

Eliot I. Bernstein

From: PA0842@jpo.go.jp
Sent: Monday, August 09, 2004 6:26 AM
To: iviewit@adelphia.net
Cc: nisemono110@jpo.go.jp; caroline@cprogers.com; harry.moatz@uspto.gov
Subject: Re:FW: FW: Office Action Answer: i2004-167 jfrom JPO

Importance: High

Japan Patent Office

Ref: 2004-167

Date: August 9, 2004

Dear Sir/Madam

Thank you for your e-mail dated August 6, 2004. We are now in the process of examining your inquiry.

Before we can respond to your question, we need to understand your definition of "fraud" and how it applies to patent laws and regulations in Japan. The JPO does not have a "fraud" division.

Could you also be more specific as to the kind of help you are asking from the Japan Patent Office?

We look forward to hearing from you.

Sincerely yours,

Akemi TOKAI (Ms.)
Japan Patent Office
Deputy Director
International Affairs Division

Fax: +81-3-3581-0762
E-mail: PA0842@jpo.go.jp

>
>Dear JPO,
>
>Please read the attached letter from our Japanese patent attorney. We are
>confused by his statements and need help directly from the patent office.
>The fraud division or something similar at JPO would be helpful. I spoke
>with someone who told me to write this address. Please confirm if this is
>correct.

>
>
>
>
>Eliot I Bernstein
>Founder, President & Inventor
>561.364.4240
>iviewit@adelphia.net
>
>Iviewit Holdings, Inc.
>10158 Stonehenge Circle
>Suite 801
>Boynton Beach, FL 33437-3546
>

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>OTHERS, UNLESS EXPRESSLY DESIGNATED BY THE SENDER. THANK YOU!

>
>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."

>
>-----Original Message-----

>From: YAMAKAWA IPO [mailto:yamakawaipo@mtc.biglobe.ne.jp]
>Sent: Thursday, August 05, 2004 2:59 AM
>To: iviewit@adelphia.net; pstephen.lamont@verizon.net
>Subject: Re: FW: Office Action Answer: Japanese Patent Application No.
>2001-502362; Your File No. 14902 - B
>Importance: High

>
>Tokyo, August 5, 2004

>
>
>Iviewit Holdings, Inc.
>10158 Stonehenge Circle, Suite 801
>Boynton Beach, Fla. 33437
>U.S.A.

>
>Attention: Mr. Eliot Bernstein
> President

>
>Re: (1) Japanese Patent Application No. 2001-502364
> based on International Appln. No. PCT/US00/15408
> Our file 14901-B
> (2) Japanese Patent Application No. 2001-502362
> based on International Appln. No. PCT/US00/15405
> Our file 14902-B
>(3) Japanese Patent Application No. 2001-514379
> based on International Appln. No. PCT/US00/21211
> Our file 14986-B

>
>
>Dear Mr. Bernstein:

>
> This is our reply to your previous e-mail dated on July 28, 2004.

>
>(1) Regarding Written Statements

>We understand that you requested us, on behalf of Iviewit Holdings, Inc., to
>submit the written statements attached to Mr. Lemont's e-mail on July 21,
>2004, as well as your previous e-mail to the Japanese Patent Office (JPO).
>Having consulted JPO about this matter for you, we confirm that there are no
>procedures to contend with the "fraud" before JPO, unfortunately. This is
>the same as we explained in our e-mails repeatedly. In addition, we were
>told that there was no agreement between USPTO and JPO with regard to what
>you call "international investigation". Actually, JPO does not care about
>what you call "fraud" as long as a Japanese patent application is accordance
>with its corresponding International Patent Application. Even though the
>written statements are submitted to JPO, it will be of no effect on the
>Japanese
>patent applications in terms of Japanese patent law as well as patent
>practice.

>
>You may perhaps find it strange, but this is because Japanese patent law is
>different from the U.S. law and also because Japanese patents and patent
>applications are independent from their corresponding patents and
>applications in the U.S.

>
>What you can do with your Japanese patent applications is to correct errors
>in the description of the inventors. To do so you have to provide JPO with a
>declaration signed by all the people who are found on the present
>application as well as newly added as proper inventors (Please find the
>declarations forms attached herewith, which we sent with copies of the files
>on March 22, 2004.). This has also been advised in our e-mails time to time
>since last March.

>
>(2) Office Action against Japanese Patent Application No. 2001-502362
>The outstanding office action against Japanese Patent Application No.
>2001-502362 shows that the present invention lacks inventive step compared
>with the prior art. It should be noted the office action has nothing to do
>with the inventorship of the present invention or "fraud" upon the patent
>offices what so ever. You must understand that you cannot overcome the
>present office action or halt the prosecution process by submitting the
>reports contained the attachment sent by Mr. Lamont on July 21 and you on
>July 29.

>
>Having examined the office action and the cited prior art document, we
>believed that claim amendment would be necessary so that your invention can
>be differentiate from prior art. Please be advised that amendment can be
>made only within the scope of the initial specification, claims and drawings
>of the original International Patent Application.

>
>Regarding the present office action and measures to overcome it, please
>refer to our report dated on June 14, 2004, that includes our proposed claim
>amendment. We are sure that our report and proposed amendment will be
>helpful for you and other Japanese patent attorneys to cope with the present
>office action.

>
>We would like to remind you that your appropriate response has to be filed
>to JPO by August 18, 2004. The response period may be extended till November
>18, 2004, by request, but the application will be rejected by JPO unless you
>file appropriate amendment and argument by the response due date.

>
>(3) Others
>We would like to make some comments about the history since Blakely,
>Sokoloff, Tayler & Zafman LLP left your cases with us last December.
>According to our record, not until Mr. Lamont sent us the attachment on July
>21, 2004, were we requested to submit the written statement to JPO. Other
>than that, we received merely a general enquiry from Mr. Bernstein about
>inventorship in Japanese patent applications, and sent our reply on March
>15, 2004.

>
>As for the phone call on July 22, 2004, in Japanese local time, it was
>unfortunate that we failed to communicate with each other in your language.
>Mr. Bernstein sounded so excited, however, that I was not allowed to sort
>out the particular case and, perhaps, would have found it hard to talk about
>"fraud", which is a unique concept to U.S., in any other languages.
>Moreover, Mr. Bernstein demanded direct talk with JPO officials. We would
>never expect any of our clients to contact JPO directly while we are acting
>as their patent representatives in Japan.

>
>We are confident that we have been providing Iviewit Holdings, Inc. with
>appropriate information and legal advice based upon Japanese laws with
>respect to its Japanese patent applications. It is utterly pointless to
>criticize us for "lack of cooperation". We, therefore, consider that the

>confidential relationship between Iviewit and us will no longer be
>maintained.
>
>Accordingly, we inform you again that we have decided to resign the patent
>representative of the Iviewit Holdings, Inc. before JPO. So, you have to
>appoint other Japanese patent attorney (s) who will act as your new patent
>representative in Japan. When you have appointed a new Japanese patent
>attorney, he/she will contact us to take over all the file wrappers of the
>above-identified cases. Please be surely advised that JPO will reject
>Japanese Patent Application No. 2001-502362 unless your new patent attorney
>obtain a three-month extension NO LATER THAN AUGUST 18, 2004.
>
>It is strongly advised that you should cooperate with a U.S. patent attorney
>who has foreign associates in Japan so as to pursue patent prosecution in
>abroad smoothly. We hope that you will find a new Japanese patent attorney
>who work for you via such a U.S. patent attorney. We sincerely hope that
>your company will develop a reliable relationship with the new patent
>attorney and succeed in prosecution for the Japanese patents.
>
>Finally, we enclose our bill for the expense in the last few months for your
>kind attention. The original copies of the declaration forms and bill will
>be sent with a confirmation of this letter.

>
> Very truly yours,

>
> YAMAKAWA INTERNATIONAL PATENT OFFICE

>
> Shigeki Yamakawa, Ph.D.

>Encl.
>MY/ysa

>*****
>YAMAKAWA INTERNATIONAL PATENT OFFICE
>TEL: +81-3-3580-0961 FAX: +81-3-3581-5754
>FOREIGN DEPT: YAMAKAWAIPO@TOKYO.EMAIL.NE.JP
>DOMESTIC DEPT: YAMAKAWAIPO@MTC.BIGLOBE.NE.JP
>*****

>
>----- Original Message -----

>From: "Eliot I. Bernstein" <iviewit@adelphia.net>
>To: ""YAMAKAWAIPO" <yamakawaipo@mtc.biglobe.ne.jp>;
><pstephen.lamont@verizon.net>; "Harry I. Moatz (E-mail)"
><harry.moatz@uspto.gov>; <yamakawaipo@mtc.biglobe.ne.jp>;
><pa0842@jpo.go.jp>; <nisemono110@jpo.go.jp>
>Cc: <caroline@cprogers.com>
>Sent: Wednesday, July 28, 2004 5:22 PM
>Subject: RE: FW: Office Action Answer: Japanese Patent Application No.
>2001-502362; Your File No. 14902 - B

>
>
>
>Re: (1) Japanese Patent Application No. 2001-502364
> based on International Appln. No. PCT/US00/15408
> Our file 14901-B
> (2) Japanese Patent Application No. 2001-502362
> based on International Appln. No. PCT/US00/15405
> Our file 14902-B
> (3) Japanese Patent Application No. 2001-514379
> based on International Appln. No. PCT/US00/21211
> Our file 14986-B

>Dear Mr. Shigeki Yamakawa, Ph.D.,

>

>Thank you for the reply. The reason for the "unusual phone call" both
>Stephen and I were participants on, which you kindly allowed us to record,
>was due to your unwitting resilience in filing a request for the JPO to put
>the patent applications listed above, and any others that may have been
>filed or abandoned for Iviewit, on hold, while the United States Patent and
>Trademark Office and the European Patent Office investigate charges of Fraud
>Upon the United States Patent & Trademark Office. These allegations are due
>to attorneys handling the patents, including Blakely Sokoloff Taylor &
>Zafman LLP, whom you are a direct referral from, involved in the fraud.
>Since these actions have been reported to you now for months, it is strange
>to find that you have not filed such request as we have made repeatedly,
>including well before Mr. Lamont's last request attached herein, and your
>desire to continue to attempt to act as if you are new to what is happening.
>In fact, we have asked for copies of your files which had no answer to
>office actions regarding blanked out signature pages on applications and
>where clarification was requested by the JPO and you failed to provide any
>such response to such JPO request. We further submitted to a copy of the
>fraud claims used in the EPO and USPTO for you to similarly file in the JPO
>months and months ago, which according to your letter, JPO appears to have
>no interest on crimes committed against the JPO by licensed patent attorneys
>or anyone. In fact, your letter attempts to claim that the frauds were
>committed abroad, when in fact they were committed through your offices and
>filed at the JPO, all in Japan, and I am sure JPO cares about fraud and
>multitudes of other criminal behaviors that were committed in the commission
>of such fraud and all done in Japan and against the JPO.

>

>Additionally, since part of the crimes the JPO will not care about, include
>claims that the content of the patents is fraudulently changed, making
>office actions wrong since they do not deal with the original claimed
>inventions, and further where this must now all be sorted out first before
>any actions can addressed to not waste time on patents that are materially
>>false and misleading and missing key critical elements that may not so
>easily be corrected and have impact on priority dates and filing dates. The
>applications are not wrong due to "deficiencies" as you state, but are done
>in the commission of alleged crimes by our patent attorneys, since they
>address the wrong content, are written by wrong inventors who swore oaths
>with intent to deceive the JPO, are not assigned properly and other such
>actions. Again, we urge you to file our claims in addition to yours that
>would mean both your response and our response for claims addressing the
>issues of fraud. Time is of the essence and delays may have severe
>liabilities associated with them. We have sent you a copy of an April 2004
>shareholder letter regarding liabilities attributable to your filings, and
>such letter was additionally to serve you with notice of a claim of legal
>malpractice relating to your handling of these patents. We also requested
>that you notify us of the name of your insurance carrier and your contact
>for filing claims and we have not heard back from you. As Jordan Becker of
>Blakely Sokoloff Taylor & Zafman LLP has informed us that he has reported
>the issues to his carrier, we feel that you are obligated as well to such
>action. Please include this communication with any insurance filings, as
>well as, all correspondences regarding Iviewit.

>

>Please keep all replies sent to all listed parties. Your attempts to
>withdraw as counsel based on what you call wild and eccentric calls are a
>blatant attempt to try to find a reason other than what you are fully
>knowledgeable about regarding the crimes committed against JPO and charges
>similar to those contained in the PDF attachment herein and the attachments
>recently sent to you by Mr. Lamont. When you file with the JPO for
>withdrawal as counsel please be advised to include in your reason that you
>are involved in alleged fraud and other crimes committed in Japan against
>the JPO regarding these applications. All attempts at further covering up
>such matters with the JPO will additionally be promptly met with disclosure

>to JPO of all matters, we request that all correspondences further are
>copied to the most senior individual at JPO who investigates such matters
>and a copy to the Commissioner or an equivalent title at JPO. Again, we
>request that pending all criminal investigations in the United States and
>Europe, we again request that you maintain all original documents for
>inspection or copy upon request by any agency or department investigating
>these matters.

>
>Your lack of cooperation is duly noted and the Company refuses your request
>to withdraw as counsel prior to filing a response with the charges of fraud
>with the appropriate departments at JPO and other criminal authorities that
>Japan may have to investigate such claims and we demand that any
>correspondence to JPO contain full disclosure of the situation.

>
>A copy of the tape is available for your review upon written request,
>whereby you will note that after repeated calls to your offices, whereby we
>were hung up over 10 times trying to get to you, we finally got through to
>you and you acted as if you could not speak a word of English, etc... and
>you continuously attempt to state that you can not hear and act as if you
>never heard of us. What is most interesting to note is our other
>conversations where you spoke perfect English, as well as, your letter below
>indicates.

>
>
>
>
>Eliot I Bernstein
>Founder, President & Inventor
>561.364.4240
>iviewit@adelphia.net

>
>Iviewit Holdings, Inc.
>10158 Stonehenge Circle
>Suite 801
>Boynton Beach, FL 33437-3546

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>USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE
>EXCLUSIVE RIGHT TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."

>
>-----Original Message-----
>From: YAMAKAWA IPO [mailto:yamakawaipo@mtc.biglobe.ne.jp]
>Sent: Sunday, July 25, 2004 10:16 PM
>To: iviewit@adelphia.net; pststephen.lamont@verizon.net
>Subject: Re: FW: Office Action Answer: Japanese Patent Application No.
>2001-502362; Your File No. 14902 - B

>
>Tokyo, July 26, 2004

>
>
>
>Iviewit Holdings, Inc.
>10158 Stonehenge Circle, Suite 801

>Boynton Beach, Fla. 33437

>

>Attention: Mr. P. Stephen Lamont

>Chief Executive Officer

>

>

>Re: (1) Japanese Patent Application No. 2001-502364

> based on International Appln. No. PCT/US00/15408

> Our file 14901-B

> (2) Japanese Patent Application No. 2001-502362

> based on International Appln. No. PCT/US00/15405

> Our file 14902-B

> (3) Japanese Patent Application No. 2001-514379

> based on International Appln. No. PCT/US00/21211

> Our file 14986-B

>

>

>Dear Mr. Lamont:

>

> After receiving an unusual phone call from Mr. Eliot
>Bernstein, wherein he demanded us to put him through to Japanese Patent
>Office, and his following e-mail on July 22, which seems one-sided to us, we
>are puzzled, and are writing to you to explain our stance.

>

> First of all, we would like Mr. Bernstein to understand that
>Japanese patent system is different from the one in the U.S.. As far as
>patent systems are concerned, "fraud" which your company is concerned about
>is a concept unique to the U.S.. There are no Japanese legal procedures
>wherein Japanese patent attorneys can inform the Japanese Patent Office of
>"fraud" committed in abroad, and, therefore, we are not aware of the legal
>procedures with regard to "fraud".

>

> As far as Japanese patents are concerned, if there was
>deficiency in
>inventorship shown in the above-identified Japanese Patent Applications, you
>can correct it by submitting so that such deficiency will not cause any
>problems. This has been repeatedly advised in our e-mails since last March.
>Also, we would like to remind you that we already sent forms to correct the
>applications with copies of the files on March 22, 2004. Unfortunately, we
>have never provided with adequate forms that are needed for us to respond
>your request.

>

> Secondly, please be advised that we, Japanese patent
>attorneys, are taking care of your Japanese patent applications in
>accordance with Japanese laws. Since the "fraud" is a matter of your U.S.
>patents under the U.S. legal system, it should be handled by not Japanese
>patent attorneys but U.S. attorneys. It is believed that unless requested by
>the Japanese Patent Office, we, Japanese patent attorneys, are not in the
>position, even if international investigation is being carried out, to
>provide you with our professional services in this regard. It is
>inappropriate and pointless to request us to report about the "fraud" to the
>Japanese Patent Office in this stage.

>

> Incidentally, an outstanding office action has been issued
>regarding Japanese Patent Application No. 2001-502362. We reported of this
>office action in our letter dated on June 14, 2004, with our proposed claim
>amendment. It should be noted that the office action shows the reason for
>refusal of "lack of inventive step", and nothing to do with "fraud". Having
>received your previous e-mail entitled "Office Action Answer: Japanese
>Patent Application No. 2001-502362; Your file No. 14902-B" and the documents
>attached therewith, however, we found them inappropriate to cope with the
>present office action, because the documents are just about "fraud" in the
>U.S.. Please keep in mind that the present application will be rejected by

>the Japanese Patent Office because of its lack of inventive step, unless an
>appropriate response is filed by August 18, 2004 (the response due date may
>be extended for three months by request).

>
> Having received the eccentric phone call and self-centered
>e-mail from Mr. Eliot Bernstein, who is the president of Iviewit Holdings,
>Inc., we recognized that we can no longer act as a patent representative for
>the company.

>
> Accordingly, we inform you with this letter that we have
>decided to resign
>the patent representative of the Iviewit Holdings, Inc. before the Japanese
>Patent Office.

>
> It is not our intention to let Japanese Patent Application No.
>2001-502362
>be rejected, however. We, therefore, ask you to inform us of the names of
>other Japanese patent attorney (s) who will act as your new patent
>representative in Japan, and the name and address of his/her firm, NO LATER
>THAN JULY 30, 2004, so that we will transfer all the file wrappers of the
>above-identified cases to the new Japanese patent attorney. We sincerely
>hope that your company will develop a reliable relationship with the new
>patent attorney and succeed in prosecution for the Japanese patents.

>
> Thank you in advance for your cooperation.

>
>Very truly yours,

>
>
>
>Shigeki Yamakawa, Ph.D.

>*****
>YAMAKAWA INTERNATIONAL PATENT OFFICE
>TEL: +81-3-3580-0961 FAX: +81-3-3581-5754
>FOREIGN DEPT: YAMAKAWAIPO@TOKYO.EMAIL.NE.JP
>DOMESTIC DEPT: YAMAKAWAIPO@MTC.BIGLOBE.NE.JP
>*****

>
>----- Original Message -----
>From: <iviewit@adelphia.net>
>To: <yamakawaipo@mtc.biglobe.ne.jp>; <harry.moatz@uspto.gov>;
><pa0842@jpo.go.jp>; <nisemono110@jpo.go.jp>
>Cc: <caroline@cprogers.com>; <jarmstrong1@comcast.net>;
><marc.garber@flastergreenberg.com>; <marc.garber@comcast.net>;
><iviewit@adelphia>; <net@adelphia.net>; <whitebengaltiger@adelphia.net>
>Sent: Thursday, July 22, 2004 1:52 PM
>Subject: Re: FW: Office Action Answer: Japanese Patent Application No.
>2001-502362; Your File No. 14902 - B

>
>
>Mr. Yamakawa,
>
>In response to our recent taped call, we remind you that we have requested
>that you inform the Japanese Patent Office (JPO) of fraud upon the Japanese
>Patent Office by the patent attorneys involved in the filings of our three
>patents, executed through your offices. Your failure to do so over repeated
>requests over the last several months, and your failure to help us reach
>such representative at the JPO leaves us with noticing the JPO of your
>refusal to cooperate with International investigations, that have already
>led to the USPTO suspending our patents as you were noticed months ago.
>Your sudden failure to understand English will not will not be valid as an
>excuse to your blatant disregard of Iviewit requests in the patent matters
>in your care. Again, maintain all files and records, and the originals, as
>they are pertinent to ongoing investigation by the United States Patent and

>Trademark Office of Enrollment Director, Harry I Moatz, and others as to the
>events herein, again recounted, and as formally promised by your offices.

>
>Your failure to cooperate will be duly noted to the JPO.

>
>Eliot I. Bernstein
>iviewit@adelphia.net
>561-364-4240

>>
>> From: "P. Stephen Lamont" <pstephen.lamont@verizon.net>
>> Date: 2004/07/20 Tue PM 05:15:35 EDT
>> To: "Eliot I Bernstein \ (E-mail)" <iviewit@adelphia.net>
>> Subject: FW: Office Action Answer: Japanese Patent Application No.
>2001-502362; Your File No. 14902 - B

>>
>> -----Original Message-----
>> From: P. Stephen Lamont [mailto:pstephen.lamont@verizon.net]
>> Sent: Tuesday, July 20, 2004 2:43 PM
>> To: 'yamakawaipo@mtc.biglobe.ne.jp'
>> Cc: Eliot I Bernstein (E-mail)
>> Subject: Office Action Answer: Japanese Patent Application No.
>2001-502362;
>> Your File No. 14902 - B
>> Importance: High

>>
>> Dear Masaki Yamakawa:

>>
>> Please allow this response to the above referenced Office Action to be the
>> formal response of Iviewit Holdings, Inc. ("Company"). The attachments
>> herein include:

>>
>> 1. A response to a European Patent Office ("EPO) action wherein the
>Company
>> alleges Fraud by Patent Counsel(s) upon the EPO; and
>> 2. An application to the United States Patent and Trademark Office
>> ("USPTO") of Fraud by Patent Counsel(s) upon the USPTO.
>> 3. The same document as number 2 above, and executed by the present
>> assignee of the patent application, Alpine Venture Capital Partners, Inc.

>>
>> Moreover, it is the intention of the Company to file similar charges of
>> Fraud by Patent Counsel(s) upon the Japanese Patent Office, and we
>instruct
>> you to file such a formal response in regards to the presently pending
>> Office Action.

>>
>> Should there be any questions or concerns, please notify me immediately,
>so
>> that we can be well within the August 10, 2004 filing deadline.

>>
>>
>>
>> Best Regards,

>>
>>
>> P. Stephen Lamont
>> Chief Executive Officer
>> Iviewit Holdings, Inc.
>> 10158 Stonehenge Circle, Suite 801
>> Boynton Beach, Fla. 33437
>> Tel: 914-217-0038
>> Fax: 845-279-7710
>> Email: pstephen.lamont@verizon.net; pslamont@attwireless.blackberry.net
>> URL: www.iviewit.com

>>
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