

**Eliot I. Bernstein**

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**Attachments:**

Eliot I. Bernstein



**I VIEW IT TECHNOLOGIES, INC.**  
*Surf with Vision*

Dec. 31, 2009

Mr. Jerry Mc Kinley  
Sr. Liason / Executive Escalation  
AOL Inc

Jerry:

Thank you for returning my business consultant Kevin Hall's voicemail left for AOL Inc. CEO Tim Armstrong on Tuesday, Dec. 29, 2009 regarding this Time Sensitive matter with likely catastrophic impacts to shareholders and respective companies herein. Just to confirm, you indicated during this discussion with myself and Kevin Hall that you were a Senior Liason with an Executive Escalation Unit within AOL that gets involved to try to resolve matters before going into the media and other avenues.

As you recall, Mr. Hall and I provided some of the most recent background and advised that you seek out time sensitive documents recently sent to Wayne Smith, Chief Patent Counsel and Vice President at Warner Bros. Entertainment Inc as Mr. Smith was asked to forward to all Board Members / Executive Officers at AOL Inc., Warner Bros. and TW Inc but appears not to have done so. You were also informed of key personnel within the respective companies such as Heidi Krauel ( spelling? ) of the AOL Investment Team, Ted Leonsis, Steve Case, Alan Bell, Chuck Dages, David Colter and many others who were originally involved and/or aware of the issues herein.

Therefore, I have attached a follow up Written Communication that you agreed to bring to AOL CEO Tim Armstrong, AOL General Counsel Ira Parker, and AOL CFO Artie Minson and further indicated it was your role and job to make sure this matter goes to all the proper parties. PLEASE NOTE that this matter Remains a Time Sensitive Matter seeking an immediate Agreement to Agree herein and that I will be taking steps to bring these matters directly to the remaining Board Members and Executive Officers / Executive Management Teams at WB Entertainment Inc. and Time Warner Inc. I will anticipate as that all the companies herein named were just formerly one, that this will serve all addressed persons in the letter and that you will also as courtesy to me immediately deliver to all named parties, to include:

Barry Meyer, Chairman & CEO ~ Warner Bros. Entertainment, Inc.  
Alan F. Horn, President & COO ~ Warner Bros. Entertainment Inc.  
Edward Romano, EVP & CFO ~ Warner Bros. Entertainment, Inc.  
John Rogovin, EVP & GC ~ Warner Bros. Entertainment, Inc.  
Wayne Smith, VP, Sr. Litigation & Chief Patent Counsel ~ Warner Bros. Entertainment, Inc.  
Jeffrey Bewkes, Chairman & CEO ~ Time Warner, Inc.  
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Artie Minson, CFO ~ AOL Inc.  
James Turley, Chairman & Chief Executive Officer ~ Ernst & Young Global Limited.

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For your convenience and ease, I have also attached the Series of recent communications with Wayne Smith at WB Entertainment Inc which also include LINKS to Internal Documents and Communications in the matters dating back to early 2000 or more.

Please call me and send a written confirmation that you have received all of the Documents, including the attached 59 page Adobe pdf file letter herein and the 3 page Adobe pdf file signed copy of this email at 561-245-8588 and also to confirm that you have promptly delivered these matters to the Offices of Mr. Armstrong, Parker and Minson and all others requested herein.

I look forward to hearing from you today.

Thank you and Happy New Year!

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

Iviewit, Inc. – DL

Iviewit Corporation

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<http://www.iviewit.tv>

Other Websites I like:

<http://www.dniecpatent.com>

<http://exposecorruptcourts.blogspot.com>

<http://www.judgewatch.org/index.html>

[Http://www.enddiscriminationnow.com](http://www.enddiscriminationnow.com)

[Http://www.corruptcourts.org](http://www.corruptcourts.org)

[Http://www.changecourtsnow.com](http://www.changecourtsnow.com)

<http://www.makeourofficialsaccountable.com>  
[www.parentadvocates.org](http://www.parentadvocates.org)  
[www.newyorkcourtcorruption.blogspot.com](http://www.newyorkcourtcorruption.blogspot.com)

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*[Handwritten date: 12/31/09]*

**CONFIDENTIALITY NOTICE:**

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

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Wednesday, December 30, 2009

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Artie Minson, CFO ~ AOL Inc.  
James Turley, Chairman & Chief Executive Officer ~ Ernst & Young Global Limited.

**Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers**

I write to you all as a business consultant for Eliot I. Bernstein who is the original inventor and founder of the Iviewit Technologies used across the globe, on the Hubble Space Telescope, for a mass of Defense applications, and in both hardware and software applications relating to digital video and imaging. I remind all of you that all of your respective companies have been under multiple, written signed NDA's ( non-disclosure agreements ) and binding and signed license and encoding agreements regarding the Technologies dating back to on or around 2000 or earlier.

Most critically at this pressing time, however, I write to officially notice your respective offices of "time sensitive" matters previously sent to Wayne Smith, Vice President, Sr. Litigation Counsel and Chief Patent Counsel at Warner Bros. Entertainment, Inc. ( Warner Bros. ) attached herein that requested Mr. Smith to officially

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copy and notify your offices of these "time sensitive" matters on behalf of Inventor Eliot I. Bernstein and select interest and shareholders in the Iviewit Technologies.

I officially notice your respective offices now since it appears from a written response received by Mr. Smith's office Wednesday Dec. 23, 2009<sup>1</sup>, written on Official Warner Bros. letterhead and carbon copied only to General Counsel John Rogovin of Warner Bros., that neither Mr. Smith nor Mr. Rogovin have brought these "time sensitive" matters to your respective offices despite knowing these matters could and very likely will have catastrophic affects to the respective companies herein and the shareholders of such companies ( billions of dollars are stake and more ). Please note for FASB No. 5 and other accounting purposes that a separate private capital raise is currently ongoing for Mr. Bernstein to initiate a separate lawsuit against your companies herein in addition to other adverse action should an Agreement to Agree to a business and licensing deal not occur forthwith. Also note that under FASB No. 5, your companies have had obligations to shareholders to report not only the admitted Infringements of Mr. Bernstein's technologies but also your involvement in a 12 Count 12 Trillion Dollar Federal Lawsuit Ongoing in Second Circuit of New York. Further reporting would be required based upon the knowledge of the signed NDA's and Licensing and Encoding Agreements. Please take note that the federal lawsuit mentioned herein has been marked legally "related" by US District Court Judge Shira A. Scheindlin to a federal Whistleblower Lawsuit of Christine C. Anderson.

Please note that since it appears that Mr. Smith and Mr. Rogovin have failed / neglected / disregarded / and/or intentionally concealed these matters from your respective offices, that your offices have been denied prior time granted to act herein based upon conduct within at least Warner Bros. and not by myself or Mr. Bernstein. Nonetheless, there remains limited time to still act and avoid disastrous consequences to your companies and shareholders through completion of an Agreement to Agree. Yet, please note that a failure to meet to discuss these issues, which have bearing on rescissory rights for all shareholders if not quelled through proper business dealings and

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<sup>1</sup> Exhibit 2

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accountings, will certainly result in Mr. Bernstein and myself reporting these matters and your failure to address them to multiple federal and state authorities, the SEC and your shareholders.

I do note however, as a business consultant with a Juris Doctorate and many years experience in the rough and tumble world of New York business, corporate, litigation and government affairs; it does seem rather unlikely on its face that some of your offices would not have prior knowledge of the essence and heart of these matters since:

1. there are signed NDA's,
2. there is a signed Licensing and Encoding agreement in existence regarding the Technologies,
3. there are technical experts from within your companies that confirm direct infringement of the Technologies under signed NDA's to senior management,
4. Mr. Bernstein and others worked directly inside Warner Bros. offices in Glendale, Ca. performing encoding services and taking over your encoding division for use of technologies,
5. the Irell & Manella law firm issued Legal Billing Invoices for the drafting and negotiations involving the SIGNED Encoding and Licensing agreement for your companies.

Further, WB / AOLTW / AOL Inc had previously performed Due Diligence in the context of a \$25 Million Dollar capital raise which involved going forward interests with the Technologies. This prior due diligence occurred during a time while a Private Placement Memorandum by Wachovia Securities was being circulated by the Proskauer Rose law firm to your companies and WB/AOLTW/AOL Inc. was on the verge of depositing \$25 Million into the project. At that time, critical matters that directly involve Wayne Smith and other key personnel inside your companies became known and led to the breaching of the encoding and licensing deal and more. Yet, the fact that this

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occurred and involved all of the respective companies would lead myself and likely most average persons to conclude that key officers and management have had knowledge of many if not most of the issues herein, but certainly sufficient information to have booked at least Contingent Liabilities under FASB No. 5.

This would make the actions of Warner Bros. General Counsel, Mr. Rogovin highly suspect and potentially cause catastrophic events upon your companies, since upon Eliot I. Bernstein contacting the company and speaking to Mr. Rogovin's office regarding these LEGAL LIABILITIES, Mr. Rogovin then proceeded to select Warner Bros. Chief Patent Counsel, Wayne Smith, to handle the matters, instead of giving this to outside NON CONFLICTED COUNSEL and auditors. Yet, Mr. Rogovin appears to have done this while also knowing that Mr. Smith is wholly conflicted with these matters. Further, it has been learned that Mr. Smith and Warner Bros. have been working with the main criminal conspirators and defendants in Mr. Bernstein's Federal RICO Lawsuit, including but not limited to, Kenneth Rubenstein, Proskauer Rose and MPEG LA LLC. This further makes the choice of Mr. Smith as the person to contact to handle these matters, as directed by General Counsel Rogovin, again highly suspect and potentially causing catastrophe upon your companies.

Thus, your offices may inquire why this is a time sensitive matter now as referenced in the attached Wayne Smith letter dated Dec. 23, 2009<sup>2</sup>. Please note that attached hereto is my correspondence to Wayne Smith dated Nov. 30, 2009<sup>3</sup> referencing a Nov. 23, 2009 phone call with Mr. Smith and further that the Dec. 20, 2009<sup>4</sup> "time sensitive" Agreement to Agree Demand correspondence to Mr. Smith further references repeated efforts by Mr. Bernstein in good faith, since April 30, 2009, to communicate. The delays since April demonstrate that these matters have "lingered" or been "concealed" with Mr. Smith's office for months and therefore exhibit why now stringent time frames have been imposed upon your companies. Thus, the apparent concealment by Mr. Smith, Mr. Rogovin and/or others of prior attempts at good faith resolution by

<sup>2</sup> Exhibit 2

<sup>3</sup> Exhibit 3

<sup>4</sup> Exhibit 1

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Eliot I. Bernstein and myself regarding these matters have contributed to the time sensitive nature of the present communications and has in part created a small window of time for your offices to act.

As I have attempted repeatedly to assist Mr. Wayne Smith in properly and responsibly advancing these business matters, to prevent, if possible, catastrophic actions to your companies with federal and state authorities and your shareholders, I now similarly will outline just a few reasons why this is now a time sensitive matter with very little time left, as Mr. Bernstein will be filing shortly the voluminous complaints he is finishing<sup>5</sup>:

1. Inventor Eliot I. Bernstein and family, Candice, Josh, Jake and Danny are victims of the crime of Attempted Murder as a result of a Car Bombing of their family mini-van, so great as to take several other vehicles nearby. For full pictorial evidence of the car bombing, please visit Iviewit's homepage @ [www.iviewit.tv](http://www.iviewit.tv). Multiple ongoing federal and other investigations in to these matters continue as outlined in my Dec. 20, 2009 time sensitive correspondence to Mr. Smith, which again requested that his office already copy all of your offices. Investigations into Any and All responsible and/or knowledgeable parties to the alleged crimes of Attempted Murder present inherent time sensitive factors in and of themselves.

2. US District Court Judge Shira Scheindlin of the Southern District of New York, who marked Eliot Bernstein's case legally "related" to the federal Whistleblower lawsuit of Christine Anderson, as a sitting federal Judge also called Mr. Bernstein's case one about "Murder" not just "Attempted Murder". A

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<sup>5</sup> Examples of similar complaints can be found at

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090306%20Intel%20Demand%20Letter%20&%20Liability%20Exposure%20%20Signed%203549l.pdf> and

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf>

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link to Mr. Bernstein's 12 Count 12 Trillion Dollar federal RICO, Anti-Trust, Civil Rights and related Amended Complaint can be found at <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20FINAL%20AMENDED%20COMPLAINT%20AND%20RICO%20SIGNED%20COPY%20MED.pdf>. Thus, investigations into the heightened allegation of "Murder" in addition to Attempted Murder as alleged by Mr. Bernstein provides even greater inherent basis for time sensitive actions on your part.

3. As noted in the Wayne Smith Dec. 20, 2009 correspondence, the legally "related" Christine Anderson Federal Whistleblower case, recently heard in the SDNY before US District Judge Shira Scheindlin, brought forth sworn testimony in open federal court, under federal oath, the existence, among other things, of a "Cleaner" of Ethics related complaints. The "Cleaner" was identified as a one Naomi Goldstein and the allegations involve the whitewashing of complaints against "favored law firms and lawyers", including but not limited to, certain US Attorneys, District Attorneys in New York County and more. Naomi Goldstein works for the Supreme Court of New York Appellate Division First Department Departmental Disciplinary Committee in Manhattan that handles complaints against Wall Street Lawyers and all Manhattan attorneys and more. Christine Anderson of course, worked inside the First Department Disciplinary Committee for 6 years or more.

4. To bring this right in to the Heart of the involvement of your offices and companies, the First Department Disciplinary Committee is where Mr. Bernstein has filed complaints against multiple attorneys from Proskauer Rose, including but not limited to, Kenneth Rubenstein, who was and remains simultaneously involved with MPEG LA and conflicted in these matters as well, as confirmed by Rubenstein, as he is also acting Counsel to Warner Bros. Ironically, at the same time Proskauer was circulating the Private Placement Memorandum on behalf of Iviewit, Mr. Smith is claimed by key personnel Inside Warner Bros. to have discovered Fraudulent Patent filings during the Due

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Diligence for the \$25 Million private capital raise, patent filings filed with Kenneth Rubenstein as Iviewit Patent Counsel, please see the Wachovia Private Placement for confirmation Mr. Rubenstein's role as Patent Counsel and Advisory Board member at <http://iviewit.tv/CompanyDocs/Wachovia%20Private%20Placement%20Memorandum%20-%20with%20bookmarks%20in%20col.pdf>.

5. Mr. Wayne Smith, however, would later, after signed contracts were in place, direct Mr. Bernstein and one P. Stephen Lamont to go back to Proskauer attorney Kenneth Rubenstein, to have him re-opine on the inventions due to his discovery of potential fraud. Mr. Smith's request despite Mr. Rubenstein previously opining favorably on the Iviewit Technologies to Warner Bros. and others and despite Warner Bros., AOLTW, AOL Inc. being aware of this favorable opinion through company held documents and records. Proskauer attorney Rubenstein who had previously opined favorably on the Iviewit Technologies would then refuse to meet or discuss the matters with Wayne Smith claiming Warner Bros. was a Client of Proskauer and this was the supposed basis for Mr. Smith's breaching contracts. Note, P. Stephen Lamont, would later proclaim to Iviewit Shareholders to be a "plant" from AOL and then later a "plant from Microsoft" and has recently been reported in these matters to federal and state investigators for possible collusion in the RICO crimes. All of these events when viewed with hindsight cause a considerable specter over the actions of Mr. Smith and others, partially why Mr. Bernstein has requested business discussions to answer these questions and hopefully move forward in positive business relations once resolved.

6. Further, that the Intellectual Properties at issue themselves have and remain Suspended by the USPTO Commissioner, while Harry Moatz, Director of the OED of the USPTO, assembled a Team to protect Mr. Bernstein's intellectual properties while investigating the lawyers and parties involved.

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Lawyers, including Proskauer and Rubenstein charged with direct Fraud on the USPTO, Fraud on Iviewit Inventors and Shareholders and more<sup>6</sup>.

7. Still, that key employees and personnel within your companies also became aware of a false and fraudulent bankruptcy and false Billing scheme filed by Proskauer Rose against certain Iviewit companies during the same general timeframe that Mr. Wayne Smith discovered fraudulent patent filings. All of this occurred during the same general timeframe that the Arthur Anderson accountants discovered Shell and Shadow companies set up by Proskauer and soon thereafter leading to the collapse of Enron thru Enron Broadband including the deal that collapsed with Wayne Huizenga's former Blockbuster Video company, Huizenga was seed capital for the Iviewit companies.

Now, perhaps it is because of the inherent conflicts of interest at play that Mr. Wayne Smith appears to have concealed some of these matters from your respective offices including Mr. Bernstein's limited time "time sensitive" offer and invitation to Agree to Agree on a business deal moving forward. Or perhaps General Counsel John Rogovin was the primary force concealing these matters to your offices. Nonetheless, it should be plain and obvious to your offices that Mr. Smith and others within your respective companies are at the heart of current and future proceedings and litigation on a host of claims and charges. Specifically as they pertain to Warner Bros. involvement with Kenneth Rubenstein, Proskauer Rose, the MPEGLA patent pools and DVD Patent Pools and the damages to Mr. Bernstein and proper Iviewit interests caused by Mr. Rubenstein and Proskauer through a false bankruptcy and disruption of the \$25 Million capital raise via criminal conspiracy and related criminal RICO style and Anti-Trust activities with resulting financial and related company damage to Mr. Bernstein and others since.

So, to be clear, when Mr. Bernstein picks up the phone next, or issues a Letter next, which could be any moment, it will be and is in the context of;

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<sup>6</sup> <http://iviewit.tv/CompanyDocs/USPTO%20Suspension%20Notices.pdf>

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Iviewit Holdings, Inc./Iviewit Technologies, Inc.  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245.8588 (o) / (561) 886.7628 (e) / (561) 245-8644 (f)  
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31/12/2009

Barry Meyer, Chairman & CEO ~ Warner Bros. Entertainment, Inc. Page 9 of 16  
Alan F. Horn, President & COO ~ Warner Bros. Entertainment Inc. Wednesday, December 30, 2009  
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Artie Minson, CFO ~ AOL Inc.  
James Turley, Chairman & Chief Executive Officer ~ Ernst & Young Global Limited.

Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

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1. Investigations relating to Attempted Murder and claims that a Federal US District Court Judge has indicated may involve Murder,
2. in relation to Anti-Trust and RICO related claims,
3. in relation to corruption substantiated within the First Department Disciplinary Committee,
4. USPTO Investigations,
5. Investigations by Glenn Fine, Inspector General of the US DOJ,
6. Investigations by John Conyers of the House Judiciary Committee,
7. Ongoing Investigations and Hearings by the New York State Judiciary Committee Chaired by State Senator Sampson of the NY
8. Lawsuits predicated upon NDA's signed by your own companies,
9. Licensing and Encoding agreements signed by your own companies,
10. Actions by officers and management such as Wayne Smith and John Rogovin,
11. Admissions by technology experts like David Colter, Greg Thagard, Chuck Dages and more as referenced in the email by David Colter as outlined to Mr. Smith on Dec. 20, 2009, in the context of your companies on the verge of pouring in \$25 Million in capital while a criminal RICO process to sabotage Iviewit is simultaneously at play and has been in play but also now is simultaneously being tracked and hunted worldwide like War Criminals and more.

I would like to think that this would be enough for any responsible corporate actor to consider, assess, and act upon as I can only imagine what a Shareholder may think under such circumstances upon discovering that not even a Footnote existed within corporate financials of a Liability on Technologies Heralded as the Holy Grail

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Technologies tested, used and approved at Warner Bros. on Warner Bros. property, not to mention the admissions in writings by your own experts, particularly since the Technologies are valued in the Trillions over the life of the IP.

So, as attempted through Mr. Smith's office, I open the Door for all of you, briefly, to come take the first step down the "Yellow Brick Road" together, as partners in business with specified interests moving forward after an Agreement to Agree is completed with terms of licensing and cooperation in the matters moving forward to be determined at a date in the near future. Due to the various positive relations that were established many years ago, Mr. Bernstein offers this opportunity to move forward and believes that there may be ways that working together could remove Warner Bros. / Time Warner Inc. and AOL Inc. from dead center in what rapidly is becoming an end all game for many players involved. However, Mr. Bernstein could quickly close that door, pull the trigger on stepped up Investigations now to include the SEC and notice to all the Shareholders as Mr. Bernstein has already been notifying and working with various federal and state investigative and related authorities for years. It would seem in the best interests of all of your companies to join Mr. Bernstein as a working and cooperative partner particularly where billions or more are at stake and the matters could be an all or nothing game for you and all of your companies' shareholders.

For your respective conveniences, I have attached copies of all correspondence generated by my office to Mr. Wayne Smith as well as the replies I have received as of this date on December 24, 2009 together with the links and documents attached when sent to Mr. Smith.

I look forward to hearing from you immediately to begin this journey together.

Yours truly,



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Barry Meyer, Chairman & CEO - Warner Bros. Entertainment, Inc. Page 11 of 16  
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Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

*Kevin R Hall*  
 Kevin R. Hall  
 Business Consultant to Eliot I. Bernstein  
 Founder & Inventor  
 December 31, 2009  
*[Signature]* 12/31/09

Eliot I. Bernstein  
 Founder & Inventor

Iviewit Holdings, Inc. - DL  
 Iviewit Holdings, Inc. - DL  
 Iviewit Holdings, Inc. - FL  
 Iviewit Technologies, Inc. - DL  
 Iview.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

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

Iviewit Holdings, Inc./Iviewit Technologies, Inc.  
 2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
 (561) 245-8588 (o) (561) 245-8644 (f) (561) 245-8644 (t)  
 www.iviewit.com (561) 245-8644

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Barry Meyer, Chairman & CEO ~ Warner Bros. Entertainment, Inc.  
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Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

*See Signed Page 11*  
 Kevin R. Hall  
 Business Consultant to Eliot I. Bernstein  
 Founder & Inventor

*[Signature]*  
 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

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Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

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Iviewit, Inc. - DL  
Iviewit Corporation

cc/ec:

Enclosure(s)/Attachment(s)

Uniform Resource Locator(s)

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

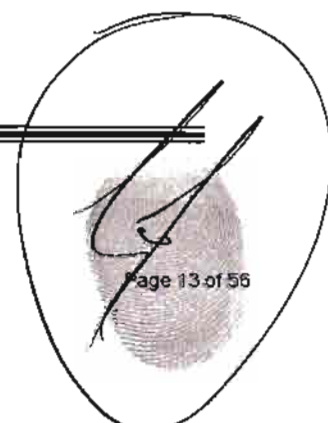
cmb/eib

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Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

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Exhibit 1 - Wayne Smith Letter Dated December 18, 2009

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31/12/2009

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**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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Page 15 of 56

Please deliver the following confidential facsimile 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

Iview.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

Iviewit, Inc. - DL

Iviewit Corporation

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

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[www.iviewit.tv](http://www.iviewit.tv)

<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>

**CONFIDENTIALITY NOTICE:**

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31/12/2009

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12/18/2009



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

**Kevin R. Hall**  
Business Consultant to  
Founder & Inventor Eliot I. Bernstein  
Direct: (805) 284-6087 (c)  
[krhall007@aol.com](mailto:krhall007@aol.com)  
**Eliot I. Bernstein**  
Direct: (561) 245-8588 (o)  
(561) 886-7628 (c)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

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.

Page 1 of 25  
Friday, December 18, 2009

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

Page 2 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

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./AOLTV/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./AOLTV 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 Iviewit 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./AOLTV/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./AOLTV/AOL Inc in a moving forward interest to be more fully determined at a time in the near future.

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2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
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**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
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FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES**

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

Page 4 of 25  
Friday, December 18, 2009

Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
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BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS  
FOUNDER AND INVENTOR OF THE IVIEWIT TECHNOLOGIES

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 Iviewit 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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31/12/2009



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

**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**

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

<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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Friday, December 18, 2009

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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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11/17/2009

**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
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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./AOLTV/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./AOLTV/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./AOLTV/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./AOLTV/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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December 23, 2009. If Sony chooses again to move forward with Iviviewit 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./AOLTV/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./AOLTV/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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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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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./AOLTV 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./AOLTV, 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./AOLTV 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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BETWEEN WARNER BROS., THE IVIEWIT COMPANIES AND MR. BERNSTEIN AS  
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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 Iviewit 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 Iviewit 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 Iviewit 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 with Warner Bros./AOLTW as documented by both the

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Iviewit Technologies, Inc. / Ivewit Technologies, Inc.  
2753 N.W. 75th St. Boca Raton, Florida 33434-3459  
(561) 245-8588 (F) / (818) 886-7681 (C) / (561) 245-8644 (F)  
iviewit@ivewit.tv - www.ivewit.tv

31/12/2009

Page 34 of 58

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

Page 19 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**

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 AOL.TW. 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.

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

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2753 N.W. 37<sup>th</sup> St Boca Raton, Florida 33434-3459  
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12/18/2009

**Re: LIMITED TIME OFFER IN REPLY TO DEC. 2, 2009 CORRESPONDENCE REGARDING  
INVENTOR ELIOT L. 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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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./AOLTW/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./AOLTW to Eliot Bernstein dated January 15, 2002 which was an email from David Colter at Warner Bros./AOLTW to John Calkins dated January 14, 2002 and Copied to Chuch Dages, and Alan Bell, both also at Warner Bros./AOLTW 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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8/12/2009

Page 36 of 56

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

Page 21 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**

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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31/12/2009



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

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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

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 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./AOLTV/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./AOLTV/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.

5

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

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(561) 245-8588 (o) / (561) 838-7628 (c) / (561) 245-8644 (f)  
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3/12/2009

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*[Handwritten initials]*

*[Handwritten signature]*  
President, Senior Litigator and Chief Patent Counsel  
Warner Bros Entertainment, Inc. (Warner Bros.) WBTV - WB, Inc.

Page 21 of 28  
Friday, December 18, 2009

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

I ask forward to being from you soon and moving this matter forward in a  
prompt 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 USE OF THE IVIEWIT  
TECHNOLOGIES.

Expiration of this Limited Time Offer to reach an Agreement to Agree with a 1%  
\$25,000,000.000 payment shall expire at 5pm Pacific Standard Time on Wednesday,  
December 23, 2009.

*Approved*  
*[Handwritten signature]*  
*Eliot Bernstein*  
*on 12/18/09 5:33 pm*

Sincerely,

*Kevin R. Hill* *4:53 pm PST*  
*12-18-09 KRH*  
Kevin R. Hill  
Business Consultant to Eliot I. Bernstein  
Founder & Investor

- Iviexit Holdings, Inc. - DE
- Iviexit Holdings, Inc. - DE
- Iviexit Holdings, Inc. - DE
- Iviexit Technologies, Inc. - DE
- Iviexit.com, Inc. - DE
- Iviexit.com, Inc. - DE
- Iviexit.com, Inc. - DE
- Iviexit.com, Inc. - DE
- Iviexit.com LLC - DE
- Iviexit LLC - DE
- Iviexit Corporation - DE
- Iviexit, Inc. - DE

\* My office address is not a permanent office permanently established in your letter, as the only established  
address for Iviexit is Mr. Bernstein's address at 2750 NW 34th St. Boca Raton, FL 33434 please use  
this for all future communications

Iviexit Holdings, Inc./Iviexit Technologies, Inc.  
2750 NW 34th St. Boca Raton, Florida 33434  
Tel: 561-968-4444 / 561-968-4444 / 561-968-4444  
www.iviexit.com

*[Handwritten signature]*  
3/18/2009

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

Friday, December 18, 2009

23.5  
Page 23 of 25  
copy  
signed  
12/23

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

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 L. Bernstein  
Founder & Inventor

12/31/09  
[Signature]

- 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.

Iviewit Holdings, Inc./Iviewit Technologies, Inc.  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245-8588 (o) / (561) 886-7623 (c) / (561) 245-8644 (f)  
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31/12/2009

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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

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

Iviewit Holdings, Inc./Iviewit Technologies, Inc.  
2700 14<sup>th</sup> St. Boca Raton, Florida 33434-3459  
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iviewit@iviewit.tv / www.iviewit.tv

34/12/2009

Page 41 of 56

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

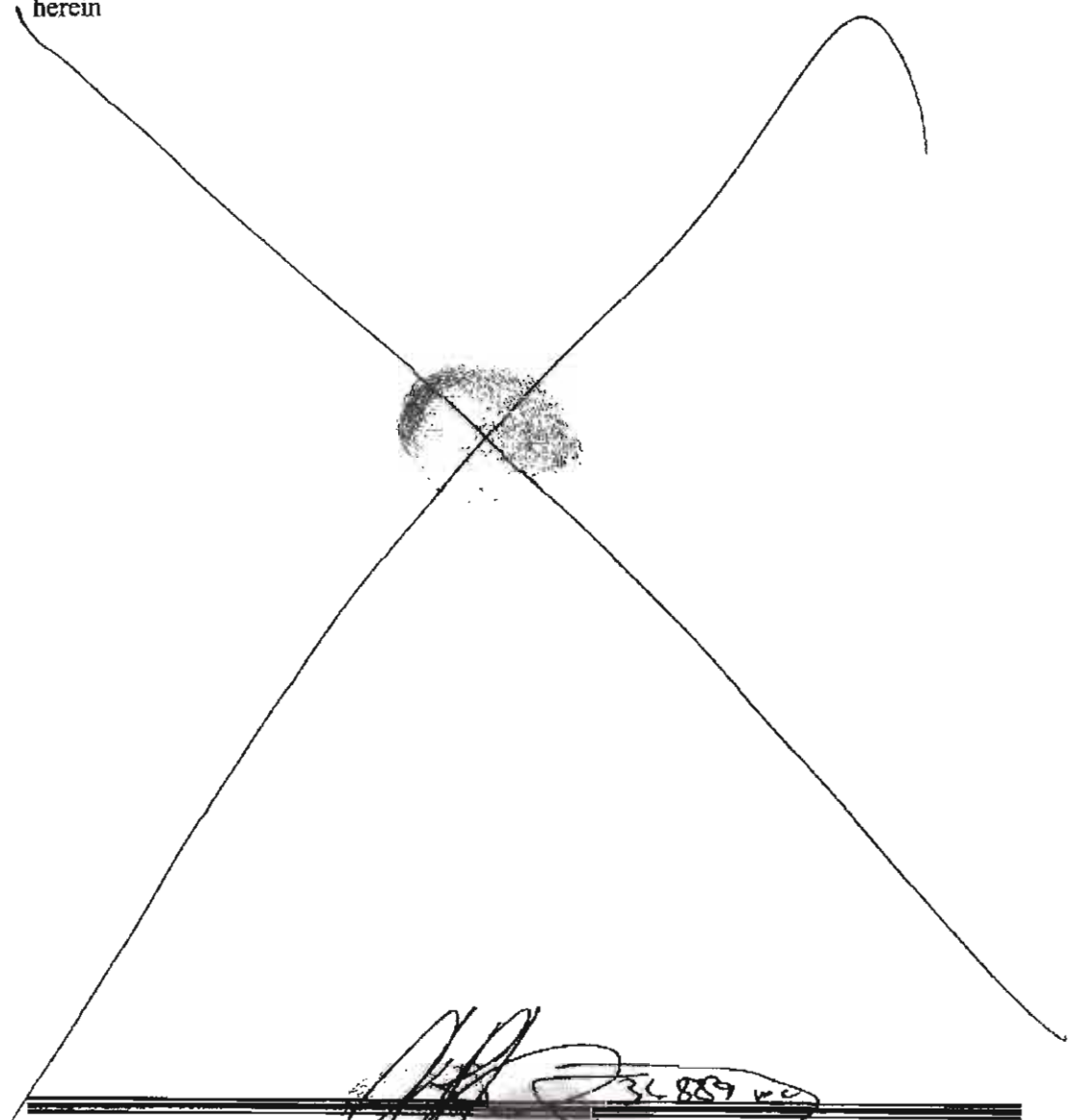
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Friday, December 18, 2009

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

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. 5<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245-8588 (o) / (561) 886-7623 (e) / (561) 245-8644 (f)  
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31/12/2009

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Barry Meyer, Chairman & CEO ~ Warner Bros. Entertainment, Inc. Page 14 of 16  
Alan F. Horn, President & COO ~ Warner Bros. Entertainment Inc. Wednesday, December 30, 2009  
Edward Romano, EVP & CFO ~ Warner Bros. Entertainment, Inc.  
John Rogovin, EVP & GC ~ Warner Bros. Entertainment, Inc.  
Wayne Smith, VP, Sr. Litigation & Chief Patent Counsel ~ Warner Bros. Entertainment, Inc.  
Jeffrey Bewkes, Chairman & CEO ~ Time Warner, Inc.  
Paul Cappuccio, Sr. EVP & GC ~ Time Warner, Inc.  
John K. Martin, Jr. EVP & CFO ~ Time Warner, Inc.  
Tim Armstrong, Chairman & CEO ~ AOL, Inc.  
Ira Parker, General Counsel ~ AOL, Inc.  
Artie Minson, CFO ~ AOL Inc.  
James Turley, Chairman & Chief Executive Officer ~ Ernst & Young Global Limited.

Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

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Exhibit 2 - Wayne Smith Response Dated December 23, 2009

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**Iviewit Holdings, Inc./Iviewit Technologies, Inc.**  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245-8588 (o) / (561) 896-7628 (c) / (561) 245-8644 (f)

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12/12/2009

Page 43 of 56



WARNER BROS.  
ENTERTAINMENT INC.

Wayne M. Smith  
Vice President  
Senior Litigation and  
Chief Patent Counsel

December 23, 2009

**VIA FACSIMILE**

Eliot I. Bernstein  
Iviewit Technologies, Inc.  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, FL 33434

**Re: Iviewit**

Dear Mr. Bernstein:

This acknowledges correspondence sent to me by you and Kevin Hall dated December 18, 2009.

Warner's position on this matter is unchanged, and has remained unchanged since Iviewit last surfaced these same, stale, meritless claims in early 2002. We pointed out at that time that the claims were wholly without basis, and what was Iviewit's response? Nearly eight years of total silence – a tacit and abject admission that the claims utterly lack merit. After such an extraordinary delay during which Iviewit did nothing to vindicate the ongoing wrongs it now claims it was suffering, the notion that this is suddenly a "time sensitive matter" that warrants the imposition of strict deadlines is, quite frankly, laughable.

As to the proof you claim to have that dates to early 2002, any alleged claim based on Warner's conduct in 2002 would be time-barred by several years. Moreover, we were aware in 2002 of the "proof" Iviewit claims to possess, and are no more swayed by it now than we were then. Your time-barred claims hinge almost entirely on an internal email written by David Colter on January 15, 2002 – an email he subsequently disavowed and admitted that he had written (and improperly provided you with a copy) only as a personal favor to you. Your conduct demonstrates that you know this to be true, as you have had a copy of the email since 2002, yet have done nothing to vindicate the wrongs that you now claim it shows Iviewit suffered. Here, your years of inaction speak far louder than your much belated words.

A Time Warner Company

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4000 Warner Boulevard, Burbank, California 91522  
(818) 954-6007 • Fax: (818) 954-5434 • wayne.smith@warnerbros.com

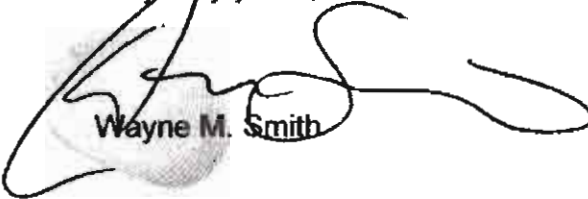
Page 44 of 53



Kevin R. Hall  
Eliot Bernstein  
December 23, 2009  
Page 2

As we have nothing further to say with respect to this matter we consider it to be closed.

Very truly yours,



Wayne M. Smith

WMS:wb

cc: John A. Rogovin  
General Counsel  
Warner Bros. Entertainment Inc.

Kevin R. Hall  
Business Consultant to Eliot Bernstein  
Iviewit Technologies, Inc.

31/12/2009

Page 45 of 56



Barry Meyer, Chairman & CEO ~ Warner Bros. Entertainment, Inc. Page 15 of 16  
Alan F. Horn, President & COO ~ Warner Bros. Entertainment Inc. Wednesday, December 30, 2009  
Edward Romano, EVP & CFO ~ Warner Bros. Entertainment, Inc.  
John Rogovin, EVP & GC ~ Warner Bros. Entertainment, Inc.  
Wayne Smith, VP, Sr. Litigation & Chief Patent Counsel ~ Warner Bros. Entertainment, Inc.  
Jeffrey Bewkes, Chairman & CEO ~ Time Warner, Inc.  
Paul Cappuccio, Sr. EVP & GC ~ Time Warner, Inc.  
John K. Martin, Jr. EVP & CFO ~ Time Warner, Inc.  
Tim Armstrong, Chairman & CEO ~ AOL, Inc.  
Ira Parker, General Counsel ~ AOL, Inc.  
Artie Minson, CFO ~ AOL Inc.  
James Turley, Chairman & Chief Executive Officer ~ Ernst & Young Global Limited.

Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

---

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*November*

Exhibit 3 – Kevin Hall Letter Dated ~~December~~ 30, 2009 which References November 23, 2009 Conversation of Kevin Hall and Mr. Wayne Smith

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**Iviewit Holdings, Inc./Iviewit Technologies, Inc.**  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245.8588 (o) / (561) 896.7623 (c) / (561) 245-8644 (f)

[iviewit@iviewit.com](mailto:iviewit@iviewit.com) [www.iviewit.tv](http://www.iviewit.tv)

31/12/2009

**Iviewit Technologies, Inc.**

2753 NW 34th Street  
Boca Raton, FL 33434

---



**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:* 6  
*Date/Time:* 12/1/2009 12:30:16 PM  
*Subject:* Eliot Bernstein / Iviewit Confirmation of Nov 30, 2009 email from Kevin Hall, Esq.

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12/1/2009

  
Page 47 of 56

Wayne ~ after attempting to send the attached email my server service went down and has been experiencing problems, please accept this fax as confirmation of the letter and a copy of such letter from Iviewit by consultant for Eliot I. Bernstein, Kevin R. Hall. Thanks and I look forward to speaking shortly ~ eb

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  
Iviewit, Inc. – DL  
Iviewit Corporation  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
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<http://iviewit.tv/wordpresseliot>

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31/11/2009

**Eliot I. Bernstein**

**Subject:** FW: Follow Up on Phone Conversation Monday Nov 23, 2009 Re: Eliot Bernstein; Iviewit; Business Presentation  
**Attachments:** Eliot I Bernstein.vcf  
**Sensitivity:** Confidential

**From:** Eliot Ivan Bernstein [mailto:iviewit@gmail.com]  
**Sent:** Monday, November 30, 2009 1:50 PM  
**To:** Kevin R. Hall Esq.; Wayne Smith, Vice President and Chief Patent Counsel @ Warner Bros.  
**Cc:** mmulrooney@jtv.com; Michele M. Mulrooney Esq.; Jackoway Tyerman Wertheimer, Rusten Mandelbaum & Morris; Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew Dietz @ Rock-It Cargo USA, Inc.; Guy T. Iantoni @ GTI LIFE, Inc.  
**Subject:** RE: Follow Up on Phone Conversation Monday Nov 23, 2009 Re: Eliot Bernstein; Iviewit; Business Presentation  
**Sensitivity:** Confidential

Sorry on that copy



**I-VIEW-IT TECHNOLOGIES, INC.**  
*Surf with Vision*

*[Handwritten signature]*  
*12/31/09*  
*Sig*

- 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
- Iviewit, Inc. -- DL
- Iviewit Corporation
- 2753 N.W. 34th St.

*[Handwritten signature]*  
11/12/2009

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<http://iviewit.tv/wordpress/eliot>



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**From:** Kevin Hall [mailto:krhall007@aol.com]

**Sent:** Monday, November 30, 2009 1:33 PM

**To:** Wayne Smith

**Cc:** iviewit@gmail.com; iviewit@iviewit.tv; mnulrooney@jtwmm.com; caroline@cprogers.com; marc.garber@flastergreenberg.com; andyd@rockitcargo.com; guy@nipllc.com; giantoni007@gmail.com; krhall007@aol.com

**Subject:** Follow Up on Phone Conversation Monday Nov 23, 2009 Re: Eliot Bernstein; Iviewit; Business Presentation

**Importance:** High

**Sensitivity:** Confidential

CONFIDENTIAL

Monday Nov. 30, 2009

Mr. Wayne Smith

Vice President and Chief Patent Counsel

Warner Bros.

4000 Warner Blvd,

Burbank, Ca 91522

818-954-6007

[Wayne.smith@warnerbros.com](mailto:Wayne.smith@warnerbros.com)

Re: Monday Nov. 23, 2009 Telephone Call regarding Eliot Bernstein, backbone technologies, business plan and presentation.

Dear Wayne Smith:

Hope the Thanksgiving Holiday was enjoyable and it was a pleasure to speak in person Monday Nov. 23, 2009 concerning Eliot I. Bernstein, Iviewit and the backbone Iviewit Technologies. As indicated, I am a business consultant to Mr. Bernstein in this matter.

*[Handwritten signature]*  
12/31/09

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Just to recap the conversation, we discussed briefly the history of the technologies, the prior involvement of David Colter and others of AOL/TW and Warner Bros. with Eliot Bernstein and the technologies involving digital imaging and video, as well as the existence of various documents within Warner Brothers over the years concerning the technology. Also, you acknowledged during this call familiarity with various matters of the technologies herein over the years dating back at least 8 years or so.

The purpose of the conversation, however, was to determine who are the proper parties within AOL/TW and Warner Bros. for the purposes of a presentation by Mr. Bernstein of a Business Licensing Arrangement to further prior agreements and move forward with AOL/TW and Warner Bros. involving the Technologies, payment of royalties, license agreements, etc. and the re-establishing of positive business relationships and potentially most favored nation status in lieu of costly adversarial litigation.

Thank you for undertaking to determine and assemble the proper parties within AOL/TW and Warner Bros. to further this presentation by Mr. Bernstein.

As you may recall, it was mentioned that Mr. Bernstein has ongoing litigation in the federal courts of New York involving multiple parties and actors in these matters and that federal investigations over the last 8 plus years have included but not been limited to involvement by offices such as the Commissioner of Patents, the OED Director, Harry I. Moatz of the USPTO, the OPR of the FBI, the Inspector General of the DOJ and others.

As you may or may not be aware, Mr. Bernstein's case in New York where I am from was marked legally "related" to a federal whistleblower case of Christine C. Anderson by US District Court Judge Shira Scheindlin who also described Mr. Bernstein's case in court documents as one about "murder" although Mr. Bernstein had only alleged "attempted murder" based upon the Car Bombing of his family Minivan in Boynton Beach, Florida.

Thus, I thank you for your time on the phone on last Monday and for agreeing to undertake to determine who at AOL/TW Warner Bros. should be involved in the upcoming presentation. Mr. Bernstein did indicate, however, that you have been previously provided with a copy of his 72 hour Demand to the Intel Corporation as well as the copy of the subsequent formal complaint to the SEC against Intel when business talks fell apart. Mr. Bernstein has agreed to the one week from our call that I extended for you to gather the necessary business contacts within AOL/TW and Warner Bros.

I will be looking forward to hearing from you this upcoming week and will call by Tuesday, Dec. 1, 2009 if I have not heard a response from your office yet. Please note that Mr. Bernstein has likewise been assembling a team to address the business and license matters as well including discussions with attorneys familiar with the technologies, Iviewit and the Iviewit history.

For your convenience I have attached a copy of the Intel documents referenced above by link below and please note that not only does Mr. Bernstein assert that the NY federal courts are not the only jurisdictions where he may pursue his rights, but further that he previously has demanded from Intel a \$10 Million deposit as a good faith condition of an "agreement to agree" in these matters.

Based upon the knowledge by AOL/TW and Warner Bros. of the history and use of the technologies and the value of the technologies themselves and the years in use without payment of royalties and or license fees, Mr. Bernstein is likewise requiring this same Deposit amount from Warner as a condition of moving forward with positive long term agreements once you have determined the appropriate parties at AOL/TW and Warner Bros. for these discussions.

Nothing herein shall be construed in any manner as any waiver by Mr. Bernstein and/or proper parties to any rights in these matters and this communication is for the sole purpose of facilitating positive business relationships moving forward with AOL/TW and Warner Bros.

Again, it was a pleasure to speak by phone and we look forward to re-establishing long term positive business relations with you and those at Warner Bros. On behalf of Mr. Bernstein and other proper parties, I look forward to speaking with you again during the week of Nov. 30, 2009 as discussed and agreed.

Respectfully,

Kevin R. Hall

Business Consultant to Eliot Bernstein Iviewit Technologies

Kinderhook, NY 12106

805-284-6087 or 561-886-7629 Cell

Krhall007@comcast.com

cc:

Eliot

Michael J. [redacted], Esq. of JRFMM

*[Handwritten signatures and notes]*  
12/31/09  
5/5

*[Handwritten signature]*  
3/12/2009

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Caroline Rogers, Esq.

Marc Garber, Esq. of Flaster Greenberg

Andy Dietz of Rock/Cargo and Air-Apparent

Guy lanton

file

Link No. 1: EIB Demand to Intel Corporation dated March 6, 2009 found at Evidence Link No. 981 at [www.iviewit.tv](http://www.iviewit.tv):

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090306%20Intel%20Demand%20Letter%20&%20Liability%20Exposure%20%20Signed%2035491.pdf>

Link No. 2: EIB formal signed SEC Complaint dated March 25, 2009 regarding Intel, SGI, Lockheed Martin and Real3d Inc. transactions, etc. found at Evidence Link No. 986 at [www.iviewit.tv](http://www.iviewit.tv)

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf>

31/12/2009

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Barry Meyer, Chairman & CEO ~ Warner Bros. Entertainment, Inc. Page 16 of 16  
Alan F. Horn, President & COO ~ Warner Bros. Entertainment Inc. Wednesday, December 30, 2009  
Edward Romano, EVP & CFO ~ Warner Bros. Entertainment, Inc.  
John Rogovin, EVP & GC ~ Warner Bros. Entertainment, Inc.  
Wayne Smith, VP, Sr. Litigation & Chief Patent Counsel ~ Warner Bros. Entertainment, Inc.  
Jeffrey Bewkes, Chairman & CEO ~ Time Warner, Inc.  
Paul Cappuccio, Sr. EVP & GC ~ Time Warner, Inc.  
John K. Martin, Jr. EVP & CFO ~ Time Warner, Inc.  
Tim Armstrong, Chairman & CEO ~ AOL, Inc.  
Ira Parker, General Counsel ~ AOL, Inc.  
Artie Minson, CFO ~ AOL Inc.  
James Turley, Chairman & Chief Executive Officer ~ Ernst & Young Global Limited.

Re: Iviewit Patent Infringement and 12 Count 12 Trillion Dollar Federal RICO Lawsuit and Time Sensitive Matters Sent to Wayne Smith to Have Already Been Forwarded to Executive Management Officers

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Exhibit 4 - Wayne Smith Letter Dated December 02, 2009

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Iviewit Holdings, Inc. Iviewit Technologies, Inc.  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
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11/12/2009





WARNER BROS.  
ENTERTAINMENT INC.

Wayne M. Smith  
Vice President  
Senior Litigation and  
Chief Patent Counsel

December 2, 2009

Kevin R. Hall  
Business Consultant to Eliot Bernstein  
Iviewit Technologies  
Kinderhook, NY 12106

**Re: Iviewit**

Dear Mr. Hall:

Following our phone call and receipt of your email, I retrieved my file relating to this matter from our offsite storage facility, where it had reposed for many years, largely forgotten.

In reviewing the file, I found that my last communications with Iviewit were in early 2002, over seven and a half years ago. Moreover, I also found that the communications I was having with Iviewit back in early 2002 appear to involve the very same issues that are now being raised. The only difference appears to be that you have replaced Stephen Lamont as Iviewit's spokesman.

Two letters to Stephen Lamont from early 2002 are attached. The positions we expressed in those letters were unequivocal, and have not changed in the many years of intervening silence. If there were any merit, then or now, in Iviewit's claims that Warner Bros. made unauthorized use of Iviewit technologies (whatever those might be), those claims would have been pursued long ago. They weren't, and that speaks volumes. Thus, having Mr. Bernstein present a licensing proposal to Warner Bros. would serve no purpose, whether made under a baseless threat of "costly adversarial litigation," or otherwise.

I do not intend to detail here the many other inaccuracies in your letter. Suffice it to say that nothing herein shall be interpreted as a waiver or relinquishment of Warner Bros.' rights, all of which are hereby reserved.

Very truly yours,

  
Wayne M. Smith

WMS:wb  


A Time Warner Company

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(818) 954-6007 • Fax: (818) 954-5434 • wayne.smith@warnerbros.com

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**WARNER BROS.**4000 Warner Boulevard  
Burbank, California 91522  
(818) 954-6000

February 20, 2002

P. Stephen Lamont  
Chief Executive Officer, Director  
Iviewit Technologies, Inc.  
10 Mela  
Rancho Palos Verdes, CA 90275

Dear Stephen:

I have your e-mail of February 18. I did not respond to your e-mail of February 8 given that I considered your requests to be already answered in my correspondence to you of February 7. However, given that you seem determined to create a misleading record regarding this matter, I will reiterate our position: Warner has made no prior unauthorized uses of Iviewit "techniques," nor are any such uses either in progress or planned for the future. Further, and as you have already been advised, in view of the foregoing there is no basis for discussing any licensing arrangement between Warner and Iviewit.

Very truly yours,



John Calkins  
Senior Vice President  
New Media, Business Development

JC/vc

31/12/2009

A Time Warner Entertainment Company

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Wayne M. Smith  
Vice President  
Senior Litigation and  
Patent Counsel

March 5, 2002

WARNER BROS.

4000 Warner Boulevard  
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(818) 954-6007 Fax: (818) 954-5434  
E-Mail: wayne.smith@warnerbros.com

P. Stephen Lamont  
CEO & Director  
Iviewit Technologies, Inc.  
10 Mela  
Rancho Palos Verdes, CA 90275

**Re: Proposed License**

Dear Mr. Lamont:

Your letter of February 27, 2002 to John Calkins has been referred to me for response.

I have reviewed your letter, as well as the prior correspondence between Warner and Iviewit. As we have previously advised, your claims that Warner violated the NDA and engaged in "unauthorized use" of Iviewit's intellectual property are completely without substance or support. Your letter is notable only for its failure to specify even one instance of anything remotely approaching improper conduct by Warner. Indeed, the sheer generality of your assertions speaks volumes regarding their total lack of merit.


From our perspective, nothing remains to be discussed between the parties. We trust that Iviewit will share this view and govern itself accordingly.

Very truly yours,

  
Wayne M. Smith

WMS:wb  
cc: John Calkins

  
3/1/02

  
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