

**Iviewit Technologies, Inc.**

2753 NW 34th Street  
Boca Raton, FL 33434

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**confidential**  
**fax**

*To:* **Wayne Smith (Business Fax)**

*Fax Number:* +1 (818) 954-5434

*From:* **Eliot Ivan Bernstein**

*Fax Number:* 1 (561) 245-8644

*Business Phone:* 1 (561) 245-8588

*Home Phone:*

*Pages:* 28

*Date/Time:* 12/18/2009 6:42:23 PM

*Subject:* WAYNE SMITH URGENT TIME SENSITIVE MATTER FROM IVIEWIT &  
KEVIN HALL

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Please deliver the following confidential fascimile to Mr. Wayne Smith of Warner Bros. This is a time sensitive matter requiring his immediate attention with serious actions to be taken if not responded to by December 23, 2009 at 5pm PST.

Thank you and have a HAPPY HOLIDAYS!!!

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – FL  
Iviewit Technologies, Inc. – DL  
Uview.com, Inc. – DL  
Iviewit.com, Inc. – FL  
Iviewit.com, Inc. – DL  
I.C., Inc. – FL  
Iviewit.com LLC – DL  
Iviewit LLC – DL  
Iviewit Corporation – FL  
Iviewit, Inc. – FL  
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Iviewit Corporation  
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<http://iviewit.tv/wordpress>  
<http://iviewit.tv/wordpresseliot>  
Other Websites I like:  
<http://www.deniedpatent.com>  
<http://exposecorruptcourts.blogspot.com>  
<http://www.judgewatch.org/index.html>

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I-VIEW-IT HOLDINGS, INC.  
I-VIEW-IT TECHNOLOGIES, INC.

**Kevin R. Hall**  
Business Consultant to  
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Friday, December 18, 2009

Wayne Smith  
Vice President, Senior Litigation and Chief Patent Counsel  
Warner Bros Entertainment, Inc. ( Warner Bros. ), AOLTW, AOL, Inc  
4000 Warner Boulevard  
Burbank, California 91522  
818-954-6007  
[Wayne.smith@warnerbros.com](mailto:Wayne.smith@warnerbros.com)

**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING INVENTOR ELIOT I. BERNSTEIN'S INVENTIONS AND FORMER RELATIONSHIP BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES**

Dear Mr. Smith:

Thank you for taking the time to retrieve some of your file materials in this matter and replying to my correspondence from November 2009. I write to you again, acting as a business consultant working on behalf of Eliot I. Bernstein and the Technologies he invented and further in relation to his work with the Iviewit companies named which are named in the closing of this letter. I noted that your correspondence dated December 02, 2009 indicates that you did not take time to detail the inaccuracies, which you alleged, existed in my letter. Therefore, I invite you now to detail any alleged inaccuracies, as I am certain no inaccuracies of any substance, merit or significance were contained in my letter.

letter.

A handwritten signature in black ink, appearing to be "E.I. Bernstein", written over a horizontal line.

**Wayne Smith**  
**Vice President, Senior Litigation and Chief Patent Counsel**  
**Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTW / AOL, Inc**

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**Friday, December 18, 2009**

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More importantly, however, I am again taking the time to assist you in this endeavor again by providing further documentation and information that certainly is within ( or should be ) the Warner Bros./AOLTW/AOL Inc files and records in these matters. I say this because as discussed in our telephone conversation a few weeks back and reiterated in my November 2009 letter, many of the documents and items I am referring to were initiated and created by key employees / officers / personnel working directly inside Warner Bros./AOLTW at the time of their creation. Yet, amazingly, your Dec. 2, 2009 letter seems to have overlooked and/or failed to consider the existence of these documents and many critical facts from the history of these matters. One of the items notably missing from your letter is the factual admission by David Colter of Warner Bros. that Warner Bros. was using the Technologies and violating signed NDA's. Also missing is the fact that there was a signed licensing/encoding deal negotiated by another law firm you may be familiar with, Irell & Manella, who acted as Ivieuit attorneys in the license contracting negotiations. In case you have overlooked these critical documents or are missing them, I have attached the links at the end of this letter for your review and convenience.

In any event, it is my hope that these documents and links provided herein will refresh your recollection of events and further assist you in intelligently and responsibly moving this matter forward with Warner Bros./AOLTW/AOL, Inc. I hope that this will move us toward a positive and meaningful long-term business relationship that builds upon the prior signed and executed business and license agreements involving Inventor Bernstein, other shareholders and patent interest holders. I therefore extend on behalf of Mr. Bernstein a limited time offer and a possible Investment opportunity for Warner Bros./AOLTW/AOL Inc in a moving forward interest to be more fully determined at a time in the near future.



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**Wayne Smith**  
**Vice President, Senior Litigation and Chief Patent Counsel**  
**Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTW / AOL, Inc**

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I must, however, first officially notice your office and Warner Bros./AOLTW/AOL, Inc that Mr. Eliot I. Bernstein has extended this Opportunity and Invitation to deal as a limited time Offer for a business deal and Investment opportunity to Warner Bros./AOLTW/AOL, Inc. This correspondence attempts to reach an "Agreement to Agree" before being forced with no other justified position and alternative to take further actions with all regulatory and other applicable authorities. These are very serious actions, including but not limited to, formal notification to the SEC and other interested Federal and State authorities, of the substantially likely FASB No. 5 violations by Warner Bros./AOLTW/AOL, Inc resulting from the infringements and additionally your liabilities in the ongoing federal LAWSUIT that involves RICO claims, Anti-Trust claims and other related state, federal and international criminal activities alleged that could have catastrophic impact on your shareholders if not properly reported.

This federal lawsuit has already been described as involving "murder" according to US District Court Judge Shira Scheindlin of the US Southern District of New York, Case No. 07 cv 11196. Alleged in the LAWSUIT are crimes including attempted murder via a Car Bombing of Inventor Bernstein's family minivan, FRAUD UPON THE UNITED STATES PATENT AND TRADEMARK OFFICE, FRAUD ON INTERNATIONAL PATENT AUTHORITIES and hosts more of very serious crimes.

See the filed Amended Complaint @ <http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20FINAL%20AMENDED%20COMPLAINT%20AND%20RICO%20SIGNED%20COPY%20MED.pdf> .

Warner Bros./AOLTW/AOL Inc's failure to pay royalties to the proper and known inventors willfully could be construed and argued as accessory conduct and other culpable conduct as well. Warner Bros./AOLTW/AOL Inc's refusal to meet to explain

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the past and present actions and involvement with Proskauer Rose, Rubenstein and any patent pools that infringe upon Mr. Bernstein's inventions will cast further suspicions on a possible ongoing accessory role by Warner Bros./AOLTW/AOL Inc. This is compounded exponentially if there are any patent pools Warner Bros./AOLTW/AOL Inc. is profiting from or involved with that infringe on the Intellectual Properties, or if any of Warner Bros./AOLTW/AOL Inc's sites have continued knowingly infringing upon the Intellectual Properties. Certainly, after weighing these issues with all the facts, Warner Bros./AOLTW/AOL Inc will see why we urge a meeting and explanation of Warner Bros./AOLTW/AOL Inc's actions and make financial and other amends for any infringements and begin the walk down the "Yellow Brick Road" together as business partners in a business deal immediately as set out herein.

Further, the Whistleblower Lawsuit of Christine C. Anderson, which has been legally marked "RELATED" by Judge Scheindlin to my 12 Count 12 Trillion Dollar Federal Action over a year ago, reveals recent disclosure under oath by Anderson in an open federal district court of a "Cleaner" of Ethics Complaints on behalf of "Favored Law Firms and Lawyers" complained of by others. This testimony by Anderson under federal oath in open federal district court includes information regarding the "Cleaner", identified as Naomi Goldstein, who WHITEWASHED and cleansed complaints for the US Attorney, the District Attorney and Assistant District Attorney in New York. Not coincidentally, Anderson is from the same Supreme Court Agency, the First Department, where Mr. Bernstein filed disciplinary complaints against Kenneth Rubenstein and Proskauer, which were and continued to be derailed through further conflicts and crimes, not surprisingly almost identical to the allegations the Whistleblower Anderson describes in her testimony. Anderson, additionally mentioned Ivieuit in her original filed complaint which can be found @

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<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/anderson/20071028%20Anderson%20Original%20Filing.pdf>

Thus, the present existence of responsible parties ( if any ) who continue to derail justice, due process and more, whether inside and/or related to and/or acting in concert with various offices and/or individuals within NY and ANY state government, and/or members inside and/or related and/or controlling or previously having controlled parts of the federal government, does not and should not preclude nor prevent your office and companies from immediately performing appropriate and responsible business practices and fulfilling prior and current legal and other obligations moving forward herein. In fact, the failure for this to have previously occurred over extended time periods thus highlights why Mr. Bernstein and proper parties are and will be justified in taking further serious adverse actions should an Agreement to Agree on this business-license-investment deal not be reached by December 23, 2009 at 5pm Pacific Standard Time. Thus, Mr. Bernstein and the proper interest holders seek to walk down the "Yellow Brick Road" together with your office and Warner Bros./AOLTW/AOL Inc as partners in business moving forward, to the future with a "New and Better Oz" with Warner Bros. / AOLTW / AOL Inc together as partners in business into the future but the time to act and move to an Agreement to Agree is imminent. The Agreement to Agree should only be a short process, as most of the due diligence on the efficacy of the technologies was already completed for the Wachovia Private Placement<sup>1</sup> and for the license and encoding agreements prepared by Irell & Manella. Further, David Colter has already confirmed

<sup>1</sup> The PPM can be found @ <http://iviewit.tv/CompanyDocs/Wachovia%20Private%20Placement%20Memorandum%20-%20with%20bookmarks%20in%20col.pdf>

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the usage of the technologies by letter regarding the violations of NDA's by Warner Bros./AOLTW/AOL Inc. as cited herein.

Otherwise, one of the many and critical due process issues which will be further brought to light imminently and litigated over the next years involves the Warner Bros./AOLTW/AOL Inc knowledge of fraudulent and falsified patents in general and specifically as it pertains to Proskauer and Proskauer lawyer Kenneth Rubenstein. This would be the same Proskauer and Rubenstein who are Warner Bros./AOLTW's counsel and perhaps were counsel even before the Iviewit inventions, which would make one wonder where the conflict waivers were initially? Additional issues for litigation, include but are not limited to,

- (i) Rubenstein's knowledge and role relating to the fraudulent information disseminated in the Wachovia Private Placement Memorandum<sup>2</sup> of 2001 delivered to Warner Bros./AOLTW by Proskauer
- (ii) any/all knowledge by Warner Bros/AOLTW of the involvement of Proskauer and Rubenstein and Rose in the MPEGLA LLC patent pool
- (iii) any involvement that Warner Bros./AOLTW/AOL Inc. may have in any patent pooling scheme (i.e. DVD patent pools, MPEG LA LLC pools, etc.) or any other infringing schemes that directly infringe on Mr. Bernstein's scaling imaging and video technologies,
- (iv) the falsifying of Patent information to worldwide Intellectual Property authorities, and

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<sup>2</sup> Rubenstein named as Iviewit Patent Counsel and a Board Member in the Wachovia Private Placement Memorandum, quoting from page 4 of the PPM "Company has retained Foley & Lardner to shepherd its patent development and procurement In addition, the Company has retained Kenneth Rubenstein of Proskauer Rose, LLP to oversee its entire patent portfolio Mr. Rubenstein is the head of the MPEG-2 patent pool." Further on page 30 "Mr. Rubenstein is a partner at Proskauer Rose LLP law firm and is the patent attorney for iviewit."

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- (v) the processes of false billing and bankruptcies by Proskauer Rose discovered during Warner Bros./AOLTV Due Diligence searches and other.

From the Wachovia Private Placement I quote,

In addition, the Company has continued to develop an active pipeline of high impact, service and licensing client prospects. In fact, based on its current level of discussions, the Company believes that the following prospects have a high probability for closing by Q1 2001

Warner Brothers

Greg Manning Auctions / Collectibles

UnoDosTres.com

Brava

Eastman Kodak

SDI-Media

Broadband Services

Wackenhut / Oasis

(page 6)

and

**Substantial Market Penetration and Growing Customer**

**Acceptance**

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The Company commercialized its products in May 2000. In just 5 months, iviewit has experienced a 75% success rate in obtaining service and licensing customers, securing 17 customers to date - primarily in the entertainment, advertising, and hotel markets. The Company expects to realize approximately \$400,000 in revenues by year-end from these customers. High profile customers include Ellen DeGeneres, Z.com (Alanis Morissette), Hyatt Hotels, Gear Magazine, and Hollywood.com. Highly probable for closing by year-end 2000 include Warner Brothers and Greg Manning Collectibles. (page 11)

and from the section Achieved Milestones

November 2000 - Completed technical review with Warner Brothers (page 17)

and

Additional opportunities have arisen within E-commerce, Education / Distance learning; and Entertainment...

6. Warner Brothers: iviewit technology is to be used at multiple sites. Currently being negotiated. (page 19)

and



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iviewit technology has been well recognized by Hollywood studios and content providers, over the past 8 months, iviewit has been developing a significant relationship with Warner Brothers. The Company believes that the mutual efforts with Warner Brothers will result in a significantly meaningful commercial relationship beginning early 2001. As a result of this pending opportunity with Warner Brothers and other advanced discussions underway with other media and California-based content providers, the Company is presently establishing a Los Angeles sales and encoding facility to be operating by year end 2000. (page 21)

and

One key macro trend that will likely accelerate the migration of rich media to the Internet is the convergence of offline and online media companies. The recent AOL/TimeWarner megamerger is the first wakeup call that the convergence of offline and online media is both real and big. The AOL/Time Warner combination brings together the key elements that should drive rich Internet media, namely a broad Internet audience, offline media assets, and extensive broadband capabilities. This trend should continue with further broadband or all-band

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initiatives as well as partnerships and mergers between  
offline and online media companies. (page 33)

As you may also be aware, the Proskauer Rose firm is at or near the center of the federal investigation for their direct involvement in the the Robert Allen Stanford Billion Dollar plus Ponzi scheme, whereby a former SEC Enforcement Agent, Thomas Sjoblom, was found teaching Stanford Employees in a Miami Airport Hanger how to mislead federal investigators. This fact should make you consider losing them as counsel now as I cannot imagine how their liability carrier allows them to continue to operate as Proskauer has also been sued in a global class action lawsuit for the entire losses and by one of the arrested Stanford employees, Laura Pendergest-Holt.

As previously indicated in my prior correspondence, it is my understanding that Mr. Bernstein has already forwarded to your office a copy of his official, signed complaint to the SEC involving the Intel Corporation, Silicon Graphics, Inc, and Lockheed Martin, who comprised the prior consortium and co-owners of Real3d Inc., which was previously located on the Lockheed Martin properties in Orlando, Florida. As you are or should be aware, Mr. Bernstein's Technologies were tested, used, approved and more with Real3d Inc. and other recognized industry experts and as with Real3d Inc., Warner Bros./AOLTW/AOL, Inc, is under signed NDA's ( non-disclosure agreement ) and other licensing arrangements regarding the Technologies.

Further, as you know, I provided an additional courtesy copy of this official complaint in my November 30, 2009 correspondence to your office in order to further assist you in moving this matter along to responsible and proper business discussions. Perhaps you may not be aware but Silicon Graphics Inc. ( SGI ) filed for US Bankruptcy protection in the Southern District of New York within 6 days of receiving a signed copy

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of Mr. Bernstein's SEC complaint. Mr. Bernstein has since filed charges of fraud and related charges, which are now pending in the matter for failure to disclose to that court and shareholders the 12-count 12-trillion dollar federal lawsuit. Further reported was the fact that knowing infringement of the Technologies was also not reported on their balance sheet as a liability since 1999. As you are or should be aware from published resources reviewed, it appears that FASB No. 5 also requires reporting of known infringement and innocent infringement on Technologies, even if no patents have been issued and/or no lawsuits have yet been filed for the infringement.

Please note the long and involved business relationship history with Warner Bros./AOLTW/AOL, Inc, including the existence of substantial documentation involving the Technologies uses now for 7 years or more after being in a formal License Agreement involving the Technologies and where Mr. Bernstein's repeated attempts to resolve issues and negotiate with Warner Bros./AOLTW/AOL, Inc in good faith have been responded to by non-meritorious positions, including your offices failure to even respond to recent requests for a telephonic meeting for months, leaves us little choice and no practical alternative but to interpret this refusal in the worst possible light and act accordingly. Prior to doing so however, Mr. Bernstein now extends this final limited time Offer to Warner Bros./AOLTW/AOL, Inc to re-enter into immediate business license negotiations and an Investment Opportunity in Interests going forward by close of business Monday, December 23, 2009 at 5 pm Pacific Standard Time by completing an Agreement to Agree with a \$25 Million Dollar NON REFUNDABLE payment, in lieu of the adverse actions described herein should an Agreement to Agree not be reached. Actions, including but not limited to, official SEC notification and complaint as to the Warner Bros./AOLTW/AOL, Inc status as a party in ongoing related federal actions as described herein and all future lawsuits and litigation contemplated as notified herein and further

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notifying the Shareholders of potential rescissory actions they may have against Warner Bros./AOLTW/AOL Inc and any other responsible parties and entities.

Please note and take notice that Mr. Bernstein will simultaneously be including the Sony Corporation, along with Warner Bros./AOLTW/AOL, Inc in these official complaints to the SEC should an Agreement to Agree not be reached by December 23, 2009 by 5 pm PST. The Iviewit Technologies invented by Inventor Eliot I. Bernstein and others were walked into Sony via Doug Chey who previously worked for Warner Bros./AOLTW. Chey then transferred to Sony Digital where Sony also was in the process of drafting similar licensing agreements to your signed licensing and other agreements regarding Sony's uses of the technologies. Sony also at that time is found openly admitting use of the Technologies, including use for a seven studio movie download project named Movie Fly, which later became MovieLink<sup>3</sup>, an undertaking with Warner Bros./AOLTW, Sony and others, in which Mr. Bernstein's Technologies were claimed to be the Backbone Essential Technologies by representatives of both companies.

Sony will also be included in the SEC and other Federal and State actions based upon Sony's failure to come to the table over the recent months to reach an Agreement to Agree, yet as we were led in that door amongst the mutual friends of Warner Bros/AOLTW, Sony and Proskauer, we have thus far held off action at Sony until your formal answer regarding going forward with an Agreement to Agree. It is Mr. Bernstein's sincere hope that both Warner Bros./AOLTW/AOL, Inc and Sony return to productive and long term business relations going forward through this limited time Offer and Invitation which has a specific expiration at close of business 5 pm PST on

<sup>3</sup> Information can be found [http://news.cnet.com/2100-1023\\_3-277370.html](http://news.cnet.com/2100-1023_3-277370.html) and <http://en.wikipedia.org/wiki/Movielink>

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**Iviewit Holdings, Inc./Iviewit Technologies, Inc.**  
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iviewit@iviewit.tv - www.iviewit.tv

**Wayne Smith**  
**Vice President, Senior Litigation and Chief Patent Counsel**  
**Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTW / AOL, Inc**

**Page 13 of 25**  
**Friday, December 18, 2009**

**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
INVENTOR ELIOT I. BERNSTEIN'S INVENTIONS AND FORMER RELATIONSHIP  
BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS  
FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES**

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December 23, 2009. If Sony chooses again to move forward with Iviewit and Warner Bros./AOLTW/AOL Inc in a business licensing arrangement, an additional NON REFUNDABLE \$25 Million Dollar Deposit will be required for their attendance.

In the event that the payment conditions of the Agreement to Agree are satisfied, and a future Licensing/Business deal is negotiated, the PAYMENT may be considered an initial investment by Warner Bros./AOLTW/AOL, Inc in any licensing/business deal moving forward involving the Technologies, if the license/business negotiations fail, then the 25 Million Dollar Deposit will serve as NON REFUNDABLE PAYMENT.

Conversely, any licensing deal structured would then provide Warner Bros./AOLTW/AOL, Inc/Sony with specified interests and rights moving forward over the next 10 or more years with specific terms to be negotiated and structured after completion of the Agreement to Agree herein. If the business negotiations fail the 25 Million Dollar Deposit(s) will serve as a Non-Refundable meeting payment, if the going forward deal is structured, the 25 Million Dollar Deposit(s) will be converted to an agreed upon initial investment for Warner Bros./AOLTW/AOL Inc.

Yet, since failure to reach an Agreement to Agree with the necessary NON REFUNDABLE meeting payment(s) will result in immediate adverse actions as outlined herein, which will also undoubtedly involve notice to the Shareholders of Warner Bros./AOLTW/AOL, Inc and Sony. Mr. Bernstein specifically requests that your office specifically and instantly notify both the Chairman of the Board, CEO and CFO of Warner Bros./AOLTW/AOL, Inc and Sony of all of these matters and the limited time offer herein, including your auditors and other parties with liabilities resulting from these matters and your decision. Should your office fail, refuse or neglect to properly notify those at risk, I personally will be taking appropriate steps in this regard to ensure Actual Notice to the Chairman of the Board, CEO, CFO, auditors and any other parties with

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liabilities stemming from your actions regarding these matters at Warner Bros./AOLTW/AOL, Inc and Sony on behalf of Eliot I. Bernstein and the proper interest holders in the Intellectual Properties. Additionally, I request that your office provide notice to myself and Mr. Bernstein in the next 24 hours after delivery of this letter to your offices that all of the proper Executive Officers and Management Team members above have been duly notified in these matters from Warner Bros./AOLTW/AOL Inc and Sony.

Respectfully, Mr. Smith, I find your suggestion that I am some mere "spokesperson" for Iviewit slightly offensive, as I do not work for Iviewit, only for inventor Eliot I. Bernstein as an inventor of the Technologies as I explained already to you. Nonetheless, what I can say currently is that I am familiar with the following based upon published sources and other:

1. According to all published sources ( either web/internet/traditional ) researched, there is No Statute of Limitations in infringement cases and at best a mere restriction on a "look back" period may apply in any situation. Yet it is my understanding from reviewing published sources and conferring with others that the "look back" limitation period is not even triggered with respect to Patents until the Patents are issued. Still, that there are processes available when conduct to defraud / delay the issuance of Patents are at play. The topic of "concealment" is yet another relevant topic of familiarity as well, among others.

2. Infringement cases do not require any knowledge or intent whatsoever and even innocent infringement is actionable while actual knowledge of infringement relates to the "willfulness" resulting traditionally in a "treble" or "tripling" of the damages.

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Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTV / AOL, Inc

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3. Government Anti-trust investigations as a general matter may operate to "toll" and "extend" any applicable statute of limitations; ( Note: Multiple Anti-Trust investigations involving many key parties and players herein are a matter of public record both within the United States and abroad including but not limited to: Microsoft, Intel, AMD, Nvidia, and others ).

4. According to [www.exposecorruptcourts.blogspot.com](http://www.exposecorruptcourts.blogspot.com), at least one former FEDERAL agent has reviewed all of the Iviewit allegations and not found a single discrepancy; further, that as the New York Attorney Discipline Committees and Oversight agencies were stalling related New York investigations into the Iviewit matters, Federal agencies were stepping up investigations including matters through the USPTO.

I quote from the Expose Corrupt Courts article @  
<http://exposecorruptcourts.blogspot.com/2008/12/proskauer-rose-house-of-cards-crumbling.html>,

"I know how," says a retired federal agent who asked not to be identified. "Phone calls were made—many phone calls. Plain and simple." And while this retired federal agent isn't surprised by the apparent "cover-up," he is alarmed by his own findings after a month-long independent review of all submitted Iviewit papers. "I can't find one discrepancy in the allegations, not one unsubstantiated charge," he says. "For one, you have the highest state courts in New York white-washing this thing with 'unpublished' rulings. And then you have state ethics committees contradicting

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Friday, December 18, 2009

**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING INVENTOR ELIOT I. BERNSTEIN'S INVENTIONS AND FORMER RELATIONSHIP BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES**

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themselves— in writing, no less. It's a complete meltdown," he concludes. "The broken system appears to have finally fallen apart."

"Iviewit was been radio-active from day one," says one prosecutor who asked not to be named. "Considering who was involved, you know the phones were ringing off the hook, and with a simple directive: 'don't go near it' (an inquiry)." He believes, however that a serious shake-up is imminent. "The powers that be can't contain this story anymore—it's out, U.S. Senators and Congressman are talking about it. This involves national Commerce issues: attorneys stealing U.S. Patents from their own client, and the illegal failings of a state's ethics agency by its own cover-up, and selective, self-dealing, politically-based inaction. Patentgate appears to have exposed the true, and troubling, underbelly of ethics investigations in New York State. And its not pretty."

5. \*\*\*NOTE: It is my understanding that a binding and signed Encoding and License deal was in place as far back as 2001 and that multiple signed NDA's were executed amongst Warner Bros./AOLTW executives. That Iviewit was already under contract and had established offices in your Burbank offices, in order to take over your in-house encoding division, which was already using the processes. That in the midst of all these deals, while doing your due diligence on the Wachovia Private Placement offering to raise \$25 Million Dollars from Warner Bros./AOLTW, that Wayne Smith, I presume the same I am

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writing too, was alleged by Warner Bros. employees to have discovered false and possibly fraudulent Patent filings. False and fraudulent when compared to those that had been sent by Iviewit Counsel from Proskauer and Brian G. Utley to Warner Bros./AOLTW employees for review.

6. Further, that John Calkins whose letter you attached to your response, not sure why, similarly discovered financial fraud during his due diligence of the Wachovia Private Placement including information regarding a fraudulent bankruptcy and fraudulent Billing Lawsuit instigated by Proskauer and their referrals and concealed from Iviewit Management, Wachovia, Investors and Shareholders by Proskauer et al.

In fact, many of the allegations alleged by Warner Bros. regarding the fraudulent information in the Wachovia Private Placement Memorandum and the Patent Fraud Upon the United States and Mr. Bernstein et al. that were exposed by Warner Bros. and yourself, have proven to have factual basis leading to very real patent suspensions while very federal investigations are ongoing. Interesting to note here that the fraudulent bankruptcy, fraudulent billing lawsuit and fraudulent patents appear part of a larger scheme to steal the technologies, using shadow companies illegally setup by Proskauer and others, concealed from Iviewit, whereby confirmation from the USPTO indicates that patents are in these shadow companies fraudulently.

7. In fact, as you may be aware, the infringed upon Intellectual Properties are currently in Suspension at the US Patent Office, pending ongoing Federal Investigations of many patent attorneys involved, by the US Patent Office Director of the Office of Enrollment & Discipline, Harry I. Moatz, the US Patent

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Office and other Federal Agencies. Information regarding Warner Bros./AOLTW's role in these matters has also been fully distributed to federal, state and international authorities, so this claim that you know nothing of the infringements is ridiculous but also may expose the Warner Bros./AOLTW/AOL Inc companies to rescissory shareholder actions and criminal actions.

8. The fact, while appearing bizarre when compared to your recent letter, that Warner Bros. employees have claimed to have met with Proskauer Rose attorney Kenneth Rubenstein who gave favorable opinion to your company on Mr. Bernstein's inventions and there is documentation to substantiate and confirm these meetings. However, later, after your discoveries of potential fraud, you then requested Mr. Lamont and Mr. Bernstein to have Mr. Rubenstein reaffirm his prior opinions in order to continue your deal with Mr. Bernstein and Iviviewit going forward. Mr. Rubenstein refused your request claiming WARNER BROS. and you were now his and Proskauer's client and that this caused conflict precluding him from speaking with you and leading to your breach of our licensing and encoding contract terms.

As Proskauer and Rubenstein were RETAINED PATENT COUNSEL for Iviviewit and Mr. Bernstein during negotiations with Warner Bros./AOLTW, despite the fact that Rubenstein would later falsely claim in a Deposition to not even know about Iviviewit or the Patents, and where this Denial by Rubenstein appears patently false and perjurious, it would appear that the conflict existed undisclosed originally.

Evidence of Rubenstein having had multiple meetings opining on the technologies, including for Warner Bros./AOLTW as documented by both the

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Wachovia Private Placement Memorandum AND Warner Bros. / AOLTW internal documentation is absolute evidence of perjury under sworn oath by Rubenstein to courts. Later, after denial, Rubenstein at deposition was presented with a letter<sup>4</sup> regarding conversations he was involved with, including calls involving Warner Bros., Mr. Wayne Smith and Mr. Lamont, exhibiting far more knowledge than he previously stated under oath and in response to bar complaints where he claimed he knew nothing. Your involvement as Witness or other in these matters certainly will be forefront in all current and future litigation of these matters.

9. That separate and apart from the direct knowledge by Warner Bros. /AOLTW by the existence of the signed NDAs, internal documents and communications, Wachovia Private Placement Memorandum, Encoding and License Agreements and other, Warner Bros./AOLTW has previously been placed on direct and actual notice for several years of the Iviewit claims and federal, state and international actions, including but not limited to, via correspondence and email communication from P. Stephen Lamont.

\*\*\*NOTE: It is noted at this time that information indicates that P. Stephen Lamont was first Introduced to Iviewit through connections at AOLTW. by Chuck Brunelas. a personal childhood friend of Ted Leonsis. a founder of AOL. who recruited Lamont and that P. Stephen Lamont claimed to Shareholders at one time after hiring to be a "plant" from AOL and later changing his story to a "plant" from Microsoft.

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<sup>4</sup> The deposition letter can be found @ <http://iviewit.tv/CompanyDocs/Kenneth%20Rubenstein%20Deposition%20with%20Exhibits%20CERT.pdf>

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**Vice President, Senior Litigation and Chief Patent Counsel**  
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So perhaps Mr. Smith you will see that I am a bit more than a mere recyclable spokesperson and to the contrary am a business consultant, with a Juris Doctorate, acting for Mr. Bernstein regarding his interests in his inventions on a going forward basis. Nonetheless, as indicated, for your convenience to assist you in these matters I have attached some Documents and Evidentiary links for your review. Surely, by refreshing your recollection in this regard, you will see that these are non-frivolous matters, hoping to be resolved through a Business – License – Investment Deal with Warner Bros./AOLTV/AOL Inc moving forward and perhaps gaining MFN status if such issues can all be resolved amicably. Thus, please see the information below to aid your memory:

1. The following are excerpts taken from an Email from David Colter at Warner Bros./AOLTV to Eliot Bernstein dated January 15, 2002 which was an email from David Colter at Warner Bros./AOLTV to John Calkins dated January 14, 2002 and Copied to Chuch Dages, and Alan Bell, both also at Warner Bros./AOLTV at that time, all under binding signed NDA's and other binding signed licensing agreements:

“Prior to Iviewit ( approx Feb. 2000 ) the video we ( WB Online ) delivered on the web was QCIF ( 160 x 120 ) or smaller and was below full frame rate...

We checked with Ken Rubenstein and others who provided some solid support for Iviewit and Chris Cookson asked Greg and I to continue to work with Iviewit in an R&D capacity...

When I sat down with Morgan and Houston in March 2001 to see what technology they were using to encode video, it

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was clear that they were using some of the techniques that would overlap with Iviewit's filed process patents ( still pending )...

I am aware of several meetings held between Iviewit and WB Online to share information of techniques and process and was invited to a few of them...

We all signed Iviewit's confidentiality agreement...

In good faith we signed the confidentiality agreement, Iviewit revealed their processes and techniques, and we now use those techniques in encoding. "

TAKEN FROM FEDERAL EVIDENCE LINK NO. 166 at [www.iviewit.tv](http://www.iviewit.tv)

<http://www.iviewit.tv/CompanyDocs/colter%20letters.pdf>

2. The following are excerpts from a subsequent email from David Colter at Warner Bros./AOLTV dated August 2, 2001 to Heidi Krauel of AOLTV Investment Committee which was copied to Eliot Bernstein and Hank Powell of Crossbow Ventures:

"Iviewit has undergone a restructuring of their business from an encoding focused business to a technology licensing business focus over the past 4-5 months...

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They currently are finalizing a contract with WB Online to provide encoding services as a holdover from our original collaboration and as a showcase for the technologies and patents...

Their patents are pending but have received favorable opinions from people such as Ken Rubenstein on the merit of the patents, as well as thorough review by Greg Thagard and myself."

ALSO TAKEN FROM FEDERAL EVIDENCE LINK NO. 166 at [www.iviewit.tv](http://www.iviewit.tv) or <http://www.iviewit.tv/CompanyDocs/colter%20letters.pdf>

- 3. I have additionally attached a link<sup>5</sup> to the Billing Invoices issued by Irell & Manella LLP for legal drafting and execution of the License, Encoding, and other agreements with Warner Bros./AOLTW/AOL Inc. both those completed and in process at that time, as further assistance to your office in moving this matter forward in an intelligent and responsible business manner.

Thus, please contact me should any matter require clarification or further information and Mr. Bernstein is available upon proper notice to travel at Warner Bros./AOLTW/AOL, Inc or related party expense with appropriate team members on his behalf to execute and complete the intended agreements herein and move matters forward in further and future business discussions.

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<http://iviewit.tv/CompanyDocs/Patents/Paul%20Allen/old%20patent/LEGAL/Irell%20&%20Manella/Bills/2001%2008%2029%20-%20Irell%20Bill.tif>



*Handwritten initials and signature in a circle.*

Wayne Smith  
Vice President, Senior Litigation and Chief Patent Counsel  
Warner Bros Entertainment, Inc. (Warner Bros.) AOL EW AOL, Inc

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Friday, December 18, 2009

RE: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
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FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES

Look forward to hearing from you soon and moving this matter forward in a  
positive and responsible business manner forthwith. In the event that this letter has not  
been responded to in the time frame outlined below, please also accept this letter as a  
FURTHER FORMAL CLARE AND DESIST OF ALL USES OF THE IVIEWIT  
TECHNOLOGIES.

Expiration of this Limited Time Offer to reach an Agreement or Agree with a US  
\$25,000,000.00 payment shall expire at 3pm Pacific Standard Time on Wednesday  
December 23, 2009.

*Large handwritten signature and notes in a circle:*  
Approved  
Eliot Bernstein  
on December 19th 9:33 am

Yours truly,

*Handwritten signature:* Kevin R. Hill  
4:52 pm '09  
12-18-09 KRH  
Kevin R. Hill  
Business Consultant to Eliot I. Bernstein  
Founder & Inventor

- Ivewit Holdings, Inc. - DI
- Ivewit Holdings, Inc. - DI
- Ivewit Holdings, Inc. - FI
- Ivewit Technologies, Inc. - DI
- Ivewit.com, Inc. - DI
- Ivewit.com, Inc. - FI
- Ivewit.com, Inc. - DI
- IVC, Inc. - FI
- Ivewit.com LLC - DI
- Ivewit LLC - DI
- Ivewit Corporation - FI
- Ivewit, Inc. - FI

\* My office address is not the Ivewit office mistakenly addressed in your letter as the only established  
address for Ivewit is Mr. Bernstein's address at 2750 NW 34th St. Boca Raton, FL 33434 please take  
note of this for all future correspondences

Ivewit Holdings, Inc./Ivewit Technologies, Inc.  
2750 NW 34th St. Boca Raton, Florida 33434-1194  
Phone: 305.366.6200 / 305.366.7638 Fax: 305.366.3444  
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Wayne Smith  
Vice President, Senior Litigation and Chief Patent Counsel  
Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTW / AOL, Inc

Friday, December 18, 2009

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OF  
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Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
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I look forward to hearing from you soon and moving this matter forward in a positive and responsible business manner forthwith. In the event that this letter has not been responded to in the time frame outlined below, please also accept this letter as a FURTHER FORMAL CEASE AND DESIST OF ALL USES OF THE IVIEWIT TECHNOLOGIES.

Expiration of this Limited Time Offer to reach an Agreement to Agree with a US \$25,000,000.00 payment shall expire at 5pm Pacific Standard Time on Wednesday, December 23, 2009.

Yours truly,

See Signed Page 23  
attached herein

Kevin R. Hall<sup>6</sup>  
Business Consultant to Eliot I. Bernstein  
Founder & Inventor

- Iviewit Holdings, Inc. – DL
- Iviewit Holdings, Inc. – DL
- Iviewit Holdings, Inc. – FL
- Iviewit Technologies, Inc. – DL
- Uview.com, Inc. – DL
- Iviewit.com, Inc. – FL
- Iviewit.com, Inc. – DL
- I.C., Inc. – FL
- Iviewit.com LLC – DL
- Iviewit LLC – DL
- Iviewit Corporation – FL
- Iviewit, Inc. – FL

<sup>6</sup> My office address is not the Iviewit office mistakenly addressed in your letter, as the only established address for Iviewit is Mr. Bernstein's address at 2753 NW 34th St., Boca Raton, FL 33434, please take note of this for all future correspondences.

**Wayne Smith**  
**Vice President, Senior Litigation and Chief Patent Counsel**  
**Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTW / AOL, Inc**

**Page 24 of 25**  
**Friday, December 18, 2009**

**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
INVENTOR ELIOT I. BERNSTEIN'S INVENTIONS AND FORMER RELATIONSHIP  
BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS  
FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES**

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Iviewit, Inc. – DL  
Iviewit Corporation

cc/cc:

TW Board of Directors from Corp Website  
[http://www.timewarner.com/corp/management/board\\_directors/index.html](http://www.timewarner.com/corp/management/board_directors/index.html)

TW Senior Corp Execs from Corp Website  
[http://www.timewarner.com/corp/management/corp\\_executives/index.html](http://www.timewarner.com/corp/management/corp_executives/index.html)

WB Entertainment Inc Execs from TW Corp Website  
[http://www.timewarner.com/corp/management/executives\\_by\\_business/warner\\_bros/index.html](http://www.timewarner.com/corp/management/executives_by_business/warner_bros/index.html)

Barry Meyer CEO of TW as of Jan 9 2009  
[http://www.timewarner.com/corp/management/executives\\_by\\_business/warner\\_bros/bio/meyer\\_barry.html](http://www.timewarner.com/corp/management/executives_by_business/warner_bros/bio/meyer_barry.html)

AOL, Inc

Sony Board of Directors

Nicole Seligman, Executive Vice President, General Counsel, Sony Corporation of America

Kenneth I. Weissman, Senior Corporate Counsel, Sony Corporation of America

Auditors for Warner Bros., AOLTW, AOL Inc and Sony

Select Iviewit Shareholders and Patent Interest Holders

Caroline Prochotska Rogers, Esquire

Marc R. Garber, Esquire @ Flaster Greenberg P.C.

Michelle M. Mulrooney, Esquire @ Jackoway Tyerman Wertheimer Austen  
Mandelbaum Morris & Klein, A Professional Corporation

Eliot I. Bernstein, Inventor

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**Wayne Smith**  
**Vice President, Senior Litigation and Chief Patent Counsel**  
**Warner Bros Entertainment, Inc. ( Warner Bros. ) /AOLTW / AOL, Inc**

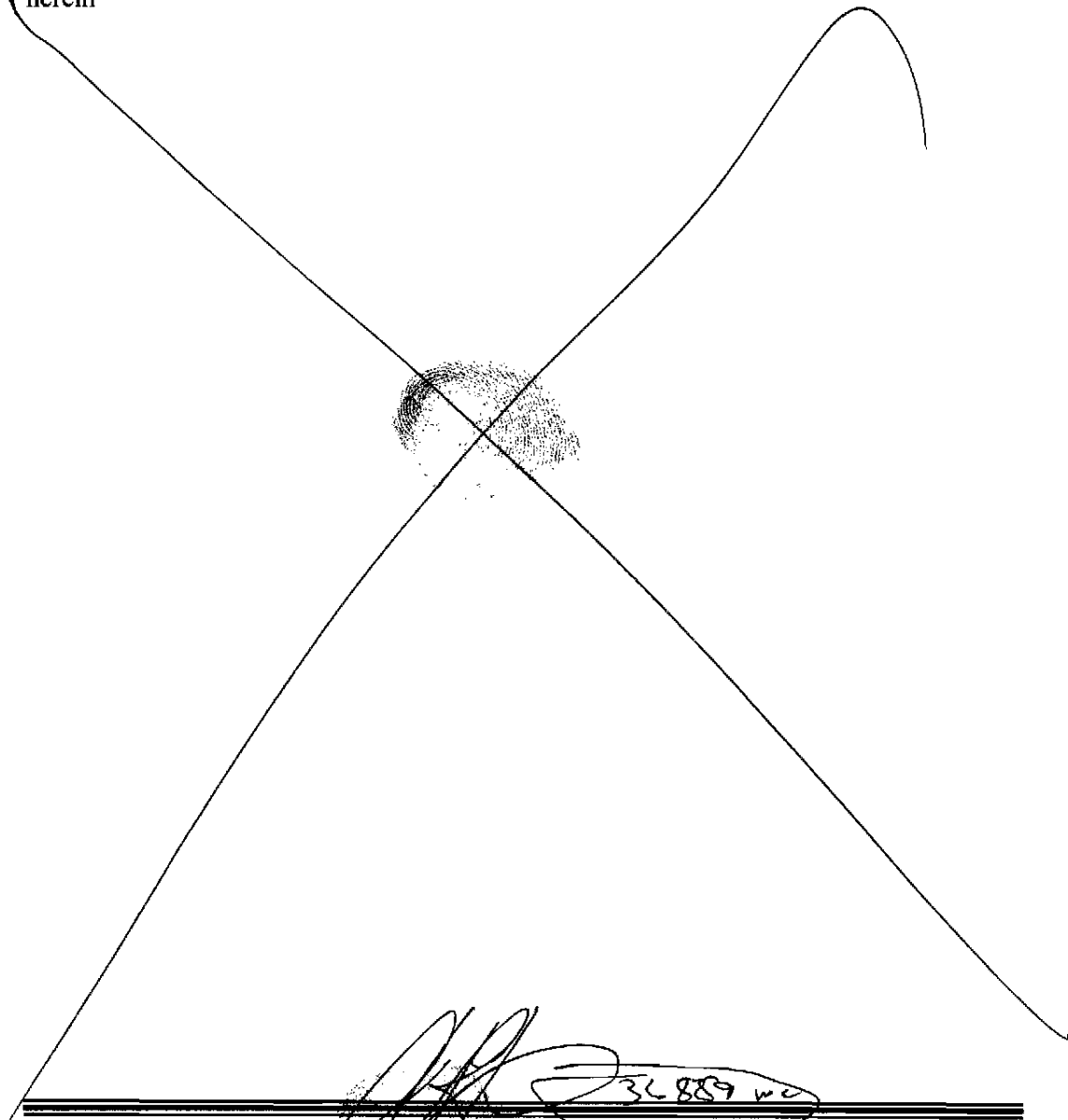
**Page 25 of 25**  
**Friday, December 18, 2009**

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INVENTOR ELIOT I. BERNSTEIN'S INVENTIONS AND FORMER RELATIONSHIP  
BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS  
FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES**

Enclosure(s)/Attachment(s)

Uniform Resource Locator(s)

All Uniform Resource Locators ( URL ) incorporated in entirety by reference  
herein



**Iviewit Holdings, Inc./Iviewit Technologies, Inc.**  
2753 N.W. 54<sup>th</sup> St. Boca Raton, Florida 33434-3459  
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