabar, that certainly the board of Flabar would have not allowed such adverse simultaneous conflicted representations to be allowed through waivers, which could certainly have had the appearance of impropriety. Implications of this conflict lead Triggs, for however short a period, as public officer with access to private and confidential Supreme Court of Florida files, in matters related to Iviewit (as Iviewit can be viewed as a party before This Court and represented by Flabar as a client) in the Wheeler Complaint, for use or abuse in his concurrent private representation of Proskauer privately in the Litigation. Iviewit alleges that not only did this potential exist but was further exploited throughout his conflicted representations and throughout the process.

7. That all the while Triggs failed to disclose such concurrent and conflicting representations of related matters against Iviewit to the Committee, and whereby it went undetected for eighteen months, all again to avoid having to obtain express and written approval by the board of Flabar to waive out of the conflicts, and therefore constituting intent to deceive Flabar. Triggs knew these conflicts would never be waived, as it would further increase liability to Flabar to now have to issue two waivers for two conflicts, and Complainant cites that what motivated Triggs was that Triggs had obvious personal interest in the outcome of both proceedings which would bias him towards Complainant and give him access to Complainant private and confidential case files and Complainant cites:

**3 RULES OF DISCIPLINE  
3-3 JURISDICTION TO ENFORCE RULES  
RULE 3-3.4 GRIEVANCE COMMITTEES**

**No member of a grievance committee shall perform any grievance committee function when that member:**

**(2) has a financial, business, property, or personal interest in the matter under consideration or with the complainant or respondent;**

**(3) has a personal interest that could be affected by the outcome of the proceedings or that could affect the outcome; or**

**(4) is prejudiced or biased toward either the complainant or the respondent.**

**Upon notice of the above prohibitions the affected members should recuse themselves from further proceedings. The grievance committee chair shall have the power to disqualify any member from any proceeding in which any of the above prohibitions exist and are stated of record or in writing in the file by the chair.**

8. That Triggs was conflicted with his public office role as a Flabar Member representing a party other than Flabar, Proskauer in the Litigation, while prohibited and expressly excluded from such representation due to a public office prohibition, causing yet another conflict of interest, furthering the appearance of impropriety and constituting again a direct violation of the Rules in regards to his public office position with The Supreme Court of Florida as a fully insured Member of Flabar, and as may now cause liability to Flabar as the Bylaws of the Rules provides coverage for such Members, to be

discussed herein. That Triggs acted as counsel for a party within an exclusory period and further failed to disclose such conflict or seek waiver from the board of Flabar both actions constituting instances of professional misconduct where it is clearly a violation of the Rules and Complainant cites again:

**RULE 3-7.11 GENERAL RULES OF PROCEDURE**

**(i) Disqualification as Trier and Attorney for Respondent Due to Conflict.**

**(3) Attorneys Precluded From Representing Parties Other Than The Florida Bar. An attorney shall not represent any party other than The Florida Bar in proceedings provided for in these disciplinary rules under any of the following circumstances:**

**(A) If the attorney is a member or former member of the board of governors, member or former member of any grievance committee, or employee or former employee of The Florida Bar and while in such capacity participated personally in any way in the investigation or prosecution of the matter or any related matter in which the attorney seeks to be a representative or if the attorney served in a supervisory capacity over such investigation or prosecution.**

(B) A partner, associate, employer, or employee of an attorney prohibited from representation by subdivision (3)(A) shall likewise be prohibited from representing any such party.

**(E) A member of a grievance committee shall not represent any party except The Florida Bar while a member of a grievance committee and shall not thereafter represent such party for a period of 1 year without the express consent of the board.**

(F) A partner, associate, employer, or employee of an attorney prohibited from representation by subdivisions (3)(C), (3)(D), and (3)(E) of this rule shall not represent any party except The Florida Bar without the express consent of the board of governors.

9. That Complainant cites, yet another violation of the Rules by Triggs:



**RULE 4-1.11 SUCCESSIVE GOVERNMENT AND  
PRIVATE EMPLOYMENT**

**(a) Representation of Private Client by Former Public Officer or Employee.** A lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency consents after consultation. No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

**(1) the disqualified lawyer is screened from any participation in the matter and is directly apportioned no part of the fee therefrom; and**

**(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.**

10. That Triggs knowingly, willfully, and incestuously acts on behalf of Wheeler, in violation of The Rules of his public office and represents his firm Proskauer, in conflict, if only for a short period, a period in which multiple conflicts existed, which opens unlimited potentials for appearance of impropriety, of unknown depth to the tentacles of the conflict and further imputing an intentionally concealed conflict of interest that furthers the appearance of impropriety and causes liability upon the Flabar a Supreme Court department, all constituting further instance of professional misconduct unbecoming of a Florida attorney and that further cause a loss of public confidence in the Flabar and causes shame on This Court by its affiliated Members.

### III. VIOLATION THREE – CONFLICT OF INTEREST

#### CONFLICT OF INTEREST; PROHIBITED AND OTHER TRANSACTIONS

11. That as a shareholder of Iviewit stock, Proskauer and all of its partners including Triggs and Wheeler accepted Iviewit stock as a gift, where under sworn deposition testimony, Proskauer partner Wheeler refers to such stock as a gift by Eliot Bernstein to members of the Iviewit team, of two and one half percent (2.5%) of founder shares, whereby Proskauer partners prepared such stock instruments granting founder stock in Iviewit to Proskauer, whereby these Proskauer maintained stock certificates and corporate records relating to all such Proskauer stock transactions are now missing from the Iviewit corporate record, appearing to be in violation of Rules, and yet another Triggs\Proskauer\Wheeler conflict, and Complainant cites:

#### **RULE 4-1.8 CONFLICT OF INTEREST; PROHIBITED AND OTHER TRANSACTIONS**

**(c) Gifts to Lawyer or Lawyer’s Family. A lawyer shall not prepare an instrument giving the lawyer or a person related to the lawyer as parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee.**

12. That from Wheeler’s deposition in the Litigation, Complainant cites:

A. Eliot wanted to - wanted us to own shares  
in the corporation. He felt that - that - that

everyone should - that all members of his team should be stakeholders in his company.

Q. Okay. There was no discussion as to whether or not there was any value to those shares?

A. Well, he was hoping there would be value.

Q. There was no discussion as to whether or not those shares had any value at the time?

A. No. I mean, they - I don't think they could be valued at that time. I mean, everyone could try to value something, but no, there was no discussion as to what they were valued at at that time.

13. That in relation to the estimated value of the technologies one might consider this a large percent of stock in a company with technologies valued at seventeen billion dollars (\$17,000,000,000.00) but what one fails to see and what Wheeler attempts to deny in his deposition was that this Proskauer stock, unlike other founder stock was taken with Proskauer partners representing to multitudes of witnesses that the stock grant to Proskauer would be offset by the enormous royalties paid when Rubenstein acting as Iviewit patent counsel and an Iviewit board member, and also, acting as sole gatekeeper of MPEGLA, the sole decision maker on essential patent inclusion into such pools, put the Iviewit patents into the patent pools.

14. Whereby royalties were promised by Proskauer, Wheeler and Rubenstein to be enormous because of the fact that they were being heralded by leading world experts, as "holy grail" inventions akin to digital electricity and with a value Thomas A. Edison would have admired. These royalties promised as part of the enticement by Wheeler to have Proskauer take stock in Iviewit, whereby royalties were to inure to Iviewit shareholders as return on the stock grant as soon as the patents were ready and additionally, fees were agreed to be waived and delayed so as to pay these legal fees out of such future promised royalties. Proskauer takes such stock after a thorough review by Rubenstein of the patents, whereby he has full access to the Iviewit inventions and processes, and thereafter Proskauer sent written patent opinions in the name of

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

Rubenstein to prospective investors, which claimed Iviewit technologies to be “novel” and “superior” to anything Proskauer had ever reviewed, and in the case of Rubenstein a patent evaluator for a standards bodies like MPEGLA who reviews many patents, a stellar opinion, which was the motivation behind the acceptance of the Iviewit stock. A very nice gift. Wheeler’s lie under deposition in the Litigation and false and misleading statements made by conflicted Triggs in the Wheeler Complaint, whereby the lie, that the stock was a “gift” which had no value, another lie as all other investors paid in kind, and which now such lie costs Proskauer and Triggs yet another conflict of interest in the same matters.

15. That Rubenstein’s opinion, in fact, was what many shareholders testify in written sworn statements as to having been a major influencing factor in their investing in Iviewit at that time, and certainly when he became, not only lead patent counsel for Iviewit but also when Rubenstein joined the Iviewit board, which increased investor confidence and further induced securities to be transacted, all evidence previously submitted to Flabar, and ignored, in the Wheeler Complaint. The reason Wheeler claims the stock a “gift” is because he now claims to know nothing of the technologies and under deposition and statements sworn to Flabar, Wheeler claims Iviewit is a “portal” and Iviewit further is a failed and bankrupt “dot com” where such bankruptcy was instigated by Wheeler referred management Utley and other Wheeler referrals, in United States Bankruptcy Court Southern District of Florida Case No. 01-33407-BKC-SHF (“Bankruptcy”). Whereby such lies are attempts to distance Rubenstein from the technologies he has stolen as if they never existed, once Proskauer was caught and so has begun a long process where by Proskauer has been trying to change recorded history in what amounts to some of the most heinous cover-ups, including shaming This Court, and many other crimes as will be cited herein. Rubenstein’s deposition in the Litigation is fraught with perjured statements, whereby first Triggs writes to the Litigation judge that Rubenstein is refusing a deposition because he has never heard of Iviewit and is being harassed, imagine that, and that he knows nothing of Iviewit or its inventions and has never billed Iviewit for a single minute of time (it is of interest to note his name appears in the bills in meeting after meeting over three years, and he is submitted entire patent portfolios for review for investors by inventors as documented in the bills, and in internal documents found in Proskauer’s records under a production demand in the Litigation, by Wheeler himself sending the entire patents for review by Rubenstein. It is not until at his deposition where he is confronted evidence that he begins to recant and change his story from his written statement prior to the Judge and in fact, after deposition tries to submit to the Judge and explanation of why he is interfacing with Iviewit clients and the Judge compels him back to deposition to answer such questions. Iviewit never got a chance as the case was dismissed after the Judge relieved two simultaneous lawyers representing Iviewit, only days before trial, and days after a mysterious cancellation of a scheduled trial where Iviewit showed up with counsel ready to go, and to begin asking these questions that Rubenstein was now compelled to answer. During a rescheduling hearing, Iviewit’s counselors both submitted withdrawal papers to the Judge stating the other lawyer would be representing Iviewit at trial, and almost unbelievably on the same day, in the same

15C, the judge granted both counselors a relief, leaving Iviewit without counsel, after two years fully represented and even more bizarrely, the Judge then called Bernstein, a non-lawyer to the podium and demanded that he act on behalf of Iviewit (against Florida state laws as Bernstein is not a licensed attorney) and when Bernstein refused and stated conflicts he had with Iviewit as an inventor prevented him further from acting as a non-licensed attorney in a corporate matter, whereby the judge gave only two weeks to find replacement counsel, where in those weeks Iviewit had no counsel deprived by what appears yet again another Proskauer motivated scam which could also have been influenced, as Triggs in the Litigation was in conflict with his public office representation in the Wheeler Complaint and therefore casts a further shadow of doubt and appearance of impropriety, in case that appears a mockery to justice, especially now in light of the exposed conflict/

#### **IV. VIOLATION FOUR – CONFLICT OF INTEREST**

##### **CONFLICT OF INTEREST; FORMER CLIENT**

16. That further, Triggs in the Wheeler Complaint and simultaneously in the Litigation, appears further prohibited from representing Wheeler, in yet another conflict, as Iviewit was a former client for the following services from Proskauer and Wheeler and Triggs as partners, including but not limited to legal services for; patent, trademark, copyright, securities and general work and therefore Iviewit was considered a former client and whereby Triggs' representation of Wheeler as a conflicting party with adverse interests in similar matters to his former client Iviewit in both the Wheeler Complaint and the Litigation, with further adverse interests and conflicts both personally and professionally in his public office role with Flabar, again, this conflict would have required a waiver by the board of Flabar. All the while, Triggs concealing his conflicts with a former client, and yet another violation of his ethics. Proskauer\Wheeler\Triggs clearly have personal vested interests in all the Iviewit matters, that clearly prejudice all of them from representing parties in adversary to such former client Iviewit, again failing to even seek a waiver or consent from either party, and, again failing to disclose to Flabar same, yet again further imparting intent to deceive This Court and Complainant cites :

##### **RULE 4-1.9 CONFLICT OF INTEREST; FORMER CLIENT**

**A lawyer who has formerly represented a client in a matter shall not thereafter:**

**(a) represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation; or**

**(b) use information relating to the representation to the disadvantage of the former client except as rule 4-1.6 would permit with respect to a client or when the information has become generally known. For purposes of this rule, “generally known” shall mean information of the type that a reasonably prudent lawyer would obtain from public records or through authorized processes for discovery of evidence.**

17. That the duty of confidentiality continues after the client-lawyer relationship has terminated.

**(a) Representing Adverse Interests. A lawyer shall not represent a client if the representation of that client will be directly adverse to the interests of another client, unless:**

- (1) the lawyer reasonably believes the representation will not adversely affect the lawyer's responsibilities to and relationship with the other client; and**
- (2) each client consents after consultation.**

18. That under this rule Proskauer and any partners, should have further been precluded from representing Proskauer/Wheeler against Iviewit in any matter, as Iviewit was a former client and certainly in Flabar Wheeler Complaint where Wheeler is a client of Triggs in a matter before Flabar, where Wheeler and Triggs have an adversarial position to Iviewit, a former client. Triggs may have also been prohibited from acting as counselor in the Litigation, as this conflicted with his public office as a Member, in the matter of a former client, and again no proper disclosures were ever presented to such tribunal. The minute the conflicts existed, once it also became a complaint before Flabar, Triggs certainly should have secluded himself from one of the representations and instead of taking the proper steps towards reclusion from such conflicted matters, we instead find Triggs jumping to represent Wheeler while prohibited from representation, without any formal disclosure, which again appears as yet another conflict. Due to the multiplicity of conflicted hats worn by Triggs against a former client, it furthers the appearance of impropriety and conduct unbecoming of a Florida attorney and further shows intent.

19. That certainly cognizant of the conflicts, Triggs with no disclosure of his myriad of conflicts and prohibitions of representing Wheeler and no waiver or any disclosure is procedurally granted in apposite the Rules, Triggs' concealment of these conflicts fails to properly protect Flabar from liability of one of its fully insured members as provided in the Bylaws, causing multiple conflicts and multiple appearances of impropriety, no matter for how long such conflicted existed. Where because no waiver is ever properly sought from the board of Flabar, no waiver is ever granted by express consent of the

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

board of the Florida Bar, all extremely unethical failures to disclose, leading to the appearance of impropriety in public office which all is conduct unbecoming of a Florida attorney and with perhaps detrimental effects to the establishment of Flabar, This Court, and, all respective insurance carriers or other insurance funds that may be affected.

20. That had Triggs disclosed and sought proper board approval to remove the prohibition, no waiver would have been granted due to his multiple conflicts, his prohibitions from representing Wheeler in multiple areas of concern, his former client relationship and other issues, that all would have had the potential for even the appearance of impropriety, and, waiver by the board of Flabar certainly would never have been granted had Triggs disclosed properly;

- i. his private representation of Proskauer\Wheeler during his term as a Member, in matters adversarial to Iviewit in the Litigation;
- ii. his prohibition from serving as representative to any party under his prohibition as a former Member; and
- iii. Proskauers former representation of Iviewit as a former client of Proskauer;
- iv. the conflict caused by representing a party in adversary to Iviewit, as in his representation of Proskauer\Wheeler as client in a matter before Flabar, the Wheeler Complaint, while prohibited by public office rules;

21. That, in light of all these conflicts and the obvious appearances of impropriety it would have imputed at the time, the board of Flabar would have told Proskauer/Wheeler/Triggs to find any of thousands of Florida lawyers not conflicted, that would represent no liability to Flabar for any waivers considering the nexus of events in conflict, to represent Wheeler in the Wheeler Complaint or Proskauer in the Litigation.

**22. That due to these conflicts, Complainant hereby demands that Flabar and This Court, immediately prevent Proskauer or any affiliate lawyer with conflict, to cease and desist representing Proskauer in any Iviewit related matters either before;**

- i. Flabar in matters related to Iviewit or Complainants,**
- ii. This Court in matters related to Iviewit or Complainants,**
- iii. Any other court of law in the United States or abroad;**
- iv. Any matter before any insurance carrier related to the Iviewit matters,**

**all to prevent further conflicts of interest in Proskauer continuously representing themselves, as fools often do, in matters relating to Iviewit and stop further abuses of public offices of the Supreme Court of Florida and New York or any other court whereby these matters are heard.**

23. That Proskauer must no longer represent themselves individually or as the firm Proskauer, in any further Iviewit matters and must be compelled by This Court and Flabar to seek third-party independent counsel from this point forward, counsel that is

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

further screened heavily for conflict or collusion, unbiased and not conflicted with Ivewit in any way. Due to the potential for further conflicts and appearances of further impropriety by Proskauer shaming This Court, this demand is of reasonable request, as there are thousands of lawyers for Proskauer to choose from, and in view of the conflicts already discovered and the damages unknown as of this date to all parties, all caused by Proskauer, it seems mandatory to protect all parties from further Proskauer liabilities.

24. That further, this should constitute cause for review and immediate and full investigation of the Wheeler Complaint and now all matters before This Court, in compliance with all state procedural laws, in light of the recently discovered multiple misrepresentations, conflicts of interests, and appearances of improprieties by Triggs and now others, and the apparent influence, so strong as to already have allowed;

- i. conflict after conflict to go unchecked,
- ii. conflicts to go undisciplined as Flabar,
- iii. the overlooking of evidence after evidence
- iv. the denial of due-process,
- v. the complete ignoring that notice by USPTO that patents were being suspended pending a filed charge with the Commissioner, of Fraud Upon the United States Patent & Trademark Office by Rubenstein, Proskauer, Wheeler, a one William J. Dick (“Dick”) Virginia State Bar (“VSB”) Complaint No. 04-052-1366 (“Dick Complaint”), Dick formerly of Foley and Lardner (“Foley”), a one Raymond A. Joao (NY Department Complaint No. 2003.0532), (“Joao Complaint”) and others, all complaints together against all attorneys at the USPTO OED (“OED Complaints”), such suspensions coming after review by the Commissioner, of such claims made and exhibited in the OED Complaints filed with USPTO OED and further submitted to This Court in the Wheeler Complaint and others matters before This Court, and all ignored by Flabar,
- vi. issuing of opinions whereby Flabar letterhead was used to tender opinion in favor of Wheeler and Proskauer while admittedly Flabar had done no investigation into the matter they opined upon, and proper procedure may not have been followed, in a case that was merely dismissed without investigation. When asked to explain their opinion from the chair of the district, a fully insured member of Flabar, Joy A. Bartmon, Grievance Committee Chair 15<sup>th</sup> Judicial (“Bartmon”) and Eric Montel Turner, Chief Discipline Bar Counsel (“Turner”) of whom a complaint with no number exists (“Turner Complaint”), as Flabar is trying to dismiss the matter as a minor oversight, like the minor oversight of the many Triggs conflicts, when in fact, these are some pretty heavy charges of a crime perhaps that will live in infamy as the most ungodly abuses of the law by those entrusted to uphold it has ever existed, Complainant asks This Court to re-investigate this matter for Rules violations against a fully insured member of Flabar, and is currently subject to review in light of the Triggs conflicts that may have influenced Turner’s review. Properly docketed as a formal complaint, filed against Turner for Rules violations, and further



**FLORIDA BAR COMPLAINT – PART TWO**  
**MATTHEW H. TRIGGS &**  
**THE LAW OF FIRM PROSKAUER ROSE LLP**

immediately causing removal of Turner, until investigation into the now undeniable, irrefutable and unbelievable violations already caused upon a most honored court as This Court, by those who have been involved to this point.

- vii. Turner, further refused an explanation to a further unintelligible Turner penned letter on behalf of Bartmon, Exhibit “”, that may not have been in compliance, and, whereby calls went unanswered both by Turner and Bartmon, week after week, month after month, with a patent deadline looming on the suspensions well known by the Flabar at this point, Complainant then escalated matters and got no responses, and were further met by hostilities from all executive management of Flabar in a hasty rush to attempt to close the file and perhaps destroy evidence as evidenced in their repeated attempts to close and destroy the file, even from the executive office level of Flabar, even after This Court has already stopped such destruction once based on the absurdity and appearance that it may have of obstruction in multitudes of ways, and it will be further evidenced herein, that the appearance of impropriety is undeniable at such level, and may be part of the irrational behavior of those already involved, as fully insured Members of the Flabar
- viii. where when it was shown to Flabar that Dick further was misrepresenting the dismissal without investigation to the Virginia Bar in grotesque misrepresentations, such as that a **formal investigation**, including claims that Florida had investigated counts contained in an unheard counter complaint in the Litigation which were unheard on a technicality, which due to those issues not being heard in the Litigation, the Flabar Wheeler Complaint, the Rubenstein Complaint, the Joao Complaint, were all filed. At the time Iviewit was nearly bankrupt as management had stolen money as alleged and investment was nearly impossible with the amount of controversy being discovered where investors found not only that the patents had been absconded with, but their monies as well. Where through diabolical methods such as; Proskauer’s Litigation, the Bankruptcy, the conflict laden Supreme Court manipulations by Proskauer agents, all have made investment impossible, so much so that Iviewit is deprived of even basic defense fees or lawyers who are willing to take on an issue as sticky as this, and, Iviewit is only here telling this story but for the graces of G-d, tremendous help from friend after friend of the company, and a grass roots effort by shareholders to bring these issues to the surface, even when being prevented due process through such dubious methods, and still hanging on, and finally, building a strong enough case to stop this nonsense at all levels, especially as it has already violated all that our Constitution was created to prevent and without swift and severe remedy as This Court possesses power to do to restore order in its ranks, it could have further appearances of impropriety, if any leniency is granted, where intent was so malicious.
- ix. to Hoffman putting the Wheeler Complaint on hold, citing that Complainant was in a Litigation and therefore the issues in the counter complaint and the Wheeler Complaint eluded investigation for over another year, after already not being heard or tried in the Litigation for a year prior, again merely dismissed

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

pending the outcome of the Litigation, again Proskauer appeared to have eluded confronting a single piece of evidence, spreading a maliciousness against Iviewit in a myriad of legal tricks, lawsuits, and bankruptcies with intent to drive Iviewit out of business before any of these issues surfaced, at any cost.

- x. to Proskauer in state after state it appears, where in some states they had positioned well and penetrated deep into the bar agencies, had already prepared and positioned with members in New York such as Steven C. (“Krane”), NY Department Docket 2004.1883 (“Krane Complaint”), as Krane is nationally known and conflicted at the very N.Y. Department handling the Rubenstein and Joao complaints, and, Triggs ready and waiting in Florida, as a Member for the Wheeler Complaint and Triggs again spearheading the harassing Litigation. With Triggs now gone from the Flabar as a Member, it will be shown that the executive offices of Flabar may have been already manipulated giving greater access, if not the ultimate access, again to Proskauer/Wheeler of private Iviewit government files,
- xi. allows the Triggs response on behalf of the Wheeler Complaint to go unchallenged in frozen animation for eighteen months, despite the mounting evidence submitted to Flabar repeatedly over that time, which may not have remained confidential and still may be at risk if all conflicts are not ceased immediately, knowing the Wheeler Complaint is tainted, leads one of sound mind to believe that only influence at the top could have prevented discipline at this point, with full knowledge of conflicts. All responses of Triggs on behalf of Wheeler should therefore be stricken, causing Wheeler to default on all claims against him in the Wheeler Complaint for failure to prepare a proper response in time, causing a most certain further investigation, and the conflicted response constituting further misconduct. That Flabar does nothing in full knowledge of the conflicts, is a testament to the why laws are enacted by This Court, to prevent even a slight appearance, and whereby this is flagrant, apparent and with intent to deceive This Court and other such regulatory agencies.

25. That once Triggs became counsel for Wheeler in the Flabar Wheeler Complaint, Complainant asserts that Triggs most certainly would have been conflicted to continue to represent Proskauer in the Litigation and should have secluded himself of one or the other representations, certainly for any period in which the conflicted misrepresentations existed simultaneously, or in any conflict, which in these matter they did, of which Triggs instead continues to represent both matters, all in conflict of his duties while a fully insured Member of Flabar. Triggs maneuvers all this without any disclosure ever or seeking any written consent or waiver from the board of Flabar, all the while having vested personal and professional interests in the outcome of related matters of Iviewit, representing Proskauer in the civil court case and representing Proskauer\Wheeler in Flabar Wheeler Complaint, all together and each alone conflicting with his public office Rules, all evidencing malice and intent. Triggs should have ceased either his continued representation in private practice for client Proskauer the Litigation and/or should have immediately ceased representation of Wheeler at the Bar, or both to truly be free of all

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

conflicts and Triggs callously and obviously confident in the disposition of Iviewit matters at This Court, as if he were above the law or had the law in his hip pocket, ceases neither of the conflicted misrepresentations and continues representing both parties, all the while again failing to disclose any of these matters, thereby representing further misconduct evidencing intent at dishonoring This Court, which should lead to an to the immediate disbarment and other remedies This Court may have at its disposal.

## V. VIOLATION FIVE

### VIOLATION OF RULES – SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT

26. That Triggs' personal interests in the outcome of the proceedings in civil court and simultaneously his interests in the outcome of the Wheeler case as a Member, are obvious in that if Iviewit succeeds in proving its claims, Triggs would need a new job perhaps in jail preparing appeals for his other partners and cohorts. That these personal interests in defending the Wheeler Complaint, may have led to further abuses of public office to suppress the factual allegations in the Wheeler Complaints and whereby Triggs as counselor to Wheeler in the Wheeler Complaint and further at that very time a conflicted Member, recently enough to have had access to the entire private and confidential government Iviewit Flabar file, access afforded to members and former members of Grievance Committees. Access to these files for even a moment in conflict with his public office term, could have, and it is further alleged to have been, used against Iviewit in the Litigation by Triggs. And whereby if that potential for access to Iviewit bar files existed for even a moment whereby there was conflicts, and failures to disclose, which factually did exist, leading to possible and alleged misuse of public offices, by a Member, which provided Triggs private governmental information on Iviewit's Wheeler Complaint for use in his civil Litigation, and which may now be cause to appeal the entire Litigation in that case, for similar violations of his ethics in that representation while in conflict, Complainant seek remedies as This Court can offer to have that Litigation review again with a view towards Iviewit in light of the conflicts.

#### **RULE 4-1.11 SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT**

- a. Use of Confidential Government Information. A lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.**

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

27. That the tentacles of the conflict concealed by Proskauer, Triggs and Wheeler since February 2003, now only recently discovered after eighteen months not detected due to knowingly, willful and with intent to conceal by Proskauer\Triggs\Wheeler, whereby such conflict may now have permeated to places little known to Complainant, and thus represent unlimited and unknown perversions of due process already deeply entrenched in Flabar, even a second of conflict without express waiver of the board, opens the possibility, and alleged violations, that any of hundreds of unknown improprieties may have already occurred from the myriad of conflicts and other malfeasances allowed thus far.

28. That a scheme exists whereby Proskauer partners in two separate states are conflicted in disciplinary offices where complaints are lodged against their partners and they further represent such partners in violation of their public office oaths and rules of conduct, in matters before the state bar associations under the aegis of the respective Supreme Courts in both Florida and New York, and abuse their public office positions through conflicts to suppress the complaints from due-process and review, and further, suppressing and falsifying evidence to such tribunals to pull such hoax off. All of these actions to cover-up such high crimes as Proskauer stands accused of, with all partners of their firm, including but not limited to; Fraud Upon the United States Patent and Trademark Office (as illustrated in the OED Complaints, available upon written request from Iviewit) and Patent Theft with an estimated value of seventeen billion dollars (\$17,000,000,000.00) as alleged and further validated in Complainant's Wheeler Complaint against the patent attorneys of Proskauer that represented Iviewit; and now adding conflicts with Supreme Courts of the United States to their list of reprehensible actions, including actions to cause dishonor to This Court, all in an effort to cover up the specific factual allegations of Complainants complaints at all agencies. A scheme which will be theorized and shown with probable cause, to involve conflict and influence of public officials, even to the highest levels within Flabar, to prevent exposure.

29. That these conflicts and abuses of public Supreme Court agencies are not innocent mistakes but are desperate attempts to cover-up the specific, factual allegations of the incomprehensible professional misconducts cited in the Wheeler Complaint, the recently submitted second Wheeler complaint, the Supreme Court of Florida case of Iviewit Holdings, Inc. v. The Florida Bar, the Litigation; **the recently submitted motion to the Supreme Court of the State of New York Appellate Division: First Department ("NY Department") – by Chief Counsel of such Department in a motion to the State of New York Supreme Court ("NY SC"), to move the attorney complaints against Rubenstein and Joao out of conflict with Krane, due to the appearance of impropriety and conflicts discovered, as illustrated herein. Per NY Department rules, the conflicts with Krane in the Krane Complaint, have been forwarded to Chair of the NY Department, Paul J. Curran, Esq. ("Curran") and further actions against, Chief Counsel of the NY Department, have been moved to an internal affairs review, headed by Martin R. Gold ("Gold"), Special Counsel NY Department, all with oversight by the ("NY SC"). Florida should similarly follow a**

**logical series of events since the matters in all regards of the conflicts are similar in their abuse of public office committed at the NY Department.**

30. That these crimes and professional misconducts have gone without any formal investigation for eighteen months, unheard and further not investigated, suspicious in and of itself, through a disingenuous scheme to prevent review of all Proskauer complaints by Complainant through conflicted public officials concealing their public office conflicts and securing no written or express waivers, acting in violation of their legal professional rules of conduct as public officers, so as to cause disgrace upon two State Supreme Courts whereby, again Proskauer is caught in definable and factual conflicts that that not only have an appearance of impropriety, but are factually improper and have caused actions by such NY SC NY Department. That similar to NY Department, This Court needs to remove all conflicts and appearances of impropriety immediately and by the book, to an unbiased third party review, perhaps federally, or any other method This Court may see fit. Federally, perhaps in the violation these events have had on the rights of the inventors under Section 8 of the Constitution, which are designed, along with creation of the USPTO, to protect the inventors but more importantly protect the rights of the very fabric of free trade and democracy. If such push forward by This Court to the federal court is taken, Complainant still demands immediate resolution of the internal issues to this point, so that any prior damage to Complainant prior is resolved and with disclosure to all parties involved, to erase any influences of damages already done in influencing other investigations, to prevent future misrepresentations by any parties, to find out how deep these conflicts penetrated with full written waiver from any Flabar representative who was in anyway involved, and for any other relief This Court may find at its disposal to a victim of such misuse of This Court as evidenced herein.

31. That it is factually alleged that knowing that approval would not be granted under such circumstances, Triggs then conceals his conflict and seeks no express consent of the board, the concealed conflict imparting an imprudent abuse of power and public office conveying upon a Supreme Court agency the appearance of influence pedaling and perhaps bribery, all an ill-advised instance of Triggs, Wheeler's, and Proskauer's efforts to leave the Wheeler Complaint unheard, and as such Rule below is designed to protect against:

**4 RULES OF PROFESSIONAL CONDUCT  
4-6 PUBLIC SERVICE**

**RULE 4-6.3 MEMBERSHIP IN LEGAL SERVICES  
ORGANIZATION**

**A lawyer may serve as a director, officer, or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to**

**the client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:**

**(a) if participating in the decision would be incompatible with the lawyer's obligations to a client under rule 4-1.7; or**

**(b) where the decision could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.**

## **VI. VIOLATION SIX**

### **VIOLATION OF RULES; MAINTAINING THE INTEGRITY OF THE PROFESSION; REPORTING PROFESSIONAL MISCONDUCT**

32. That the concealed conflicts of Triggs, further allows for tainted responses to be tendered on behalf of Wheeler, which should now be invalidated in the Wheeler Complaint, where Triggs knowingly makes a series of false and misleading claims in defense of Wheeler, to cover-up, to further aid and abet the professional misconducts cited in the Wheeler Complaint, all instances of professional misconduct unbecoming of a Florida attorney and Complainant cites:

#### **4 RULES OF PROFESSIONAL CONDUCT 4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT**

**(a) Reporting Misconduct of Other Lawyers. A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority.**

33. That Complainant factually alleges that Triggs, in his attempts to mislead Flabar, in his failure to disclose his conflicts or seek an appropriate waivers from the board, and in his further failure to disclose the professional misconducts of Wheeler to a proper tribunal, thereby aids and abets Wheeler in the professional misconducts cited in the Wheeler Complaint and Complainant now complains to This Court, that Triggs is guilty

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

of the same professional misconducts alleged against Wheeler in the Wheeler Complaint, both members of Proskauer who along with all partners of the Proskauer firm stand accused of the allegations cited herein and in the Wheeler Complaint, as it transcends to the partnerships involvement in patent thefts as a firm and manipulation of state Supreme Courts as firm, and therefore Complainant alleges that Triggs and all Proskauer partners, have now become an accomplice to all allegations herein and in the Wheeler Complaint and thereby Complainant now charges Triggs and Proskauer with all allegations contained in the Wheeler Complaint and any other complaint as mentioned herein, all previously submitted to Flabar and ignored.



## VII. VIOLATION SEVEN

### VIOLATION OF RULES; MAINTAINING THE INTEGRITY OF THE PROFESSION; MISCONDUCT

34. That Complainant complains of a violation of the Rules, in Triggs' role as an accomplice to Proskauer in all allegations contained herein, and, in all complaints of Complainant on file with Flabar and This Court and any other state or federal complaint in related matters and Complainant states for reasons contained herein that Triggs has flagrantly violated the following Rule in entirety if not multiply in all counts:

#### 4 RULES OF PROFESSIONAL CONDUCT 4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION RULE 4-8.4 MISCONDUCT

**A lawyer shall not:**

**(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;**

**(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;**

**(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;**

**(d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice,** including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic;

**(e) state or imply an ability to influence improperly a government agency or official;**

35. That Triggs, by his conflicts and actions in accomplice with all charges (criminal, civil and ethical) contained in the Wheeler Complaint, violates all of the privileges

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

accorded to a Florida attorney and an individual who further held membership in Flabar as a fully insured Member. Further, Complainant alleges that Proskauer/Triggs/Wheeler uses this deviously obtained influence as a Member of Flabar, to induce and have suppressed the evidences in the Wheeler Complaint and create an adversarial relationship between Flabar and Iviewit leading to the Supreme Court of Florida case of Iviewit Holdings, Inc. v. Flabar. So much so, that in recent calls and emails to Johnson, she refused to help or talk with representatives of Iviewit in matters as grave as those contained herein, prior to legal action at The Supreme Court, and refused as a fully insured Executive Officer of Flabar to return calls for information and assistance in these malfeasant matters. That these matters were of utmost concern to an executive officer of the Flabar, especially in regards to an employee misconduct, and the Triggs' conflicts, where such executive although new on the job, should handled matters long before This Court was burdened, yet all attempts to contact Johnson ignored until after the Supreme Court case was filed, whereby she had Marvin call, Johnson joining now Bartmon and Turner in a bad habit of failing to return calls. With email after email ignored and call after call deflected, Iviewit was forced to file the Turner Complaint, and which charges seem unbelievable against Turner, unless viewed through the influence the Triggs conflicts and in the amount of impropriety already created prior to discovery of the conflicts, whereby seemingly prior, rule after rule appears broken by Turner and his staff and where delay after delay is cited to Complainant by Turner and his staff, where Turner further takes the position of Wheeler in Turner authored letters, that contrary to popular belief and hosts of factual evidence contrary, state that "Proskauer did no patent work" when no formal investigation was ever conducted, to Turner's outright lie to the Complainant several months ago, well documented in letter to Marvin, whereby Turner claims his review his file and there is no higher appeal, and that the Supreme Court had no jurisdiction or appeal process, whereby prior to hanging up on Complainants Lamont & Bernstein he gave us a general number at Flabar headquarters with a good-luck in over-ruling him goodbye and hung up providing no contact name, whereby Complainant contacted such number and found Marvin, who explained that there were several more levels of review and to again contact Turner, under Marvin's direction, and have Turner move the matter to the next highest level, which Turner did when he handed it over to Bartmon, working with Turner since has been unbearable and impossible as evidenced in the Turner Complaint filed with This Court and still remaining with no internal or formal complaint number with Flabar. This leads one to wonder how such a actions remain unchecked and all with without investigation into the matters, all evidences that the Wheeler Complaint has not been reviewed properly by Bar Counselors due to influences caused by fully insured members, including but not limited to:

- Kelly Overstreet Johnson, President ("Johnson")
- Lorraine Christine Hoffman, Bar Counsel ("Hoffman")
- Eric Montel Turner, Chief Discipline Bar Counsel ("Turner")
- (Florida Bar Complaint officially filed but not processed formally by Flabar)
- Kenneth L. Marvin, Director of Lawyer Regulation ("Marvin")
- Anthony Boggs, Director, Legal Division ("Boggs")

**FLORIDA BAR COMPLAINT – PART TWO**  
**MATTHEW H. TRIGGS &**  
**THE LAW OF FIRM PROSKAUER ROSE LLP**

- Joy A. Bartmon, Grievance Committee Chair 15<sup>th</sup> Judicial (“Bartmon”)
- Jerald S. Beers, Designated Review (“Beers”)

36. That the complaint filed against Turner was filed before Complainant had knowledge of the Triggs conflict and in light of the multiple conflicts and other violations now discovered of the Rules by Triggs it now appears to make sense, how such cover-up has taken place at the Flabar.

37. That this influence pedaling by Proskauer and its partners, to cover their involvement in the heinous crimes alleged, has now been exposed in two states constituting manipulation of state Supreme Court offices, that may have caused Flabar members and employees to become tainted through a multitude of devious ways stemming from the conflicts, which have lasted throughout the Wheeler Complaint process undisclosed, as Triggs’ influence as a Member while conflicted was planted immediately in the opening days of the Wheeler Complaint and remained for the remainder of the Wheeler Complaint undisclosed, and as a Member, it may have taken a wink and nod and promise of future benefits for aiding to suppress the Iviewit Wheeler Complaint or it may have taken the form of payola, enough so, that such members and employees of Flabar would take the missteps and miscues that effectively bury the Wheeler Complaint, denying due process or formal investigation over eighteen months. This degrades The Supreme Court of Florida’s agency the Flabar’s function, to be an unbiased and not conflicted entity setup as a consumer protection organization, and transforms it into an attorney protection agency, whereby undisclosed and not approved conflicts and violation of the Rules by fully insured Members and employees prevails, allowing abuse by attorneys of their public office positions, as shields, and whereby, such conduct is allowed by Flabar to go further undisciplined after exposure, yet certainly Complainant knows not unreported for insurance purposes as required in the Bylaws when there are real or perceived actions pending against any member covered in the Bylaws of which such matters as conflicts and appearances of impropriety would certainly have already deemed for such full disclosure upon being informed of the complaints against Member Triggs and employee Turner. These matters, all caused by Proskauer/Wheeler/Triggs, have now caused actions to be filed in the Supreme Courts of the states of Florida and New York and actions to be taken by the Commissioner of Patents for the United States Patent and Trademark Office, all further requiring notice, these matters should be taken seriously by This Court as insurance carriers now face risk, and in review of recent letters from Boggs, he asserts that the matter is closed and supports the opinions in errors that Proskauer did no patent work and further attempts to minimize conflicts that he knows existed and admits, all this leading one to believe that Triggs’ defense fund may be paid by Flabar insurance and perhaps exposed Flabar further.

38. That Complainant states that other state bar agencies were influenced by Flabar statements that were misused by other attorney’s, such as Dick who came to Iviewit through Wheeler and Utley, with a past patent malfeasance which was covered up,

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

whereby Dick, Utley and perhaps Wheeler, were involved in the similar events of DTE. Dick brought in to “fix” the work of Joao and oversights by Rubenstein, in the filings of the patent applications, and to investigate Joao’s patents, where it had come to the attention of the Iviewit board, that Joao had recently, while retained by Iviewit and after, was filing patents similarly related to inventions learned at Iviewit, as fully described herein, and almost unfathomable to imagine. More strangely, when obtaining records directly from the USPTO it has become apparent that Joao was filing patents lacking critical information which was also turning up in his sudden surge of patents (90+) Joao filed in his name, as all illustrated with evidence and witnesses to Flabar and ignored.

39. That PR\Triggs\Proskauer and others, further attempt to slander and libel the principal inventor of Complainant, Bernstein, whereby the facts of the Wheeler Complaint find Wheeler so unmasked that Triggs in his conflicted responses on behalf of Wheeler, has no defense against a single piece of evidence submitted with the rebuttals of Lamont and Bernstein (these are separate rebuttals filed by Lamont and Bernstein and Bernstein’s response is several hundred pages filled with masses of evidence against PR\Wheeler, all ignored by Flabar) and Triggs fails to deal with any the complaints allegations, evidences and witnesses, so in a desperate attempt to shift focus, Triggs resorts in his responses tendered in conflicts on behalf of Wheeler, to creating phantasmagorical tales of;

- i. a retaliation by Iviewit against Proskauer for a billing dispute (filed after Proskauer was confronted by Iviewit board members regarding conversion of funds and patent theft),
- ii. to factually incorrect statements that Proskauer did no patent work for Iviewit. Contrary to documents, witness statements, investors statements, all showing contrary evidence, all submitted to Flabar and ignored, claiming Iviewit was a failed dot.com and forgetting to mention the companies underlying patent pending applications, where such technologies of the Complainant are patent pending and have estimated values over the life of the patents to be worth billions of dollars and whereby it is alleged that Proskauer and all of it’s partners directly inure benefits from Complainant technologies all to the detriment of Iviewit shareholders.
- iii. to statements trying to portray Bernstein as a madman,
- iv. to denials that Rubenstein knew who Complainant was and that he was being harassed by Iviewit and never billed a minute, forgetting to explain why he is being listed in the bills over a three year period.

All these tactics mere smoke and mirrors knowing that the review of the Complaint was never going to happen with conflicts undisclosed and concealed in place, and it worked for some time now to cloak Proskauer, yet the conflicts now revealed offer explanation as to how such events have gone unchecked or validated by Flabar, and now offer reasonable explanation for the missteps and miscues that led to Flabar to supporting a

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

story without a single piece of evidence to prove such fairy tale true in the face of masses of evidence showing these claims false.

40. That members of the Proskauer patent department stand accused before the USPTO of charges of Fraud Upon The United States Patent & Trademark Office, Exhibit "" for such patent thefts and frauds. Further, Triggs, now in accomplice and acting as a fully insured Member of This Court, claims that Proskauer did no patent work and hosts of other false and misleading statements, all to interfere and perverse due process, contrary to masses of evidence and witness statements submitted to Flabar by Iviewit and contained in the rebuttals and further submissions of Lamont and Bernstein, to the Wheeler Complaint and furthered in the Supreme Court of Florida Case, Iviewit Holdings, Inc v. The Florida Bar.

41. That in fact, in a recent submission to Flabar, it was shown that the Complainants largest investor, Crossbow Ventures ("Crossbow") one of the largest and most prominent venture funds in West Palm Beach Florida had similarly signed jointly and in full agreement alongside Iviewit in the complaint against Proskauer and its patent department with the USPTO OED in OED Complaints – Exhibit "". Crossbow who maintains approximately a four million dollar (\$4,000,000.000) investment must also now be confirmed to be crazy with inventor Bernstein for the Proskauer story to be true. Yet, as a recent phone call from Wheeler and Triggs to Stephen J. Warner ("Warner"), Chairman and Co-Founder of Crossbow, whom can be reached at (561) 310-2124 or (561) 838-9005, reveals that Wheeler, on information and belief, asks Warner to confirm that he in fact has joined Complainant in allegations represented to the USPTO OED in the OED Complaints whereby Proskauer and its patent department currently stand accused of committing fraud upon the USPTO and Warner stated that indeed he had signed jointly with Complainant as illustrated by his signature in Exhibit "". That further Wheeler and Triggs then inquired into the status of the patents and the loans made by Crossbow, and, further where Wheeler and Triggs made inundations that they were inquiring as to suing Iviewit on their ill-fated judgment against Iviewit, and it seems strange in light of their sworn statement to Flabar, in the conflicted Triggs response, and again recounted in the the conflicted response of Krane in the Rubenstein Complaint, whereby Proskauer swears that Iviewit is a failed and bankrupt dot com looking for someone to blame and that they know nothing about patents and did no patent work, leaving one to wonder why would one sue a failed dot com in the first place as in Proskauer v. Iviewit, and further sue to collect from such bankrupt and failed company?

42. That further, evidence was submitted showing that Crossbow was given a Wachovia Private Placement Memorandum ("PPM") for use in a federally backed Small Business Administration ("SBA") loan document whereby Rubenstein the head of Proskauer's patent department is listed as both an Advisory Board Member and as "patent counsel for Iviewit" and further as "retained patent counsel", whereby the PPM was then used to raise investor monies, and perhaps from entities such as the SBA on such exhibited loan documents, and other shareholders, ready to testify to This Court as

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

witnesses, who invested based upon such information contained in the PPM, several have already written such statements to Flabar, that have gone ignored. The PPM clearly listing Proskauer, Rubenstein, Wheeler, and Dick as Advisory Board Members. Whereby further, Rubenstein at deposition when asked about such roles, claims he cannot remember if he did or did not hold such roles, and a strange comment from a man formerly claiming he never heard of Complainant or Complainant technologies and was being harassed by the failed bankrupt dot com in sworn written statements to 15C, that make one wonder how if Wachovia did any due-diligence whatsoever, how such information could have been widely disseminated and further led to investors monies being raised, as if, at the time of the PPM, the following claims would have had to been false than somebody lied to Wachovia at the time, and so far all fingers are pointing at Proskauer with nobody having an alternate explanation for all the conflicting stories. Th

43. That some of the conflicting stories of the realities back then versus the fantasies told now to This Court, will astound This Court as to the amount of fraud that either was perpetrated on Wachovia and other investors who used such document or is now being perpetrated on This Court, as Rubenstein who now claims to never heard of Complainant and Triggs who supports Rubenstein's statements in writing to Flabar and in Litigation, and if one reads the Rubenstein deposition as Complainant urges This Court to do, and then side by side reads the widely distributed and sworn statements contained in PPM, Exhibit "" and sees the black and white conflicting statements, wherein the PPM separately calling Rubenstein "retained" lead patent counsel and Dick and Foley "shepherds" of the applications and then in deposition statements see Rubenstein's utter denial of any knowledge, it leaves one choosing between two wholly different stories whereby one must be unholy and the other reality. We urge This Court to take such time, and attempt to choose what is real after a thorough review of the evidences, then one side or the other sides story must prevail to then account to investors who swindled their monies. On a final note, as evidenced to Flabar and ignored, Proskauer billed for review and hours and hours of time were billed for such work on the PPM, they then further disseminated and endorsed the plan, whereby Wheeler referred management and Wheeler were the main impetus to all statements contained in the Wachovia PPM, leaving This Court to ask Rubenstein, Joao, Wheeler and Utley just exactly which account is correct their then stories or their now stories, and then determining which counts of fraud and misleading statements apply for either lying to Wachovia Securities, the SBA and other shareholders or lying to This Court and then do what This Court sees fit.

44. . That recently in sworn statements to VSB, Dick makes similar claims of having no involvement in the Iviewit patents, leaving This Court to ask who exactly did all this bad work and how did they get referred in, and again all fingers point to Proskauer and Proskauer further referred Dick and he was personally vouched for by Proskauer referred Utley, whereby again it has been evidenced to Flabar and ignored, further where Utley Wheeler and Dick's past patent malfeasances were concealed and in fact Utley biographies completely falsified with accounts that his former work for DTE led to DTE becoming an industry leader, all to do with Utley's inventions, when factually This Court

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

only need call Monte Friedkin to cure these lies, a local philanthropist, to verify that the company was closed and all as a result of Utley's attempted patent invention thefts, aided and abetted, by Dick as his attorney, learned by Complainant to be Dick only at Utley's deposition and whereby the patents were transferred unbeknownst to Friedkin, to some other entity, inventions Utley learned on the job, which on information and belief, the unknown entity may have been a company Premier Connections in FL, set up for Utley by Wheeler and Proskauer.

45. That additional submissions of evidence to Flabar show that patent applications had inappropriately been assigned to companies formed without authorization or knowledge of the Iviewit board of directors, whereby Proskauer is a shareholder of such company, whereby the Complainant may not be. On questioning of Complainant by OED for the USPTO, OED inquired as to the status of the matters before Flabar in the Wheeler Complaint and similar matters against Iviewit's former Advisory Board Member and patent counsel Rubenstein in the Rubenstein Complaint at the NY Department. This promoted the Complainant to notify the NY Department that such investigation had caused suspension of patents and that Proskauer is clearly identified as patent counsel in such OED Complaints with the Commissioner and OED having taken action through suspension.

46. That such USPTO OED request, led to the uncovering of first, a conflict at the NY Department, causing Chief Counsel of the NY Department to enter a motion in related matters to the Wheeler Complaint and then after similar check in Florida, another conflict in the Wheeler Complaint is identified with Triggs, all causes of the following actions with the Supreme Courts of Florida and New York:

In NY Department the following illustrates a picture of what is emerging in New York for This Court to review.

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

PAUL J. CURRAN, ESQ.  
CHAIRMAN  
HALBURTON FALES, 2D., ESQ.  
HON. THOMAS B. GALLIGAN  
MARTIN R. GOLD, ESQ.  
DENIS MCINERNEY, ESQ.  
ROY L. REARDON, ESQ.  
STEPHEN L. WEINER, ESQ.  
SPECIAL COUNSEL

LAWRENCE J. BANKS  
SALLY W. BERG  
DOUGLAS W. BRANDRUP, ESQ.  
CHRISTOPHER E. CHANG, ESQ.  
ANN J. CHARTERS  
BRIAN M. COGAN, ESQ.  
DENIS F. CRONIN, ESQ.  
TELESFORD DEL VALLE JR., ESQ.  
CHARLES E. DORNEY III, ESQ.  
PAUL F. DOYLE, ESQ.  
PATRICIA FARREN, ESQ.  
MARION T. ETHEREDGE  
STEVEN N. FEINMAN, ESQ.  
ROSALIND S. FINK, ESQ.  
CHARLOTTE MOSES FISCHMAN, ESQ.  
BEATRICE S. FRANK, ESQ.  
MARANDA E. FRITZ, ESQ.  
WILLIAM A. GALLINA, ESQ.  
ROBERT L. HAIG, ESQ.  
RICHARD J. HOLWELL, ESQ.  
SUSAN M. KARTEN, ESQ.  
JOHN J. KENNEY, ESQ.  
DAVID G. KEYKO, ESQ.  
MYRON KIRSCHBAUM, ESQ.  
LENORE KRAMER, ESQ.  
WILLIAM FRANCIS KUNTZ II, ESQ.  
MICHAEL A. LACHER, ESQ.  
DEBORAH E. LANS, ESQ.  
MARVIN LEFFLER  
BURTON N. LIPSCHIE, ESQ.  
HENRIETTA LYLE  
MARY B. MAGUIRE  
CHARLES C. MARINO  
DOUGLASS B. MAYNARD, ESQ.  
LAWRENCE D. MCGOVERN, ESQ.  
CHARLES G. MOERDLER, ESQ.  
MATHIAS E. MONE, ESQ.  
MERCEDES A. NESFIELD  
JANE W. PARKER, ESQ.  
ANTHONY M. RADICE, ESQ.  
ANDREW W. REGAN, ESQ.  
TIMOTHY G. REYNOLDS, ESQ.  
MICHAEL J. ROSENBERG  
REUBEN SAMUEL, ESQ.  
AUGUSTIN J. SAN FILIPPO, ESQ.  
SAMUEL W. SEYMOUR, ESQ.  
DANIEL E. SIFF, ESQ.  
MARIAN E. SILBER, ESQ.  
EUGENE P. SOUTHER, ESQ.  
JOHN L. WARDEN, ESQ.  
ERIC J. WARNER, ESQ.  
SUSAN WELSHER  
COMMITTEE MEMBERS

THOMAS J. CAHILL  
CHIEF COUNSEL

SHERRY K. COHEN  
FIRST DEPUTY CHIEF COUNSEL

ANDRAL N. BRATTON  
DEPUTY CHIEF COUNSEL

CHRISTINE C. ANDERSON  
ROBERTA N. KOLAR  
ANGELA CHRISTMAS  
NICOLE CORRADO  
JORGE DOPICO  
MADY J. EDELSTEIN  
JEREMY S. GARBER  
NAOMI F. GOLOSTEIN  
JOSEPH J. HESTER  
JUN HWA LEE  
VITALY LIPKANSKY  
STEPHEN P. MCGOLDRICK  
BIANCA MICHELIS  
KEVIN E.F. O'SULLIVAN  
JAMES T. SHED  
EILEEN J. SHIELDS  
JUDITH N. STEIN  
RAYMOND VALLEJO  
LA. TRISHA A. WILSON  
STAFF COUNSEL

DEPARTMENTAL DISCIPLINARY COMMITTEE  
SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
61 BROADWAY  
NEW YORK, N.Y. 10006  
(212) 401-0800  
FAX: (212) 401-0810

June 17, 2004

BY HAND

PERSONAL AND CONFIDENTIAL

Ronald Uzenski, Motion Clerk  
Supreme Court, Appellate Division  
First Judicial Department  
27 Madison Avenue  
New York, New York 10010

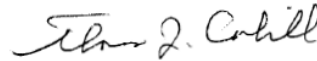
Re: Matter of Rubenstein and Joao  
Motion to Transfer

Dear Mr. Uzenski:

Please find submitted herewith an original and seven (7) copies of a Notice of Motion and Affirmation to transfer the complaints against the above referenced attorneys to another Judicial Department. The motion is returnable July 12, 2004.

Please note the affidavit of service upon the parties on the blueback of the original Motion.

Very truly yours,



Thomas J. Cahill

TJC/nkd

Encls:

cc: Kenneth Rubenstein, Esq.  
Raymond A. Joao, Esq.  
Eliot I. Bernstein

I:\Tjc\2004\uzenski.kra.wpd



FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

-----X

In the Matter of an Attorney and  
Counselor-at-Law:

NOTICE OF MOTION

Departmental Disciplinary Committee  
for the First Judicial Department,

Petitioner.

-----X

PLEASE TAKE NOTICE that upon the annexed affirmation of Thomas J. Cahill, Esq., Chief Counsel to the Departmental Disciplinary Committee for the Appellate Division, First Judicial Department (the "Committee"), a motion will be submitted to this Court at the Appellate Division Courthouse, 27 Madison Avenue, New York, New York 10010, on July 12, 2004 at 10:00 A.M. or as soon thereafter as counsel can be heard, for an order granting the Committee permission to transfer the investigation and disposition of two complaints (Docket Nos. 2003.0531 and 2003.0532) to another Judicial Department for assignment to a grievance committee that this Court deems

FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP

appropriate, on the grounds that there may be an appearance of  
impropriety.

DATED: New York, New York  
June 17, 2004

Yours, etc.,

THOMAS J. CAHILL  
Chief Counsel  
Departmental Disciplinary  
Committee for the First  
Judicial Department  
61 Broadway - 2<sup>nd</sup> Floor  
New York, NY 10006  
(212) 401-0800

To: Kenneth Rubenstein, Esq.  
c/o Steven C. Krane, Esq.  
Proskauer Rose  
1585 Broadway  
New York, New York 10036

Raymond A. Joao, Esq.  
c/o John Fried, Esq.  
Fried & Epstein, LLP  
1350 Broadway, Suite 1400  
New York, New York 10018

Eliot I. Bernstein  
IVIEWIT  
10158 Stonehenge Circle  
Boynton Beach, Florida 33437

I:\Tjc\2004\Krane.nm.wpd

-2-



**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

**AFFIRMED MOTION TO:  
BEGIN IMMEDIATE INVESTIGATION OF COMPLAINTS AGAINST  
ATTORNEYS AND COUNSELORS-AT-LAW KENNETH RUBENSTEIN,  
RAYMOND A. JOAO, STEVEN C. KRANE, THOMAS J. CAHILL (SEPARATE  
MOTION ATTACHED) AND THE LAW FIRM OF PROSKAUER ROSE LLP;  
MOVE COMPLAINTS AGAINST ATTORNEYS AND COUNSELORS-AT-LAW  
KENNETH RUBENSTEIN, RAYMOND A. JOAO, STEVEN C. KRANE,  
THOMAS J. CAHILL (SEPARATE MOTION ATTACHED) AND THE LAW  
FIRM OF PROSKAUER ROSE LLP TO THE NEXT HIGHEST LEVEL OF  
REVIEW, VOID OF CONFLICTS OF INTEREST AND THE APPEARANCE OF  
IMPROPRIETY; AND  
STRIKE THE CONFLICTED RESPONSES OF STEVEN C. KRANE**

In the matter of Petitioner attorney complaints against Kenneth Rubenstein (“Rubenstein”) Docket: 2003.0531, Raymond Joao (“Joao”) Docket: 2003.0532, Steven C. Krane (“Krane”) Docket: pending review by Paul J. Curran, Thomas J. Cahill (“Cahill”) Docket: pending and the case transferred to Special Counsel Martin Gold, and, the law firm Proskauer Rose, LLP (“Proskauer”) Docket: pending review by Paul J. Curran. All complaints were filed at the Supreme Court of New York Appellate Division – First Judicial Department Departmental Disciplinary Committee (“First Department”) and taken collectively the above named attorneys hereinafter termed (“Respondents”). Petitioners, Eliot I. Bemstein and P. Stephen Lamont individually and on behalf of the shareholders for:

IVIEWIT CORPORATION - FLORIDA;  
IVIEWIT, INC. – FLORIDA;  
IVIEWIT.COM, INC. – DELAWARE;  
IVIEWIT.COM, INC. – FLORIDA;  
I.C., INC. – FLORIDA (fka IVIEWIT.COM, INC. – FLORIDA);  
IVIEWIT.COM LLC – DELAWARE;  
IVIEWIT LLC – DELAWARE;  
UVIEW.COM, INC. – DELAWARE;  
IVIEWIT HOLDINGS, INC. (fka UVIEW.COM, INC.) - DELAWARE;  
IVIEWIT HOLDINGS, INC. – DELAWARE;  
IVIEWIT TECHNOLOGIES, INC. (fka IVIEWIT HOLDINGS, INC.) – DELAWARE;

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

AND OTHER JOHN DOE COMPANIES THAT MAY BE IDENTIFIED AT A  
LATER

(collectively hereinafter termed “Petitioner”) hereby requests that the Court:

**(I) BEGIN IMMEDIATE INVESTIGATION OF COMPLAINTS AGAINST  
ATTORNEYS AND COUNSELORS-AT-LAW KENNETH RUBENSTEIN,  
RAYMOND A. JOAO, STEVEN C. KRANE, THOMAS J. CAHILL  
(SEPARATE MOTION ATTACHED), THE LAW FIRM OF PROSKAUER  
ROSE LLP AND ALL RELATED COMPLAINTS.**

ENTER AN ORDER GRANTING A MOTION TO BEGIN AN IMMEDIATE  
INVESTIGATION OF RESPONDENTS AND ALL RELATED COMPLAINTS, AND;

**(II) MOVE COMPLAINTS AGAINST ATTORNEYS AND COUNSELORS-  
AT-LAW; KENNETH RUBENSTEIN, RAYMOND A. JOAO, STEVEN C.  
KRANE, THOMAS J. CAHILL (SEPARATE MOTION ATTACHED),  
THE LAW FIRM OF PROSKAUER ROSE LLP AND ALL RELATED  
COMPLAINTS TO THE NEXT HIGHEST LEVEL OF REVIEW, VOID  
OF CONFLICTS OF INTEREST AND THE APPEARANCE OF  
IMPROPRIETY**

ENTER AN ORDER GRANTING A MOTION TO MOVE THE COMPLAINT  
AGAINST RESPONDENTS AND ALL RELATED COMPLAINTS, FROM THE  
FIRST JUDICIAL DEPARTMENT DISCIPLINARY COMMITTEE (“FIRST  
DEPARTMENT”) TO THE NEXT HIGHEST LEVEL OF REVIEW DEVOID OF  
CONFLICTS OF INTEREST AND THE APPEARANCE OF IMPROPRIETY.

**(III) STRIKE THE CONFLICTED RESPONSES OF KRANE**

ENTER AN ORDER GRANTING A MOTION TO STRIKE THE CONFLICTED  
RESPONSES OF KRANE IN DEFENSE OF THE RUBENSTEIN COMPLAINT

48. That after discovering conflict by Proskauer and its partners in the New York disciplinary proceedings against Proskauer patent counsel Rubenstein, again head of the patent department at Proskauer and perhaps the single largest infringer of Complainant’s

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

technology, Complainant looked closely at Flabar for similar conflicts in the Wheeler Complaint, and in fact, find the Triggs/Wheeler/Proskauer/Flabar conflicts of interest and other violations of professional misconduct cited herein and further confirmed in a recent letter from John Anthony Boggs, Director, Legal Division whereby he confirms and states for Flabar:

**“the fact that for a short period of time Mr. Triggs represented Mr. Wheeler without a waiver”**

49. That this is absolute testament that a conflict of interest existed, no matter for how short a time period, whereby Boggs further states that no disclosure by Triggs and no waiver from the board was ever approved at the time and then goes on to conjecture what might have happened had Triggs disclosed and how it may not have automatically constituted a violation, had it been properly disclosed and if it had been properly submitted to the board for express waiver and other such meaningless conjectures. This while analyzing and directing his remarks to only one conflict of the many heinous Triggs conflicts. Would have, could have, and should have, are nowhere in the rules cited herein or anywhere in the Rules, whereby again it states that:

**(2) Former Grievance Committee Members, Former Board Members, and Former Employees.**

**No former member of a grievance committee, former member of the board of governors, or former employee of The Florida Bar shall represent any party other than The Florida Bar in disciplinary proceedings authorized under these rules if personally involved to any degree in the matter while a member of the grievance committee, the board of governors, or while an employee of The Florida Bar.**

**A former member of the board of governors, former member of any grievance committee, or former employee of The Florida Bar who did not participate personally in any way in the investigation or prosecution of the matter or in any related matter in which the attorney seeks to be a representative, and who did not serve in a supervisory capacity over such investigation or prosecution, shall not represent any party except The Florida Bar for 1 year after such service without the express consent of the board.**

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

50. That, in fact, it appears that Boggs further attempts to merely minimize his admission of the conflict of interest and violations by Triggs by stating had proper procedure been followed by Wheeler/Triggs/Proskauer in disclosure to Flabar, that the board may have, might have and could have allowed Triggs to act on behalf of Wheeler, and he makes this determination based on analysis of one conflict. Yet, since the truth is that no disclosure was made by Triggs as required on any of the multiple myriad of conflicts of Triggs and further all concealed by Triggs, and since no board did approve such conflict at the time, it appears that Boggs is merely speculating and presuming in his letter what would of, could have, should have happened. Boggs in fact acts unaware in his letter that Triggs was also in conflict at the time with Conflicts I-VI herein, which would have led to no waiver and thereby no influence, and therefore these matters would have never disgraced This Court. “The fact” is, that any representation during any period of the prohibition without waiver is a conflict, further a prohibited conflict without proper disclosure and waiver by consent of the board, thereby causing the appearance of impropriety, and Boggs’ attempt at dismissal of the conflict, as a small oversight that would have, should have and could have maybe been given a waiver by the board of the Flabar is ludicrous, when reviewed in light of Conflicts I-VI, and is perhaps further evidence of how deep this conflict has permeated within the Flabar. Complainant seriously doubts that an unprejudiced and unbiased board would have ever allow any waiver for Triggs while considering the multiplicity of conflicts and the totality of the situations involved in all similarly related matters. Complainant asks the Flabar board to take a formal vote on the matter after a conflict check is completed and waivers signed on the voting members and with full disclosure this time, to test the validity of any attempts to claim a board would have waived Triggs without suitcases flush with cash and other such incentives, knowing that a waiver could cost further liabilities in this situation to This Court. Boggs, may have, might have and certainly did try to discount one conflict, in his recent letter to Complainant and to insure proper disclosure was followed in claims against insured Members and employees of Flabar have been noticed on Boggs and filed with Flabar, whereby the Complainant requests This Court to have the conflicts or even the pending investigation conflicts or the perceived threat of actions and actions as taken already by Complainant against Flabar be accurately reported to prevent further possible failures to report based on assumptions by Boggs, if such actions have been taken, Complainant asks for verification. Complainant also asks to This Court to immediately seek remedy from any insurance or other funds that may benefit Iviewit for damages already done at This Court.

51. That the conflicts, improprieties and appearances of impropriety occur by no coincidence in two state bar associations, which have led to cases and causes now at the Supreme Court of New York and Florida and thereby constituting issues of more substance over form, whereby conflicts exist knowingly, willfully and with malice, which should prompt Flabar to enact similar motions with the Supreme Court of Florida as was done by the NY Department when the conflicts were confirmed, to move the matter out of the existing conflict which Complainant will show that in the case of Flabar, the conflict may have permeated even to the offices of the recently elected President of

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

Flabar, Kelly Overstreet Johnson, whereby at her private practice law firm, Broad & Cassel, she is directly oversighted by James Wheeler who acts on the firm's Executive Committee and further as Chairman of the Firm's New Partner Committee. James Wheeler, who is brother of Wheeler of the Wheeler Complaint and perhaps by no coincidence, it is plausible and further alleged, that Johnson's position has been manipulated or sought after with ulterior motives to gain influence on the disposition of the Wheeler Complaint by James Wheeler, to protect his brother Wheeler, and with direct oversight of Johnson as the Florida Bar President, and with James Wheeler maintaining a private practice with her, yet another possible appearance of impropriety on a grand scale appears to have occurred and had this gone unchecked, could have led to private and confidential government protected Flabar files being transferred or viewed by Johnson, and further if transferred to James Wheeler and passed on to Wheeler, access to such files would have led to further misconduct. Complainant asks This Court to diligently review all matters leading to the appointment of Johnson and her actions, or inactions, in these matters, are cause for removal and further verify through any method seen fit by This Court, if such misconducts have taken place and take action as This Court sees fit.

52. Whereby having such an undisclosed conflict for such a long time has completely tainted the Wheeler Complaint and Flabar, casting an aura of suspicion on Flabar and several of its members actions and inactions involved in the Iviewit complaints, so as to cause Complainant to demand, as the only way to have due process restored void of conflict, the immediate moving of the Complainant complaints in these matters entirely out of Flabar, perhaps out of Florida altogether to federal court or to an unbiased third party or parties, to be determined This Court, which is already in review of related matters under case SC04-1078, as conflicts may already be internal and permeated deep within Flabar that exclude further review of any of Complainant's complaints by Flabar, including but not limited to the Wheeler Complaint, Wheeler second complaint, complaint against Eric Montel Turner, this Triggs complaint, this Proskauer Complaint and any other complaints that may arise after investigation into the conflicts begins. Let this complaint serve as notice that Complainant finds that Flabar should motion all matters, and direct all future correspondences in these matters, in all Complainant complaints, directly through This Court and with all future correspondences in these matter come directly from This Court or its designated oversight.

53. That the crimes alleged against Proskauer attorneys are of high crimes against this countries Constitutionally created agencies such as This Court and the USPTO, and consist of the following crimes, including but not limited to:

- Conspiracy and RICO violations;
  - Manipulation of Supreme Court agencies by ethics attorneys and other attorneys violating their public office positions;
  - Complex corporate shell games to hide the patents, which have recently been uncovered, (whereby an audit failed to find evidence that Iviewit



**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

- shareholders owned equity in a company with core patents, that Proskauer may be a sole shareholder of;
- Involvement of multiple parties in multiple states, all with tentacles to Proskauer.
- Violations of Federal anti trust laws;
- Whereby patent pools controlled by a singular legal evaluator, Rubenstein, who accepts conflicted clients like Iviewit with technologies that represent the single largest competitive threat to patent pools created and overseen by Rubenstein, now inuring benefit to both Proskauer and Rubenstein and end up being used by such patent pools without any remuneration to Iviewit shareholders, is evidence of why patent pools have historically failed and been stopped by the Department of Justice (DOJ), who claims never to have opined for the validity and legality of such MPEGLA pool, quite contrary to the story told and advertised by Rubenstein whereby he claims misleading blessings from the DOJ.
- Grand Theft of Patents by patent attorneys and others high crimes against the United States Patent & Trademark Offices;
- Fraudulent inventors whereby patents were written into Iviewit patent counsels name, almost impossible to believe, the very attorney referred and over sighted by Rubenstein, Joao, now laying patent claims to patents conflicting with Iviewit inventions and learned while engaged by Iviewit and whereby such attorney currently claims a total of 90+ patents.
  - Forgery and False Oath and Declarations to a Federal agency the USPTO, whereby there are forged patent documents with patently false inventors.
  - Fraudulent patent applications uncovered whereby it appears that there were two sets of patent books, where it was found that patents were being directed improperly to Proskauer management referrals and other John Doe's, the Proskauer Entity and other unknown entities.
  - To crimes involving inventors purposely falsified to the benefit of Proskauer so as to steal off with the inventions directly or through management referrals with falsified resumes that has led to current investigations into stolen patents by the Boca Police and The Federal Bureau of Investigation whereby no rights titles or interests in certain patents once thought held by Iviewit shareholder are now confirmed not the property of Complainant, per the patent office preliminary investigation Such alleged crimes have led to current investigation by the Boca Police Department and per Detective Robert Flechhaus of the Boca Raton PD, after either taking the recent cases filed with the Boca PF to the States Attorney General or the District Attorney it was then recommended to co-join the Boca PD investigation with the Securities and Exchange Commission regarding the funds stolen and other matters in the Proskauer securities violations, leading to the stolen briefcase of cash and investor

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

funds by Proskauer and their referred (on falsified resumes) management team;

- Securities Frauds;
  - Whereby fraudulent investment papers and the Wachovia PPM were disseminated by Proskauer and further submitted to induce investment from, including but not limited to Wachovia Securities, Crossbow Ventures, and other shareholders, with statements that contradict the Proskauer story told to This Court, in violation of Regulation “D” of the Securities Act of 1933 and other private securities laws,
  - Whereby companies were opened without board ratification or knowledge;
  - Whereby loan transaction papers handled by Proskauer and maintained by Proskauer are now lost by Proskauer.
  
- Breaches of Fiduciary Duties and Attorney Client Duties;
  - Falsification of resumes by Proskauer, on behalf of their referred management Utley, leading to the uncovering of past Utley patent thefts from employers and where Utley and Wheeler purposely failed to disclose such malfeasances and took a deliberate course to prepare a completely false and misleading resume submitted to Iviewit shareholders and investors.
  - Proskauer’s failure to get a proper written retainer agreement upon taking Iviewit as client and further taking patent disclosures during such time, conveniently forgetting to run a proper conflicts check prior to representation as learned in the Wheeler and Rubenstein depositions.
  - Proskauer’s failure to get a waiver of conflict from Rubenstein who is further a board member and shareholder of such client Iviewit and whereby Rubenstein has personal vested adverse interests in protecting his patent pools, which in light of such violations such pools may be a smoke screen for anti-competitive, anti-trust behavior by Rubenstein through the patent pool, the likes of which have never been paralleled but if not stopped here may continue to violate the Constitutions established protections for inventors by those entrusted as patent counselors and licensed with the USPTO and whereby if this continues, it will be hard pressed for inventors to trust patent attorneys or agents of the USPTO such as Rubenstein. Further, Proskauer/Rubenstein operates such pools with virtually no oversight and if the Iviewit story is factually correct as presented herein this a blatant disregard of free commerce and trade that tears at the very fabric of the constitution which is designed to uphold fair trade and further to uphold it through the creation of the patent office, as a further means to protect inventions in a democracy wherein without such constitutional protection, it would lead to the end of free economy, whereby the king or in instances such as this, Proskauer/Rubenstein, would own and profit off others inventions to the detriment of the

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

inventor, thereby causing inventors to not invent, thus the need for Congress to have the power under Section 8 of the constitution to protect the rights of inventors. Never did our forefathers imagine it would be invoked to prevent theft of inventors ideas from the very patent attorneys licensed before such congressionally formed entity as the federal United States Patent & Trademark Office;

- Multiple violations of multiple state and federally instituted rules and regulations regarding attorney conduct and conduct of public officials.
- Crimes wherein when Proskauer partner Wheeler was asked by the board of Ivieuit to explain some of the malfeasances, Proskauer\Wheeler\Triggs, instead begin a deliberate course of actions to harm Ivieuit, further have their management steal off with, as eyewitness accounts submitted to Flabar cite in written sworn statements, a suitcases of stolen investor monies (whereby Proskauer has incomplete transactional documents for the investor transaction they handled, and the accountant who referred Proskauer, Gerald R. Lewin (“Lewin”), has lost the books involving such transaction, leading to an AICPA complaint against Lewin currently pending investigation;
- Misappropriation and conversion in the theft of loan funds from Ivieuit whereby Proskauer represented Ivieuit transactionally in the matter, causing loss of approximately seven million dollars (\$7,000,000.00) of A+ rated investor funds and private investor funds including but not limited to H. Wayne Huizenga the seed investor, Crossbow Ventures, Ellen DeGeneres, Alanis Morrissette, Former Directors for Goldman Sachs.

➤ Perjury;

- Through perjured depositions by Proskauer attorneys involved in the theft;
- Perjury through false and misleading statements made to Supreme Court agencies and further manipulation of such Supreme Court agencies;

➤ Mail and Wire Fraud;

- Whereby fraud upon government agencies occurred, through mail and wire fraud, such as the submission of fraudulent documents to the USPTO by representatives of the patent bar and false and misleading statements submitted to Supreme Court bodies, including This Court;

➤ Violation of Section 8 of the United States Constitution;

- Whereby Proskauer attorneys deprive inventors of their constitutional rights as inventors, as protected by the constitution under;

**Article 1, section 8, clause 8 of the United States  
Constitution provides:**

**"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."**

**A violation of the Constitution and the federal USPTO laws, by the very attorneys licensed additionally with the Patent Office to protect such rights of the inventors, constituting crimes of a nature endangering the establishment of the United States;**

- Insurance Fraud;
  - Whereby fraudulent Directors and Officers policies were secured via Wheeler for Iviewit on a non-existent company, currently under investigation at AIG with both the fraud and internal affairs Departments, see Iviewit Holdings (3) notations.
  - Possible insurance fraud in the failure to report claims to carriers
  
- Harassment;
  - Crimes of harassment and frivolous lawsuits by Proskauer and former Proskauer management, in attempted frivolous and failed involuntary bankruptcy proceedings against Iviewit by Proskauer referred management and whereby Proskauer stood in line as the largest creditor.
  - Through another felonious and harassing action in the Proskauer v. Iviewit case which now in light of Triggs conflicted representation in conflict of public office while in that representation, a questionable victory was had which was questionable in how it was achieved, through a technicality, a default judgment was entered with no trial of any matters, a default whereby Iviewit was denied counsel days before a trial was to begin, and then for Iviewit's failure to retain replacement counsel in a most remarkable case, where now in light of the Triggs conflict may point to more malfeasances in that case at that court.
  - Death threats made on behalf of Proskauer, by Proskauer referred management Utley on the life of one of the inventors, Bernstein, to stifle attempts to bring these matters to the attention of shareholder, investors and the authorities. This leading to the firing of an entire Florida operation and Proskauer by vote of the Iviewit board, to the closure of such 40 person Boca Raton, Florida operational division with full knowledge and consent of the investors and board based on what little of the crimes was known at the time and finally to Bernstein uprooting his family overnight to a hotel in California three thousand miles away from Utley and Proskauer for their safety.

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

- Bribery;
  - Whereby such stolen monies were further used in attempts to bribe employees, as eyewitnesses accounts attest to in sworn statements, to steal highly proprietary trade secrets and patent processes as evidenced in witness statements contained in the Wheeler Complaint;
- Embezzlement;
  - Leading to stolen highly proprietary equipment by Proskauer referred management Utley, returned under police order, Case 2001054580 with the Boca Police Department.
- Other unknown crimes;
  - Crimes that may come to light as various state and federal agencies proceed with their investigations.

54. That all actions of these foiled attempts by Proskauer and their referrals, to steal Complainants technology, technologies which factually have already shaped your world, technologies that have been and continue to be revealed at for their novel approaches and heralded as revolutionary breakthroughs that have led to advancements in all known digital imaging and video spectrums.

In imaging:

- Led to zooming and panning on digital cameras without pixel distortion, as is now commonly found on all digital cameras and digital imaging devices,
- Led to advances in 3-D and CAD technologies,
- Led to advances in chip creation

In video:

- Led to video phones that would not work in low-bandwidth communication environments such as cellular channels, where bandwidth is limited to approximately 100kbps, impossible without Iviewit technology;
- Led to a 75% expansion in cable, DSL, Terrestrial and Non-Terrestrial communication environments allowing top video in low bandwidth environments such as the Internet (prior to Iviewit's invention a "holy grail" status was given to this quest as it appeared that mathematically the problem could not be solved and the Internet would stagnate as a text based medium, and Iviewit inventions again are heralded as novel as they use the brains optical scaling powers for compression, a novel theory, that allows even the Florida Bar to use video on their website at [www.flabar.org](http://www.flabar.org) created using the Iviewit patent pending, or shall we say, patent suspending processes pending at the United States Patent & Trademark Office;

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

- Led to processes which have changed the way you view television and the processes that create and distribute such streams both on hardware and software, down to the very code on the chips;
- Led to processes which have changed the way you view DVD's, and the processes that create and playback such streams both on DVD hardware and software;
- Led to thousands of improvements in the processes of digital imaging and video creation, such as HDDVD's and cellular communications.

In zoomable video images and zoomable video;

- Led to new market breakthrough.

55. That all allegations of crimes and all involved parties have one center of which points to Proskauer, a former real-state firm, transforming seemingly overnight into a technology firm with a brand new patent department specializing in Complainants highly niche market, all since meeting the inventors and taking disclosures as patent counsel, and where Proskauer then hired the single most conflicted human being with Complainants technologies, Rubenstein, and whereby now caught with the cookie jar in hand as evidenced in Proskauer's claims to be the formative legal force in digital and imaging technologies through Proskauer's control of MPEGLA, LLC, (which licenses MPEG-1, MPEG-2, MP3, and MPEG4 and other patent pools such at the DVD patent pool), all now controlled by Proskauer and Rubenstein. Rubenstein being Iviewit's lead patent counselor and Advisor to the Board of Directors, and, simultaneously and also undisclosed until Rubenstein's deposition, Rubenstein at the same time was the head counsel of MPEGLA, LLC, and sole patent evaluator of patents deemed essential for inclusion into the pools, whereby MPEGLA, LLC is the largest single benefactor of Iviewit technologies and further has interests adverse to Iviewit in not wanting to pay license fees by seeing Iviewit fail, and further had the motive to see Iviewit fail, whereby they might have gotten away with the corporate shell game and stolen off with the patents, had they not got caught prior to completion of their diabolical plan. Caught with the cookie jar in hand, one simply need to read their self-proclaimed status in such short time as a patent firm:

From Proskauer's website we cite from Rubenstein's biography:

**For the past several years Ken has worked on the formation of a patent pool for MPEG-2 technology, first on behalf of CableLabs, the research and development consortium of the cable TV industry, and now on behalf of MPEG LA LLC, an entity set up to license MPEG-2 essential patents. In particular, Ken worked on selecting those patents which are "essential" to the MPEG-2 standard and therefore**

suitable for inclusion in the pool. He worked with major consumer electronics companies and set top makers in doing this job. Under this arrangement, the MPEG-2 "essential" patents of a number of major companies are being made available in a single license. The pool has been operational since July 1996 and now has over fifty licensees.

Ken and his associates are now working on another patent pool involving large consumer electronics and entertainment companies concerning DVD technology.

From Proskauer's website we cite information from the patent department website:

**Proskauer Rose LLP's Patent Law Practice forms a significant part of the Firm's Intellectual Property. The practice is based in Proskauer's New York office. The practice includes patent and technology related litigation, patent counseling, licensing and technology transfer and patent procurement.**

**For more information about this practice area, contact:**

**CHARLES GUTTMAN 212.969.3180  
cguttman@proskauer.com  
<mailto:cguttman@proskauer.com>**

**KENNETH RUBENSTEIN**

**</lawyers\_at\_proskauer/atty\_data/4747>  
212.969.3185 krubenstein @proskauer.com mailto:krubenstein @proskauer.com>**

### **Licensing**

**We {PROSKAUER} have worked on the formation of a pioneering patent pool for MPEG-2 technology, first on behalf of CableLabs, the research and development consortium of the cable TV industry, and now on behalf of MPEG LA LLC, an entity set up to license MPEG-2 essential patents. MPEG-2 is an important digital video compression standard with applications in cable TV, satellite TV and packaged media. We were instrumental in selecting those patents which are**

**"essential" to the MPEG-2 standard and therefore suitable for inclusion in the pool. We worked with major consumer electronics companies and set top box makers in doing this job. Under this arrangement, the MPEG-2 "essential" patents of a number of major companies are being made available in a single license. The pool has been operational since July 1997 and now has over two hundred and fifty licensees. We are presently working with major consumer electronics and entertainment companies on patent pools relating to DVD technology. We have also been retained to apply this pioneering approach to licensing to the IEEE 1394 standard related to the Firewire system and to DVB-T (Digital Video Broadcast - Terrestrial).**

56. That all the while Proskauer cloaked themselves and their crimes from legal ramifications through a most devious manipulation of public offices, abuses of their legal privileges with intentional conflicts of interests, all to protect their stolen goods the "holy grail" inventions. On a side note and word to the wise, it is all to well known what happens to those who attempt to steal the "grail" and as biblical as it may appear, a further word of caution, do not gaze into their eyes as they begin to burn in hell for these crimes or more applicably sins, for fear that greed may succumb you too. All these crimes at costs devastating to; Iviewit shareholders, This Court, The State of New York Supreme Court, The United States Patent and Trademark Offices, the inventors, the shareholders and all the others Proskauer has involved either intentionally or while violating public office. As great a movie script as this sounds, this is the real and true story of Iviewit whereby as a result of Proskauer's disingenuous schemes, lives have been destroyed, companies gravely damaged, inventors invention stolen by once trusted attorneys, investors monies stolen off with, lawyers guilty of both using the law to attempt theft of patents and then using and abusing the law and the government agencies used to enforce such laws to protect the public from corrupt attorneys, as personal shields, agencies including The Supreme Court of Florida and The State Supreme Court of New York. All, as if, because they were attorneys, they stood above the law and one step ahead of justice, for this they stand accused of these most horripilating crimes that could have only been done by violation of every known ethic an attorney swears by oath under G-d to uphold. Now guilty of failing an oath under such G-d, who works in mysterious ways and establishes downright nasty punishments to those who disobey its will or try and steal away the "grail". All crimes which must be brought to swift end and met with punishments as severe as G-d would have it for violating oaths and the bible offers countless examples of such Divine justice for This Court to choose from, whereby a pillar of salt seems a bit harsh but fitting, or any other Divine justice This Court deems fit. That Complainant prays that This Court will have no leniency in administering justice in discipline over lawyers, as this would impart a legal system that can no longer self regulate itself, causing a loss of confidence by the public in This Court and in fact, to



**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

be quite sure no such appearance of impropriety even remotely exists, punishments should be set at the maximum, if not doubled or tripled.

57. That it has been estimated that knowing of their crime and the value of the patents over the twenty year lifespan, far before Complainant was aware of any such foul activity or worth, Proskauer, in stealing such technologies valued at seventeen billion dollars (\$17,000,000,000.00) was going to need upfront monies and payola of at least fifty to hundred million dollars (\$50,000,000.00 - \$100,000,000.00) to;

- i. bribe or get partners to violate their ethics;
- ii. buy all the partners from Rubenstein's former firm Meltzer Lippe Goldstein Schlissel;
- iii. to gain control the MPEGLA LLC, DVD patent pools and other pools relevant to Complainants technologies and secure them as Proskauer clients;
- iv. to buy off public officials in any cases filed in either civil or criminal court;
- v. and all other reasonable and necessary expenses involved in covering up such grand larceny and other crimes committed to effectuate such a heist.

58. That this is but a small price when viewed through the royalties the Iviewit technologies already would be generating to Iviewit shareholders, if not for Proskauer's malfeasances, for example; imagine fifty cents ( $\$ .50$ ) on every digital camera that zooms without pixel distortion, or as the technology is already utilized on DVD's imagine a ( $\$ .01$ ) royalty. Confirmations from leading industry engineering experts, in advanced imaging and video departments from Intel, Silicon Graphics Inc, Lockheed Martin, Sony, Warner Bros., AOL Time Warner, Viacom/Paramount (all under Non-Disclosure Agreements ("NDA") instituted and maintained by Proskauer) and many other NDA's numbering in the hundreds, whereby many have began using such technologies and confirmed such usage in written statements, again evidenced to Flabar in the Wheeler Complaint, and whereby Proskauer and Rubenstein now control the patent pools which now inure enormous revenues to Proskauer and its partners all to the detriment of the Iviewit shareholders. In these examples, do the math and alone the value is astounding in revenues to offset any early costs afforded by Proskauer to commit and then further hide and cover-up the crime. All they had to do is get rid of Iviewit, its shareholders and the inventors. Of the three original inventors; (i) Jude Rosario is now missing from the United States and reportedly, by family who has no contact information, has been reported deported by the US Immigration and Naturalization Department and where he now lives in seclusion with no contact information somewhere between Bangladesh and Canada at last sighting; (ii) to Zakirul Shirajee who has recently claimed that he would like to get his name removed from the patents in fear and pleading with Iviewit management to find out if such option is possible from the USPTO in light of the allegations and pending dangers; (iii) to Eliot Bernstein whose creative visions inspired the inventions and which has been motivated by years of hard work in efforts to create technologies which benefit children and society, as the truth is a told to all Proskauer partners involved when asked how the ideas were invented, that these inventions were

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

created in efforts to create a “Thought Journal” a living brain of computers to solve world problems in which children could communicate in full screen video over the Internet, and display magnificent full screen images with zoom that had no pixel distortion to be used in virtual worlds to show the children destruction of rainforests as if they were virtually inside the environment, in an effort to have computers compile such information in efforts to find solutions to global and planetary problems mankind creates daily that plague our children. The entire pursuit of such Thought Journal was envisioned twenty years earlier by Bernstein when he laid comatose in the spinal unit of Northwestern Hospital with a broken neck and further having shattered every bone in his face and immediately pursued ever day since a miracle straightened such broken neck and Bernstein awoke a new man possessed with a burning desire to save children in this Thought Journal which twenty years ago, with no Internet Bernstein began the pursuit.

59. That the patent processes, however hard this is to believe, were truly discovered in pursuit of the “mad inventors” dreams to create such “Thought Journal” and of all the wonderful (excluding Proskauer and other conspirators of the theft) Iviewit shareholders who built Iviewit, that will all tell you that this is the truth of since the first discoveries were born. Proskauer shamelessly tries to steal these technologies by falsifying inventors, attempting to change the timeline of the world and the events of the real world and claiming that they invented such technologies with their friends like Raymond Joao and Brian Utley.

60. That, yes, this is the true and complete Iviewit story, however crazy it sounds. The real craziness and all these outrageous and almost unbelievable events, are all testament to Proskauer’s insane attempt to steal such beautiful technologies created in the pursuit of helping children help their world. That Rubenstein who knew not only of the potential worth of the patents but further knew that if he/Proskauer did not control or own the inventions, they could potentially become the single greatest threat to the patent pools he created and was sole gate keeper for, the temptations to steal them and the possibility of the threat of them is what constitutes motive, as well as, the \$17,000,000,000.00. This enacted not only by Rubenstein and his patent crime crew but also by Proskauer in its entirety. In fact, Wheeler must have went to the highest levels to get the approval, once finding the value of the technologies through disclosure to Rubenstein, to get a full vote by all partners and funding approval to buy Rubenstein’s entire patent department from Meltzer, Lippe, Goldstein and Schlissel in the first place, and, for this reason, this complaint is also filed as a separate complaint in addition to Triggs, as a formal complaint against Proskauer and its partners.

61. That Complainant urges Flabar to not believe the Proskauer story of a failed dot com looking for someone to blame whereby Proskauer did no patent work for Iviewit, and have no recollection of Iviewit technologies they opined on as novel, or any other horse nonsense they claim, all with no witnesses or evidence to dispute Complainants specific factual allegations contained herein and in the Wheeler Complaint. The only defense, other than a factually incorrect story, of which Proskauer can use to protect

**FLORIDA BAR COMPLAINT – PART TWO**  
**MATTHEW H. TRIGGS &**  
**THE LAW OF FIRM PROSKAUER ROSE LLP**

themselves now from the law seems to be manipulation of laws and further manipulation of public offices, all causing harm and more shame upon agencies such as This Court. Failure to follow proper state and/or federal procedural laws must be watched closely now in light of the conflict of interest and appearance of impropriety now caused by the Triggs and Krane conflicts, at such high level as This Court and other Supreme Courts, and further statements of opinion in favor of the Proskauer story, such as the Turner or Boggs letters, without full and proper compliance by the Flabar, could cause the appearance of impropriety whereby it may be viewed as accomplice of sorts to the above mentioned crimes of Proskauer, all behavior unbecoming of a Supreme Court that Complainant knows will not happen when so much is exposed already in these matters publicly, and behavior that even applies or appears as collusion could erode total confidence in the establishment of the United States of America Supreme Court, and one Complainant has faith that This Court will abide and comply with all applicable laws in the future disposition of Iviewit matters.

62. That Flabar and This Court are now fully exposed and aware of the liabilities of the conflicts and must now follow all procedures to the letter of the law and review the entire matter to explore how the conflicts have permeated and since cause for action has already been confirmed, action should immediately be taken. In light of the mass of Triggs conflicts, a thorough **formal** investigation as required under the rules of federal and state administrative procedure demand need be conducted, **of each and every allegation** submitted in all complaints by Complainant, of which such investigation should now include;

- i. an immediate and full re-investigation removed of conflict of the Wheeler Complaint
- ii. third-party oversight of Flabar in the re-investigation of the Wheeler Complaint;
- iii. a full and proper explanation for each allegation either prosecuted or dismissed with explanation for the cause,
- iv. a review and and explanation of the evidences submitted and why they are positive or negative to the case;
- v. full disclosure of any analysis done on evidences;
- vi. an assurance that witnesses that have differing testimony that refutes the Proskauer story, are fully heard in entirety;
- vii. a removal of all parties prior involved in any way to the Wheeler Complaint to ensure that due-process is restored, void of further conflicts or old an lingering ones;
- viii. full disclosure by all new investigators, members or employee's of Flabar that may be involved in future Iviewit matters stating no conflicts,
- ix. a review whereby it is fair and impartial even if Flabar and This Court must recluse themselves to third-party oversight,
- x. the removal of Proskauer as counsel of Proskauer in these matters
- xi. all other state procedure laws or other laws in This Courts powers

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

- xii. reporting of all misconducts and conflicts to appropriate state and federal agencies and all insurance carriers of all parties involved in these matters who carry coverage
- xiii. retraction of statement by Flabar, such as Proskauer did no patent work, if they were obtained without full and proper procedures or found influenced by conflict, so as not to interfere further in other investigations

63. That neglect and further conflicts will only toll heavier damages against insured members of Flabar caused by Flabar members and employees while in their terms and therefore a covered claim under the Bylaws of Flabar. Finally, this is an action against a Member Triggs and further notice to This Court of a complaint filed against Turner, and as such the Bylaws of the Flabar mandate that it is cause for reporting to the carrier, whom must be noticed of these actions against Triggs and now Turner, as such insurance disclosure is called for.

64. That such claim should be filed immediately on behalf of the Iviewit shareholders and further file the matters contained in this complaint to any other insurance carrier or insurance fund who may have additionally have liability, such as the client security fund.

65. That This Court force Triggs and Proskauer to disclose and to fully report all matters to their carriers, if Triggs and Proskauer have coverage, or any other insurance regulatory body governing such insurance policies. Flabar should immediately notice the Insurance Commissioner of Florida, as the enormity of the claim could have far reaching impact on the carriers, so as to further insure that proper procedures, reserves and accounting of such seventeen billion dollar (\$17,000,000,000.00) claim be made. This may result in enormous liabilities by all carriers involved, and so that they may make such evaluations with full disclosure and compliance in their investigations of these matters Complainant asks This Court to validate that all parties make proper disclosure to any entity that may be affected adversely by such actions, and follow all requirements from the Bylaws and further all carrier contract clauses

66. That further Complainant states that Flabar in the Bylaws of the Rules, states that Members and other representatives are covered by insurance for any shortfall for damage claims resulting in claims against them, resulting from Members and other employees actions while in office, cited from the Bylaws, which could also cause Flabar to be biased and conflicted out in the further review of Iviewit matters, as stated:

**2 BYLAWS OF THE FLORIDA BAR**

**2-9 POLICIES AND RULES**

**BYLAW 2-9.7 INSURANCE FOR MEMBERS OF  
BOARD OF GOVERNORS, OFFICERS,  
GRIEVANCE COMMITTEE MEMBERS, UPL**

**COMMITTEE MEMBERS, CLIENTS' SECURITY  
FUND COMMITTEE MEMBERS, AND  
EMPLOYEES**

**Appropriate insurance coverage for members of the board of governors, officers of The Florida Bar, members of UPL, clients' security fund, and grievance committees, and employees of The Florida Bar shall be provided as authorized by the budget committee and included in the budget. To the extent the person is not covered by insurance, The Florida Bar shall indemnify any officer, board member, UPL, clients' security fund, or grievance committee member, or employee of The Florida Bar who was or is a party, or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by The Florida Bar), by reason of the fact that the person is or was an officer, board member, UPL, clients' security fund, or grievance committee member, or employee of The Florida Bar, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement, actually and reasonably incurred by the person in connection with such action, suit, or proceeding, including any appeal thereof, if the person acted in good faith and in a manner reasonably believed to be in, or not opposed to, the best interests of The Florida Bar, and with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that the person did not act in good faith and in a manner that the person reasonably believed to be in, or not opposed to, the best interests of The Florida Bar, or with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.**

67. That in the case of the malpractice carrier of Triggs and/or Proskauer, coverage that could offset some liability to Flabar, Iviewit in April 2004 filed a claim with Proskauer for reporting to their carrier many of these malfeasances and since officer and

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

director suits have already been threatened against former management, and whereby a review of that D&O policy placed by Proskauer agents is now under an internal affairs and fraud investigation, and whereby Proskauer still fails to any of hundreds of questions inquiring minds want to know, and after information recently from the patent office showing clear evidence that outside professionals and board members have committed fraud (copy of such letter prior provided to Flabar, Eric Turner, in the April Iviewit Shareholder Letter) it would be wise for This Court to validate compliance. Complainant after months of calls with absolutely no response from Alan Jaffee, Chairman of Proskauer and to Robert Kafin the Managing Partner, with not a single returned call, perhaps Flabar may have better luck in finding the carrier to check Triggs' personal coverage, and to insure that compliance has been made in the diligent reporting of such claim to the carrier, and all applicable state insurance laws have been followed by both Triggs\Proskauer and Flabar and are carefully followed forward considering the risk and enormity of such claim and the potential impact on the insurance industry.

68. That Flabar appears to have potential liability for all of the following, including but not limited to;

- i. failure to have a conflict check done on Triggs while a Member and former Member of a Flabar Committee prior to granting representation of a conflicted member in matters which such Member had conflicts and adverse interests;
- ii. failure to immediately discipline a Member with conflicts and further for concealing such conflicts;
- iii. failure of Flabar to follow proper protocol after a conflict had been confirmed;
- iv. issuing biased opinion without formal investigation into the matter opined upon;
- v. refusal to provide Iviewit retractions of such maligned and conflict influenced opinions after notice;
- vi. refusal to answer requests for information on Flabar employees and other members which delayed the uncovering of the conflicts by months;
- vii. Turner's refusal to answer questions regarding an illiterate letter, that makes no sense either structurally or logically tendered on behalf of the Chair, Joy A. Bartmon, whereby it is impossible to understand and upon request for clarification, calls and letters to Turner and Bartmon literally go unanswered for months, still never returned, causing the liability to all to increase;
- viii. to a letter of no probable cause written by a Committee Chair, Bartmon, yet signed by Turner inapposite of the Rules which appear to call a signature of the Chair;
- ix. any other condition not yet known pending investigation.

69. Whereby, this Complaint against Triggs and Proskauer serves as formal written notice to Flabar of actions taken against insured members of Flabar as provided for in the Bylaws of the Rules, including the actions, but not limited to, Iviewit Holdings, Inc. v. The Florida Bar, the Wheeler Complaint, the Turner Complaint and finally the Triggs and Proskauer complaints herein, and wherein there are other contemplated, pending and

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

threatened civil, criminal and professional misconduct actions against insured members of Flabar. The potential for damages to the carriers if such liability and claim is concealed, could have further impact on all parties involved, including but not limited to potential insurance fraud for failure to report. Complainant demands that full disclosure of all policies of Proskauer and Triggs which offer a first line of insurance funds as stated in the Bylaws in the Rules which state that any shortfalls or lack of personal coverage is indemnified in full by the Flabar policy for damages caused by insured members of Flabar while serving public office duties as directors, officers and employees of Flabar and Complainant therefore further demands copies of all such policies, from all parties involved, and additionally any claims forms necessary to file a claim, all to be served on the offices of Iviewit within thirty (30) business days from the date of receipt of this communication by any such party required to disclose, and further, demand proof of notification to all carriers involved, that the claim and all matters have been properly filed in accordance with all applicable insurance codes and finally demand a contact name for the head of claims at all such carriers.

70. That failure to comply timely with this request without relief by This Court, by any party named herein as having liability, will cause the Complainant to notify all state and federal agencies of possible insurance fraud by any named party that fails to comply. That the Complainant seeks to have Flabar fairly evaluate if it can continue to investigate or in any way handle the Iviewit complaints, especially in light of the now adversarial roles Flabar and This Court may now have, whereby Iviewit insurance claims against Flabar instituted herein may cause further bias to the determinant of Iviewit where Flabar which now appears to have conflict with Iviewit, as an adversary in insurance matters.

71. That Complainant further requests full and proper disclosure of all members of any organization within the Flabar and This Court, for the periods of 1998 to present, with a full listing of past and present law firms served, all positions held at Flabar or This Court, and any other pertinent information, so as Iviewit can assess the full ramifications of the conflict or find other tentacles that may have been involved and undiscovered, to date Flabar has repeatedly failed to provide such information after repeated written requests.

72. That This Court, must now step to the plate, restore order and investigate all conflicts, distribute justice harshly to those who are found to have aided and abetted Proskauer, in a way whereby Flabar emerges forward, according Iviewit and all others, the highest standards of ethics and fairness that is the symbol of This Court, and whereby in these matters Flabar is serving under the aegis of This Court. That Iviewit prays that in considering the totality of damages inflicted and the costs expended fighting the thousands of lawyers in several firms that Proskauer has involved to help cover this up or further the patent thefts, who have worked to tear down Iviewit at all costs, using legal tricks again and again, forcing the company to near bankruptcy, that This Court help Iviewit find fair and impartial legal representation in these matters, counsel not afraid of taking on well over a thousand lawyers who are risk at Proskauer and Foley alone, and

**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

we pray that This Court aid Complainant in the acquisition of one honest lawyer, so protected under This Court so as to relieve This Court of the burden of future pro-se lengthy submission. As mentioned, inventors already fear for their lives and others who have helped fear helping further, as task seems impossible without a court such as This Court doing everything in its powers to immediately cease these legal tricks and other harassments, certainly by revoking licenses to practice of all involved in disgracing This Court and other remedies This Court may have to aid the defense of Iviewit in light of the damages caused by agents of this Court. That this has dragged on this long, only serves to endanger more people and lives, as swift as Andersen vanished, the house of Proskauer should crumble rendering it a pillar and ceasing the sins and setting example that This Court takes these matters as serious as a violation of an oath before G-d and leniency is not an option, nor delay.

73. Whereby, Iviewit finally requests that This Court add no further delay in investigation and disposition in light of the Triggs conflicts and other matters now before This Court, as already Complainant has been damaged by the failure of earlier actions by Flabar that all now can be considered a result of the many undisclosed Triggs conflicts to This Court and whereby further This Court has knowledge, for now four (4) months that the patents have been suspended for a period of six months by the USPTO, that has only sixty (60) days left until further requests for extensions must be made directly to the Commissioner of Patents and which many of the matters before This Court now have impact upon.

74. That Complainant demands This Court to demand Flabar to retain all records in the Wheeler Complaint, until these matters and all similar related matters being investigated both federally by the USPTO, and This Court, and any other investigations are fully resolved, to the fullest extent of the law. Complainant seeks to prohibit the repeated further attempts to hurriedly destroy the Wheeler Complainant by Flabar, as repeated in the recent Boggs and Marvin letters to Iviewit, whereby they now claim that on August 1, 2004, they will destroy the records in accordance with some law that takes not into account that these may be vital records in federal investigations, and now with the conflicts, all to vital records. Any attempted destruction for a record keeping maintenance law would be seen as obstruction of justice and other related appearances of impropriety. This, after Debbie Yarbrough, Flabar Case Clerk of This Court (“Yarbrough”), had already stopped Marvin from an attempted July 1, 2004 attempt to destroy files after repeated pleas to hold them, even to the Executive offices, to hold them pending all these investigations, including OED at the USPTO and Yarbrough stopped such nonsense, showering good graces upon This Court, with a last minute stand. Most remarkably, Yarbrough and Iviewit were in such a last minute plea, as Flabar executives were not properly returning calls, and with only hours to spare, Yarbrough so kindly freed up the fax machine at This Court, one used exclusively for death sentence pardons, to allow Iviewit a motion and petition with This Court, the Iviewit v. Flabar case now pending at This Court, and it seemed fitting that the death penalty pardon facsimile was used, as the destruction would have been final, if not for Yarbrough granting pardon to



**FLORIDA BAR COMPLAINT – PART TWO  
MATTHEW H. TRIGGS &  
THE LAW OF FIRM PROSKAUER ROSE LLP**

the life of the files. But even after such call from Yarbrough, Boggs, now pens another letter whereby he claims he is proceeding on August 1, 2004. We ask again, before any attempts begin of such destruction, that This Court mandate that Flabar hold the Complainants files in all matters and similar related Complaints, for a period of no less than twenty (20) years as they now relate to evidence in the Iviewit patent application matters at the USPTO, and will so need to remain in entirety as part of that patent record, especially in view of the conflicts recently uncovered at Flabar and the N.Y. Department.

75. That, all exhibits noted herein and denoted as Exhibit “”, have purposefully been omitted to further prevent possible misuse and are available upon written request to Iviewit by any party having authority to review these matters, unless such evidences were inserted into the document.

76. That Complainant looks forward to working with This Court in all of these matters to ensure due process and fair evaluation in all of these and other pending matters going forward, it is not the intent or desire of Complainant to bring shame or damage to This Court in anyway and Complainant rests assured that This Court will swiftly restore justice through the administration of justice to any guilty parties and more swiftly and harshly in correcting any possible internal affair issues that have caused disgrace by agents of This Court through its Flabar department, who have failed in their duties to This Court or Flabar.

EXHIBIT G

Anthony Boggs, Director, Legal Division of The Florida Bar  
("Boggs") July 9, 2004 Letter

PLEASE SEE ANTHONY BOGGS FLORIDA BAR FILE RESPONSE ON  
BEHALF OF MATTHEW H. TRIGGS AND ERIC MONTEL TURNER,  
COMPLAINTS WHEREBY IN CONFLICT BOGGS REPRESENTS THE  
FLORIDA BAR IN COMPLAINTS FILED BY PETITIONER AND ALSO  
RESPONDS ON BEHALF OF RESPONDENTS MATTHEW TRIGGS, ERIC  
MONTEL TURNER AND ANSWERS ON BEHALF OF RESPONDENTS

EXHIBIT H

Kenneth L. Marvin of The Florida Bar Letter

PLEASE SEE KENNETH L. MARVIN FILE FLORIDA BAR LETTER TO  
DESTROY FILES ON AUGUST 2, 2004