

**EXHIBIT B**

**Amended Complaint**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELIOT I. BERNSTEIN, INDIVIDUALLY and P.  
STEPHEN LAMONT AND ELIOT I. BERNSTEIN  
ON BEHALF OF SHAREHOLDERS OF IVIEWWIT  
HOLDINGS, INC., IVIEWWIT TECHNOLOGIES,  
INC., UVIEW.COM, INC., IVIEWWIT HOLDINGS,  
INC., IVIEWWIT HOLDINGS, INC., IVIEWWIT.COM,  
INC., IVIEWWIT.COM, INC., I.C., INC.,  
IVIEWWIT.COM LLC, IVIEWWIT LLC, IVIEWWIT  
CORPORATION, IVIEWWIT, INC., IVIEWWIT, INC.,  
and PATENT INTEREST HOLDERS ATTACHED  
AS EXHIBIT B

Plaintiffs,

-against-

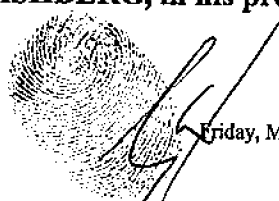
STATE OF NEW YORK,  
THE OFFICE OF COURT ADMINISTRATION  
OF THE UNIFIED COURT SYSTEM,  
PROSKAUER ROSE LLP, and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
STEVEN C. KRANE in his official and individual  
Capacities for the New York State Bar Association  
and the Appellate Division First Department  
Departmental Disciplinary Committee, and,  
his professional and individual capacities as  
a Proskauer partner,  
KENNETH RUBENSTEIN, in his professional  
and individual capacities,  
ESTATE OF STEPHEN KAYE, in his professional  
and individual capacities,  
ALAN S. JAFFE, in his professional  
and individual capacities,  
ROBERT J. KAFIN, in his professional  
and individual capacities,  
CHRISTOPHER C. WHEELER, in his professional  
and individual capacities,  
MATTHEW M. TRIGGS in his official and individual  
capacity for The Florida Bar and his professional and  
individual capacities as a partner of Proskauer,  
ALBERT T. GORTZ, in his professional

DOCKET NO:  
07-Civ-11196 (SAS)  
Related  
DOCKET NO:  
07-Civ-9599 (SAS)

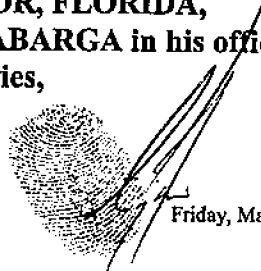


and individual capacities,  
CHRISTOPHER PRUZASKI, in his professional  
and individual capacities,  
MARA LERNER ROBBINS, in her professional  
and individual capacities,  
DONALD "ROCKY" THOMPSON, in his  
professional and individual capacities,  
GAYLE COLEMAN, in her professional  
and individual capacities,  
DAVID GEORGE, in his professional  
and individual capacities,  
GEORGE A. PINCUS, in his professional  
and individual capacities,  
GREGG REED, in his professional  
and individual capacities,  
LEON GOLD, in his professional  
and individual capacities,  
MARCY HAHN-SAPERSTEIN, in her professional  
and individual capacities,  
KEVIN J. HEALY, in his professional  
and individual capacities,  
STUART KAPP, in his professional  
and individual capacities,  
RONALD F. STORETTE, in his professional  
and individual capacities,  
CHRIS WOLF, in his professional  
and individual capacities,  
JILL ZAMMAS, in her professional  
and individual capacities,  
JON A. BAUMGARTEN, in his professional  
and individual capacities,  
SCOTT P. COOPER, in his professional  
and individual capacities,  
BRENDAN J. O'ROURKE, in his professional  
and individual capacities,  
LAWRENCE I. WEINSTEIN, in his professional  
and individual capacities,  
WILLIAM M. HART, in his professional  
and individual capacities,  
DARYN A. GROSSMAN, in his professional  
and individual capacities,  
JOSEPH A. CAPRARO JR., in his professional  
and individual capacities,  
JAMES H. SHALEK, in his professional  
and individual capacities,  
GREGORY MASHBERG, in his professional


AMENDED  
COMPLAINT



and individual capacities,  
JOANNA SMITH, in her professional  
and individual capacities,  
MELTZER LIPPE GOLDSTEIN WOLF &  
SCHLISSEL, P.C. and its predecessors  
and successors, and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
LEWIS S. MELTZER, in his professional  
and individual capacities,  
RAYMOND A. JOAO, in his professional  
and individual capacities,  
FRANK MARTINEZ, in his professional  
and individual capacities,  
FOLEY & LARDNER LLP, and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
MICHAEL C. GREBE, in his professional  
and individual capacities,  
WILLIAM J. DICK, in his professional  
and individual capacities,  
TODD C. NORBITZ, in his professional  
and individual capacities,  
ANNE SEKEL, in his professional  
and individual capacities,  
RALF BOER, in his professional  
and individual capacities,  
BARRY GROSSMAN, in his professional  
and individual capacities,  
JIM CLARK, in his professional  
and individual capacities,  
DOUGLAS A. BOEHM, in his professional  
and individual capacities,  
STEVEN C. BECKER, in his professional  
and individual capacities,  
BRIAN G. UTLEY,  
MICHAEL REALE,  
RAYMOND HERSCH,  
WILLIAM KASSER,  
ROSS MILLER, ESQ. in his professional  
and individual capacities,  
STATE OF FLORIDA,  
OFFICE OF THE STATE COURTS  
ADMINISTRATOR, FLORIDA,  
HON. JORGE LABARGA in his official and  
individual capacities,



**THE FLORIDA BAR,  
JOHN ANTHONY BOGGS in his official and  
individual capacities,  
KELLY OVERSTREET JOHNSON in her official  
and individual capacities,  
LORRAINE CHRISTINE HOFFMAN in her  
official and individual capacities,  
ERIC TURNER in his official and individual  
capacities,  
KENNETH MARVIN in his official and individual  
capacities,  
JOY A. BARTMON in her official and individual  
capacities,  
JERALD BEER in his official and individual  
capacities,  
BROAD & CASSEL, and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
JAMES J. WHEELER, in his professional  
and individual capacities,  
FLORIDA SUPREME COURT,  
HON. CHARLES T. WELLS, in his official and  
individual capacities,  
HON. HARRY LEE ANSTEAD, in his official and  
individual capacities  
HON. R. FRED LEWIS, in his official and  
individual capacities,  
HON. PEGGY A. QUINCE, in his official and  
individual capacities,  
HON. KENNETH B. BELL, in his official and  
individual capacities,  
THOMAS HALL, in his official and individual  
capacities,  
DEBORAH YARBOROUGH in her official and  
individual capacities,  
DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION – FLORIDA,  
CITY OF BOCA RATON, FLA.,  
ROBERT FLECHAUS in his official and  
individual capacities,  
ANDREW SCOTT in his official and individual  
capacities,  
SUPREME COURT OF NEW YORK  
APPELLATE DIVISION FIRST  
DEPARTMENT DEPARTMENTAL DISCIPLINARY  
COMMITTEE,**



**THOMAS J. CAHILL in his official and individual capacities,**  
**PAUL CURRAN in his official and individual capacities,**  
**MARTIN R. GOLD in his official and individual capacities,**  
**SUPREME COURT OF NEW YORK**  
**APPELLATE DIVISION FIRST**  
**DEPARTMENT,**  
**CATHERINE O'HAGEN WOLFE in her official and individual capacities,**  
**HON. ANGELA M. MAZZARELLI in her official and individual capacities,**  
**HON. RICHARD T. ANDRIAS in his official and individual capacities,**  
**HON. DAVID B. SAXE in his official and individual capacities,**  
**HON. DAVID FRIEDMAN in his official and individual capacities,**  
**HON. LUIZ A. GONZALES in his official and individual capacities,**  
**SUPREME COURT OF NEW YORK**  
**APPELLATE DIVISION SECOND JUDICIAL**  
**DEPARTMENT,**  
**SUPREME COURT OF NEW YORK**  
**APPELLATE DIVISION SECOND**  
**DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE,**  
**LAWRENCE DIGIOVANNA in his official and individual capacities,**  
**DIANA MAXFIELD KEARSE in her official and individual capacities,**  
**JAMES E. PELTZER in his official and individual capacities,**  
**HON. A. GAIL PRUDENTI in her official and individual capacities,**  
**HON. JUDITH S. KAYE in her official and individual capacities,**  
**STATE OF NEW YORK COMMISSION OF INVESTIGATION,**  
**ANTHONY CARTUSCIELLO in his official and individual capacities,**  
**LAWYERS FUND FOR CLIENT**  
**PROTECTION OF THE STATE OF NEW YORK,**  
**OFFICE OF THE ATTORNEY GENERAL**  
**OF THE STATE OF NEW YORK,**



**ELIOT SPITZER** in his official and individual capacities, as both former Attorney General for the State of New York, and, as former Governor of the State of New York,  
**COMMONWEALTH OF VIRGINIA,**  
**VIRGINIA STATE BAR,**  
**ANDREW H. GOODMAN** in his official and individual capacities,  
**NOEL SENDEL** in her official and individual capacities,  
**MARY W. MARTELINO** in her official and individual capacities,  
**LIZBETH L. MILLER,** in her official and individual capacities,  
**MPEGLA, LLC,**  
**LAWRENCE HORN,** in his professional and individual capacities,  
**REAL 3D, INC.** and successor companies,  
**GERALD STANLEY,** in his professional and individual capacities,  
**DAVID BOLTON,** in his professional and individual capacities,  
**TIM CONNOLLY,** in his professional and individual capacities,  
**ROSALIE BIBONA,** in her professional and individual capacities,  
**RYJO, INC.,**  
**RYAN HUISMAN,** in his professional and individual capacities,  
**INTEL CORP.,**  
**LARRY PALLEY,** in his professional and individual capacities,  
**SILICON GRAPHICS, INC.,**  
**LOCKHEED MARTIN,**  
**BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP,** and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities,  
**NORMAN ZAFMAN,** in his professional and individual capacities,  
**THOMAS COESTER,** in his professional and individual capacities,  
**FARZAD AHMINI,** in his professional and individual capacities,  
**GEORGE HOOVER,** in his professional and individual capacities,

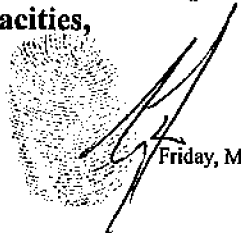


**WILDMAN, HARROLD, ALLEN &  
DIXON LLP, and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
MARTYN W. MOLYNEAUX, in his professional  
and individual capacities,  
MICHAEL DOCKTERMAN, in his professional  
and individual capacities,  
HARRISON GOODARD FOOTE, and, all of its  
Partners, Associates and Of Counsel, in their  
professional and individual capacities,  
EUROPEAN PATENT OFFICE,  
ALAIN POMPIDOU in his official and  
individual capacities,  
WIM VAN DER EIJK in his official and  
individual capacities,  
LISE DYBDAHL in her official and personal  
capacities,  
YAMAKAWA INTERNATIONAL PATENT  
OFFICE, and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
MASAKI YAMAKAWA, in his professional  
and individual capacities,  
CROSSBOW VENTURES, INC.,  
ALPINE VENTURE CAPITAL PARTNERS LP,  
STEPHEN J. WARNER, in his professional  
and individual capacities,  
RENE P. EICHENBERGER, in his professional  
and individual capacities,  
H. HICKMAN "HANK" POWELL, in his  
professional and individual capacities,  
MAURICE BUCHSBAUM, in his professional  
and individual capacities,  
ERIC CHEN, in his professional  
and individual capacities,  
AVI HERSH, in his professional  
and individual capacities,  
MATTHEW SHAW, in his professional  
and individual capacities,  
BRUCE W. SHEWMAKER, in his professional  
and individual capacities,  
RAVI M. UGALE, in his professional  
and individual capacities,  
DIGITAL INTERACTIVE STREAMS, INC.,  
ROYAL O'BRIEN, in his professional**





and individual capacities,  
HUIZENGA HOLDINGS INCORPORATED,  
WAYNE HUIZENGA, in his professional  
and individual capacities,  
WAYNE HUIZENGA, JR., in his professional  
and individual capacities,  
TIEDEMANN INVESTMENT GROUP,  
BRUCE T. PROLOW, in his professional  
and individual capacities,  
CARL TIEDEMANN, in his professional  
and individual capacities,  
ANDREW PHILIP CHESLER, in his professional  
and individual capacities,  
CRAIG L. SMITH, in his professional  
and individual capacities,  
HOUSTON & SHAHADY, P.A., and any successors,  
and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
BART A. HOUSTON, ESQ. in his professional  
and individual capacities,  
FURR & COHEN, P.A., and, all of its Partners,  
Associates and Of Counsel, in their professional  
and individual capacities,  
BRADLEY S. SCHRAIBERG, ESQ. in his  
professional and individual capacities,  
MOSKOWITZ, MANDELL, SALIM &  
SIMOWITZ, P.A., and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
WILLIAM G. SALIM, ESQ. in his professional  
and individual capacities,  
SACHS SAX & KLEIN, P.A., and, all of its Partners,  
Associates and Of Counsel, in their professional and  
individual capacities,  
BEN ZUCKERMAN, ESQ. in his professional  
and individual capacities,  
SPENCER M. SAX, in his professional  
and individual capacities,  
SCHIFFRIN & BARROWAY LLP, and any successors,  
and, all of its Partners, Associates and Of Counsel,  
in their professional and individual capacities,  
RICHARD SCHIFFRIN, in his professional  
and individual capacities,  
ANDREW BARROWAY, in his professional  
and individual capacities,

A handwritten signature in black ink is written over a circular, textured stamp. The signature is slanted and appears to be initials or a name. The stamp is partially obscured by the signature.

**KRISHNA NARINE, in his professional and individual capacities,  
CHRISTOPHER & WEISBERG, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities,  
ALAN M. WEISBERG, in his professional and individual capacities,  
ALBERTO GONZALES in his official and individual capacities,  
JOHNNIE E. FRAZIER in his official and individual capacities,  
IVIEWIT, INC., a Florida corporation,  
IVIEWIT, INC., a Delaware corporation,  
IVIEWIT HOLDINGS, INC., a Delaware corporation (f.k.a. Uview.com, Inc.)  
UVIEW.COM, INC., a Delaware corporation  
IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.),  
IVIEWIT HOLDINGS, INC., a Florida corporation,  
IVIEWIT.COM, INC., a Florida corporation,  
I.C., INC., a Florida corporation,  
IVIEWIT.COM, INC., a Delaware corporation,  
IVIEWIT.COM LLC, a Delaware limited liability company,  
IVIEWIT LLC, a Delaware limited liability company,  
IVIEWIT CORPORATION, a Florida corporation,  
IBM CORPORATION,  
JOHN AND JANE DOES.**

**Defendants**

X

**JURY TRIAL  
DEMANDED**

1. **PLAINTIFFS, ELIOT I. BERNSTEIN, Pro Se, individually, and, P. STEPHEN LAMONT, Pro Se and Plaintiff Bernstein on behalf of shareholders of Iviewit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit Holdings, Inc., Iviewit Holdings, Inc., Iviewit.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., Iviewit, Inc., and other John Doe**



companies (collectively, "Iviewit Companies<sup>1</sup>"), and patent interest holders attached as Exhibit A, and for their Complaint against the above captioned defendants, state upon knowledge as to their own facts and upon information and belief as to all other matters:

**PRELIMINARY STATEMENT**

2. This is a civil action seeking injunctive relief, monetary relief, including past and on going economic loss, compensatory and punitive damages, disbursements, costs and fees for violations of rights brought pursuant to, including but not limited to, Article 1, Section 8, Clause 8 of The Constitution of the United States; Fifth, and Fourteenth Amendment to The Constitution of the United States; 15 U.S.C.A. §§ 1 and 2; Title VII of the Civil Rights Act of 1964 (as amended); 18 U.S.C. § 1961 through 18 U.S.C. § 1968; and, State law claims.

3. Plaintiffs allege that the defendants wantonly, recklessly, knowingly and purposefully, acting individually and in conspiracy with each other and in various combinations through a core group of original conspirators, sought to deprive Petitioners of title and pay through a pattern of violation of constitutional rights, violation of attorney ethics, misrepresentation, misinformation, fraud, fraud upon the United States Patent and Trademark Office ("USPTO") and other Federal, state, and international agencies, and abuse of and manipulation of laws, rules, and regulations, conflicts of interests and abuse of public offices of, including but not limited to, the First Department Departmental Disciplinary Committee, Second Department Departmental Disciplinary Committee, The Florida Bar, and appearances of impropriety<sup>2</sup> thru <sup>3</sup>, to deprive Plaintiffs of interests in

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<sup>1</sup> Where it is unknown and this time and will take further discovery to reveal which Iviewit Companies are legitimate and which are illegitimate, as many of the Iviewit Companies were opened by unauthorized parties in order to perfect the intellectual property crimes and other crimes described herein, it has been assumed that all companies eventually will be owned by the legitimate companies. Despite their being lumped together in reference for this Amended Complaint, they will need to be defined further in the future after receiving the corporate records from former counsel and accountants which have never been returned or made part of disclosure at a former civil billing case as described herein as to which were legitimate and which were illegitimate.

<sup>2</sup> See Unpublished Order incorporated herein by reference as if such appeared in this Amended Complaint:  
M3198 - Steven C. Krane & Proskauer Rose;  
M2820 Kenneth Rubenstein & Proskauer Rose;  
M3212 Raymond A. Joao and Meltzer Lippe Goldstein & Schlissel; and,  
Thomas J. Cahill - Special Inquiry #2004.1122.

<sup>3</sup> See Motion in the Matters of Complaints Against Attorneys and Counselors at Law; Thomas J. Cahill - Docket Pending Review by Special Counsel Martin R. Gold On Advisement of Paul J. Curran and Related Cases (Separate Motion Attached) Against Kenneth Rubenstein - Docket 2003.0531, Raymond A. Joao -

intellectual properties valued at valued over several trillion dollars over twenty plus years of the patent and other IP rights of the inventors.

4. Plaintiffs are aware of the imminent filing or already filed civil cases seeking association to the related *Anderson, et al. v. the State of New York, et al.*, (U.S. District Court, S.D.N.Y.) (October 26, 2007) hereinafter ("*Anderson*") case, which this case has been associated with, which act together to support the denial of due process claimed by Plaintiffs herein, including but not limited to;

- A. (07cv09599) *Anderson v The State of New York, et al.*,
- B. (07cv11196) *Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.*,
- C. (07cv11612) *Esposito v The State of New York, et al.*,
- D. (08cv00526) *Capogrosso v New York State Commission on Judicial Conduct, et al.*,
- E. (08cv02391) *McKeown v The State of New York, et al.*,
- F. (08cv02852) *Galison v The State of New York, et al.*,
- G. (08cv03305) *Carvel v The State of New York, et al.*, and,
- H. (08cv4053) *Gizella Weisshaus v The State of New York, et al.*

5. That this Court may note an additional large number of defendants have been added to the original complaint and this is due to the fact that as a RICO case and for other reasons, the whole of the conspiracy is herein defined with all participants, whereas the original complaint had only the defendants involved in covering up the crimes as it related to *Anderson's* claims of public office corruption. Where the original complaint was done with the urgency to support the heroic efforts of *Anderson* with the intent that if the Court accepted the case to expand through amending the complaint the entire case of Plaintiffs.

6. Said criminal and civil acts herein were done knowingly with the consent and condonation, of including but not limited to, the main conspiratorial parties of: Proskauer Rose LLP, Meltzer Lippe Goldstein Wolf & Schlissel, Foley & Lardner LLP, MPEGLA LLC and Intel Corporation in collusion with the cover up participants, once

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Docket 2003.0532, Steven C. Krane – Docket Pending Review by Paul J. Curran, Esq. and The Law Firm of Proskauer Rose LLP incorporated herein by reference as if such appeared in this Amended Complaint.

caught in said acts to block due process, including but not limited to: First Department Departmental Disciplinary Committee, the Second Department Departmental Disciplinary Committee, the New York State Supreme Court Appellate Division First Department, Supreme Court of the State of New York Appellate Division Second Judicial Department, State of New York Court of Appeals, the State of New York Commission of Investigation, the Office of the Attorney General for the State of New York, Lawyers Fund for Client Protection of the State of New York, The Florida Bar, the Virginia State Bar, and other culpable defendants (collectively "Cover Up Participants") named herein to cloak the sabotage of, theft of, and unauthorized use of intellectual properties with a value of more than ONE TRILLION DOLLARS (\$1,000,000,000,000), where the defendants either acting alone, combined or in collusion with the Cover Up Participants at the direction of the main criminal enterprises as further defined herein, blocked due process with scienter in an effort to thwart the investigations of issues of patent sabotage and theft and other crimes described herein.

7. Contained in this Complaint, Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, that runs so wide and so deep, that it tears at the very fabric, and becomes the litmus test, of what has come to be known as free commerce through inventors' rights and due process in this country, and in that the circumstances involve inventors' rights tears at the very fabric of the Democracy protected under the Constitution of the United States.

#### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338 (federal question jurisdiction). Jurisdiction is premised upon defendants breach of, among other federal statutes: Article 1, Section 8, Clause 8 of The Constitution of the United States; Fifth, and Fourteenth Amendment to The Constitution of the United States; Title VII of the Civil Rights Act of 1964 (as amended); 15 U.S.C.A. §§ 1 and 2; and, 18 U.S.C. § 1961 through 18 U.S.C. § 1968 -- Racketeer Influenced and Corrupt Organizations Act.

9. This Court has personal jurisdiction over the diverse defendants because all factual allegations derive from: (i) IP sabotage through violations of state, federal and international laws and treaties; (ii) the theft of intellectual properties, through a pattern

of false IP oaths submitted to the United States Patent & Trademark Office and worldwide patent authorities and through a bait and switch in other instances using similarly named corporate formations, unauthorized asset transfers, and unauthorized stock swaps; and (iii) the unauthorized use of, despite confidentiality agreements ("NDA's") or confidentiality clauses in strategic alliance contracts of proprietary intellectual properties; (iv) the denial of due process by Cover Up Participants, and other culpable defendants with scienter; where (i) to (iv) culminated in (v) a conspiratorial pattern of fraud, deceit, and misrepresentation not only against Plaintiffs but against the United States and foreign agencies and nations. For the sake of judicial expediency, this Court has supplemental jurisdiction over all other claims that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

10. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because the bulk of the defendants transacts business and are found in this district, and for those defendants that do not, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other defendants that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

#### **PARTIES**

11. On information and belief, Plaintiff BERNSTEIN, is a sui juris individual and resident of Red Bluff, Tehama County, California, and the Founder and principal inventor of the technology of the Iviewit Companies.

12. On information and belief, Plaintiff LAMONT, is a sui juris individual and resident of Rye, Westchester County, New York, and former Chief Executive Officer (Acting) of the Iviewit Companies formed to commercialize the technology of the Iviewit Companies<sup>4</sup>.

13. On information and belief, Plaintiff shareholders of IVIEWIT HOLDINGS, INC., are sui juris persons of their respective states.

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<sup>4</sup> Upon information and belief, and pending ongoing investigations, the discovery of multiple, unauthorized, similarly named corporate formations and unauthorized stock swaps and unauthorized asset transfers; therefore, the authenticity of the Iviewit Companies cannot be ascertained at this time.

14. On information and belief, Plaintiff shareholders of IVIEWIT TECHNOLOGIES, INC., are sui juris persons of their respective states.

15. On information and belief, Plaintiff shareholders of UVIEW.COM, INC., are sui juris persons of their respective states.

16. On information and belief, Plaintiff shareholders of IVIEWIT HOLDINGS, INC., are sui juris persons of their respective states.

17. On information and belief, Plaintiff shareholders of IVIEWIT.COM, INC., are sui juris persons of their respective states.

18. On information and belief, Plaintiff shareholders of IVIEWIT.COM, INC., are sui juris persons of their respective states.

19. On information and belief, Plaintiff shareholders of I.C., INC., are sui juris persons of their respective states.

20. On information and belief, Plaintiff shareholders of IVIEWIT.COM LLC, are sui juris persons of their respective states.

21. On information and belief, Plaintiff shareholders of IVIEWIT LLC, are sui juris persons of their respective states.

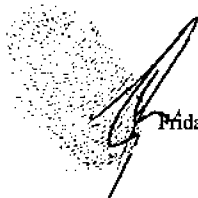
22. On information and belief, Plaintiff shareholders of IVIEWIT CORPORATION, are sui juris persons of their respective states.

23. On information and belief, Plaintiff shareholders of IVIEWIT, INC., are sui juris persons of their respective states.

24. On information and belief, Plaintiff shareholders of IVIEWIT, INC., are sui juris persons of their respective states.

25. On information and belief, defendant STATE OF NEW YORK sued herein, was an employer within the meaning of the Constitution of the State of New York and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

26. On information and belief, defendant OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM (hereinafter "OCA") sued herein, is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. On information and belief, defendant OCA



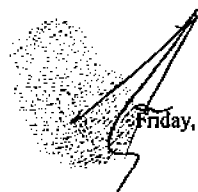
was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

27. On information and belief, defendant PROSKAUER ROSE LLP, and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of Proskauer (hereinafter "Proskauer") sued herein, is a domestic professional service limited liability company providing legal services to the public, located at 1585 Broadway, New York, New York 10036 and who provided legal services to the Iviewit Companies.

28. On information and belief, defendant STEVEN C. KRANE (hereinafter "Krane"), sued herein in his official and individual capacities as a member of the First Department Departmental Disciplinary Committee, in his official and individual capacity as President of the New York State Bar Association, and, as partner of defendant law firm Proskauer in his individual and professional capacities, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief defendant Krane has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

29. On information and belief, defendant KENNETH RUBENSTEIN (hereinafter "Rubenstein"), sued herein in his professional and individual capacities, as a partner of defendant law firm Proskauer, in his professional and individual capacities as the patent evaluator and counsel to defendant MPEG LA LLC, and in his professional and individual capacities as former partner of defendant Meltzer, Lippe, Goldstein, Wolfe and Schlissel who, upon information and belief, resides in the State of New Jersey. On information and belief, defendant Rubenstein has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

30. On information and belief, defendant ESTATE OF STEPHEN KAYE (hereinafter "S. Kaye"), sued herein is a deceased individual and his estate is sued herein its capacities, and sued herein in his former professional and individual capacities, as a former partner of defendant Proskauer, was an attorney, who, upon information and belief, resided in the State of New York and is the former husband of the now widow Hon. Judith S. Kaye. On information and belief, defendant S. Kaye had been a partner in





the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.,

31. On information and belief, defendant ALAN S. JAFFE (hereinafter "Jaffe"), sued herein in his professional and individual capacities, as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Jaffe has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

32. On information and belief, defendant ROBERT J. KAFIN (hereinafter "Kafin"), sued herein in his professional and individual capacities, as partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Kafin has been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

33. On information and belief, defendant CHRISTOPHER C. WHEELER (hereinafter "Wheeler"), sued herein in his professional and individual capacities, as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Wheeler has been a partner in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

34. On information and belief, defendant MATTHEW M. TRIGGS (hereinafter "Triggs"), sued herein in his professional and individual capacities, as partner of defendant law firm Proskauer, in his official and personal capacity as an officer of The Florida Bar, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Triggs has been a partner in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

35. On information and belief, defendant ALBERT T. GORTZ (hereinafter "Gortz"), sued herein in his professional and individual capacities, as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Gortz has been a partner in the

A handwritten signature in black ink is written over a circular, textured stamp. The signature appears to be 'A. T. Gortz'.

defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

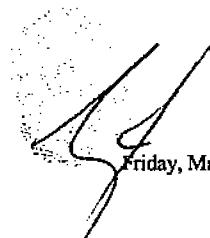
36. On information and belief, defendant CHRISTOPHER PRUZASKI (hereinafter "Pruzaski"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Pruzaski had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

37. On information and belief, defendant MARA LERNER ROBBINS (hereinafter "Robbins"), sued herein in her professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Robbins had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

38. On information and belief, defendant DONALD "ROCKY" THOMPSON (hereinafter "Thompson"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Thompson had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

39. On information and belief, defendant GAYLE COLEMAN (hereinafter "Coleman"), sued herein in her professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Coleman had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

40. On information and belief, defendant DAVID GEORGE (hereinafter "George"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant George had been an associate



in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

41. On information and belief, defendant GEORGE A. PINCUS (hereinafter "Pincus"), sued herein in his professional and individual capacities, and as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Pincus had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

42. On information and belief, defendant GREGG REED (hereinafter "Reed"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Reed had been an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

43. On information and belief, defendant LEON GOLD (hereinafter "Gold"), sued herein in his professional and individual capacities, as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Gold had been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

44. On information and belief, defendant MARCY HAHN-SAPERSTEIN (hereinafter "Saperstein"), sued herein in her professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Saperstein is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

45. On information and belief, defendant KEVIN J. HEALY (hereinafter "Healy"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Healy is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.



46. On information and belief, defendant STUART KAPP (hereinafter "Kapp"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Kapp is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

47. On information and belief, defendant RONALD F. STORETTE (hereinafter "Storette"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Storette is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

48. On information and belief, defendant CHRIS WOLF (hereinafter "Wolf"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Wolf is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

49. On information and belief, defendant JILL ZAMMAS (hereinafter "Zammas"), sued herein in her professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Zammas is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

50. On information and belief, defendant JON A. BAUMGARTEN (hereinafter "Baumgarten"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Baumgarten is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.



51. On information and belief, defendant SCOTT P. COOPER (hereinafter "Cooper"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Cooper is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

52. On information and belief, defendant BRENDAN J. O'ROURKE (hereinafter "O'Rourke"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant O'Rourke is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

53. On information and belief, defendant LAWRENCE I. WEINSTEIN (hereinafter "Weinstein"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Weinstein is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

54. On information and belief, defendant WILLIAM M. HART (hereinafter "Hart"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Hart is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

55. On information and belief, defendant DARYN A. GROSSMAN (hereinafter "Grossman"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Grossman is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.



56. On information and belief, defendant JOSEPH A. CAPRARO JR (hereinafter "Capraro"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Capararo is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

57. On information and belief, defendant JAMES H. SHALEK (hereinafter "Shalek"), sued herein in his professional and individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Shalek is an associate in the defendant law firm Proskauer located at 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

58. On information and belief, defendant GREGORY MASHBERG (hereinafter "Mashberg"), sued herein in his professional and individual capacities, as a partner of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Mashberg had been a partner in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

59. On information and belief, defendant JOANNA SMITH (hereinafter "Smith"), sued herein in her individual capacities, as an associate of defendant law firm Proskauer, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Smith had been an associate in the defendant law firm Proskauer located at 1585 Broadway, New York, New York 10036.

60. On information and belief, defendant MELTZER LIPPE GOLDSTEIN WOLF & SCHLISSEL, P.C. (hereinafter "MLG") and its successors, and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of MLG, sued herein is a domestic professional service limited liability company providing legal services to the public, located at 190 Willis Avenue, Mineola, New York 11501 and provided legal services to the Iviewit Companies.



61. On information and belief, defendant LEWIS S. MELTZER (hereinafter "Meltzer"), sued herein in his professional and individual capacities, as a partner of defendant law firm MLG, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Meltzer had been a partner in the defendant law firm MLG located at 190 Willis Avenue, Mineola, New York 11501.

62. On information and belief, defendant RAYMOND A. JOAO (hereinafter "Joao"), sued herein in his professional and individual capacities, as an Of Counsel and possible partner of defendant law firm MLG, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Joao had been a partner in the defendant law firm MLG located at 190 Willis Avenue, Mineola, New York 11501.

63. On information and belief, defendant FRANK MARTINEZ (hereinafter "Martinez"), sued herein in his professional and individual capacities, as a partner of defendant law firm MLG, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Martinez had been a partner in the defendant law firm MLG located at 190 Willis Avenue, Mineola, New York 11501.

64. On information and belief, defendant FOLEY & LARDNER LLP (hereinafter "Foley") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of Foley sued herein, is a domestic professional service limited liability company providing legal services to the public, located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202 and provided legal services to Iviewit Companies.

65. On information and belief, defendant MICHAEL C. GREBE (hereinafter "Grebe"), sued herein in his professional and individual capacities, as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. On information and belief, defendant Grebe had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

66. On information and belief, defendant WILLIAM J. DICK (hereinafter "Dick"), sued herein in his professional and individual capacities, as an Of Counsel of



defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Dick had been an Of Counsel in the defendant law firm Foley headquartered at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

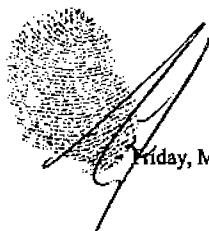
67. On information and belief, defendant TODD NORBITZ (hereinafter "Norbitz"), sued herein in his professional and individual capacities, as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Norbitz had been a partner in the defendant law firm Foley located at 90 Park Avenue, New York, NY 10016.

68. On information and belief, defendant ANNE SEKEL (hereinafter "Sekel"), sued herein in her professional and individual capacities, as a partner of defendant law firm Foley is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Sekel had been a partner in the defendant law firm Foley located at 90 Park Avenue, New York, NY 10016.

69. On information and belief, defendant RALF BOER (hereinafter "Boer"), sued herein in his professional and individual capacities, as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. On information and belief, defendant Boer had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

70. On information and belief, defendant BARRY GROSSMAN (hereinafter "Grossman"), sued herein in his professional and individual capacities, as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. On information and belief, defendant Grossman had been a partner in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

71. On information and belief, defendant JIM CLARK (hereinafter "Clark"), sued herein in his professional and individual capacities, as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. On information and belief, defendant Clark had been a partner in the





defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis.

53202. ,

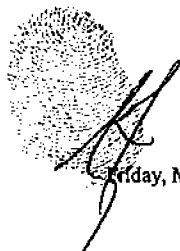
72. On information and belief, defendant DOUGLAS A. BOEHM (hereinafter "Boehm"), sued herein in his professional and individual capacities, as a partner of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Illinois. On information and belief, defendant Boehm had been a partner in the defendant law firm Foley headquartered at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

73. On information and belief, defendant STEVEN C. BECKER (hereinafter "Becker"), sued herein in his professional and individual capacities, as an associate of defendant law firm Foley, is an attorney, who, upon information and belief, resides in the State of Wisconsin. On information and belief, defendant Becker had been an associate in the defendant law firm Foley located at 777 East Wisconsin Avenue, Milwaukee, Wis. 53202. ,

74. On information and belief, defendant BRIAN G. UTLEY (hereinafter "Utley"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Minnesota. On information and belief, defendant Utley was employed by defendant Delaware corporation, Iviewit.com, LLC., as President & COO located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

75. On information and belief, defendant MICHAEL REALE (hereinafter "Reale"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Reale was employed by defendant iviewit.com, Inc. as Vice President of Operations located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

76. On information and belief, defendant RAYMOND HERSCH (hereinafter "Hersch"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Hersch was employed by defendant Iviewit Holdings, Inc., a Florida corporation as Chief Financial Officer located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

A circular stamp with a textured, fingerprint-like pattern is positioned to the left of a handwritten signature. The signature is written in dark ink and appears to be the name 'A. Utley'.

77. On information and belief, defendant WILLIAM KASSER (hereinafter "Kasser"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Kasser was employed by an Iviewit Companies company as Controller located at 2255 Glades Road, Suite 337W, Boca Raton, Fla. 33431.

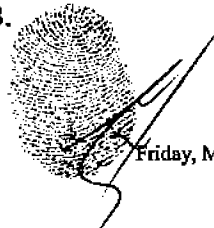
78. On information and belief, defendant STATE OF FLORIDA sued herein was an employer within the meaning of the Constitution of the State of Florida and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

79. On information and belief, defendant OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA (hereinafter "OSCA") and the FSC sued herein are and were at all relevant times governmental entities created by and authorized under the laws of the State of Florida. On information and belief, defendant OSCA was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

80. On information and belief, defendant the HON. JORGE LABARGA (hereinafter "Labarga") sued herein in his official and individual capacities, on information and belief, is a citizen of the United States residing in the State of Florida. On information and belief, defendant Labarga was the Presiding Justice of the Circuit Court of the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida.

81. On information and belief, defendant THE FLORIDA BAR (hereinafter "TFB") sued herein is and are at all relevant times a governmental entity created by and authorized under the laws of the State of Florida. On information and belief, defendant TFB was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida and the recipient of attorney discipline complaints for Wheeler, Proskauer, Turner and Triggs.

82. On information and belief, defendant JOHN ANTHONY BOGGS (hereinafter "Boggs"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Boggs was employed as Disciplinary Procedure and Review attorney for the defendant TFB.



83. On information and belief, defendant KELLY OVERSTREET JOHNSON (hereinafter "Johnson"), sued herein in her official, professional and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Johnson was employed as an attorney for and immediate former President of the defendant TFB and also worked as an attorney for defendant Broad & Cassel.

84. On information and belief, defendant LORRAINE CHRISTINE HOFFMAN (hereinafter "Hoffman"), sued herein in her official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Hoffman was employed as an attorney for the defendant TFB.

85. On information and belief, defendant ERIC TURNER (hereinafter "Turner"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Turner was employed as an attorney for the defendant TFB.

86. On information and belief, defendant KENNETH MARVIN (hereinafter "Marvin"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Marvin was employed as Disciplinary Procedure and Review attorney for the defendant TFB.

87. On information and belief, defendant JOY A. BARTMON (hereinafter "Bartmon"), sued herein in her official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Bartmon was employed as an attorney for the defendant TFB.

88. On information and belief, defendant JERALD BEER (hereinafter "Beer"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Beer was employed as an attorney for the defendant TFB.

89. On information and belief, defendant BROAD & CASSEL (hereinafter "BC") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the

illegal actions of BC, sued herein is a domestic professional service limited liability company providing legal services to the public, located at 7777 Glades Road, Suite 300, Boca Raton, Fla. 33434.

90. On information and belief, defendant JAMES J. WHEELER (hereinafter "J. Wheeler"), sued herein in his professional and individual capacities, as a partner of defendant law firm BC, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant J. Wheeler had been a partner in the defendant law firm BC located at 7777 Glades Road, Suite 300, Boca Raton, Fla. 33434

91. On information and belief, defendant FLORIDA SUPREME COURT (hereinafter "FSC") sued herein is and was at all relevant times governmental entities created by and authorized under the laws of the State of Florida. On information and belief, defendant FSC was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

92. On information and belief, defendant HON. CHARLES T. WELLS (hereinafter "Wells") sued herein in his official and individual capacities, upon information and belief, resides in the State of Florida. On information and belief, defendant Wells was a Justice of FSC.

93. On information and belief, defendant HON. HARRY LEE ANSTEAD (hereinafter "Anstead") sued herein in his official and individual capacities, upon information and belief, resides in the State of Florida. On information and belief, defendant Anstead was a Justice of FSC.

94. On information and belief, defendant HON. R. FRED LEWIS (hereinafter "Lewis") sued herein in his official and individual capacities, upon information and belief, resides in the State of Florida. On information and belief, defendant Lewis was a Justice of FSC.

95. On information and belief, defendant HON. PEGGY A. QUINCE (hereinafter "Quince") sued herein in his official and individual capacities, upon information and belief, resides in the State of Florida. On information and belief, defendant Quince was a Justice of FSC.

A handwritten signature in black ink is written over a circular, textured stamp. The signature appears to be 'P. Quince'.

96. On information and belief, defendant KENNETH B. BELL (hereinafter "Bell") sued herein in his official and individual capacities, resides in the State of Florida. On information and belief, defendant Bell was a Justice of FSC.

97. On information and belief, defendant THOMAS HALL (hereinafter "Hall") sued herein in his official and individual capacities, is an attorney, who, on information and belief resides in the State of Florida. On information and belief, defendant Hall was employed as Clerk of the Florida Supreme Court ("FSC").

98. On information and belief, defendant DEBORAH YARBOROUGH (hereinafter "Yarborough") sued herein in her official and individual capacities, is an administrative clerk who, on information and belief resides in the State of Florida. On information and belief, defendant Yarborough was employed as an administrative clerk of the FSC.

99. On information and belief, defendant CITY OF BOCA RATON, FL. (hereinafter "Boca") sued herein was an employer within the meaning of the Constitution of the State of Florida and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of Florida.

100. On information and belief, defendant ROBERT FLECHAUS (hereinafter "Flechaus"), sued herein in his official and individual capacities, is a detective, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Flechaus was employed by the defendant BC as a detective.

101. On information and belief, defendant ANDREW SCOTT (hereinafter "Scott"), sued herein in his official and individual capacities, is a police officer, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Scott was employed by the defendant BC as a Chief of Police.

102. On information and belief, defendant APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE (collectively hereinafter "1<sup>st</sup> DDC") sued herein is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. On information and belief, defendant 1<sup>st</sup> DDC was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.



103. On information and belief, defendant THOMAS J. CAHILL (hereinafter "Cahill"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of Connecticut. On information and belief, defendant Cahill was employed as Chief Counsel for the defendant 1<sup>st</sup> DDC.

104. On information and belief, defendant PAUL CURRAN (hereinafter "Curran"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Curran was employed as Chairman for the defendant 1<sup>st</sup> DDC.

105. On information and belief, defendant MARTIN R. GOLD (hereinafter "Gold"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Gold was employed as a reviewer of in-house attorneys for the defendant 1<sup>st</sup> DDC.

106. On information and belief, defendant NEW YORK STATE SUPREME COURT APPELLATE DIVISION FIRST DEPARTMENT (hereinafter "First Department Court") sued herein is and was at all relevant times governmental entities created by and authorized under the laws of the State of New York. On information and belief, defendant First Department Court was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

107. On information and belief, defendant CATHERINE O'HAGEN WOLFE (hereinafter "WOLFE") sued herein in her official and individual capacities, is an attorney, who, under information and belief resides in the State of New York. On information and belief, defendant WOLFE was employed as Clerk of the Court of the Appellate Division, First Judicial Department.

108. On information and belief, defendant the HON. ANGELA M. MAZZARELLI (hereinafter "Mazzarelli") sued herein in her official and individual capacities, was at all relevant times and upon information and belief, resides in the State of New York. On information and belief, defendant Mazzarelli was a Justice of the New York State Supreme Court Appellate Division First Department.

A circular stamp with a textured border is partially obscured by a handwritten signature in black ink. The signature appears to be 'A.M.' or similar initials.

109. On information and belief, defendant the HON. RICHARD T. ANDRIAS (hereinafter "Andrias") sued herein in his official and individual capacities, was at all relevant times and upon information and belief, resides in the State of New York. On information and belief, defendant Andrias was a Justice of the New York State Supreme Court Appellate Division First Department.

110. On information and belief, defendant the HON. DAVID B. SAXE (hereinafter "Saxe") sued herein in his official and individual capacities, was at all relevant times and upon information and belief, resides in the State of New York. On information and belief, defendant Saxe was a Justice of the New York State Supreme Court Appellate Division First Department.

111. On information and belief, defendant the HON. DAVID FRIEDMAN (hereinafter "Friedman") sued herein in his official and individual capacities, was at all relevant times and upon information and belief, resides in the State of New York. On information and belief, defendant Friedman was a Justice of the New York State Supreme Court Appellate Division First Department.

112. On information and belief, defendant the HON. LUIZ A. GONZALES (hereinafter "Gonzales") sued herein in his official and individual capacities, was at all relevant times and upon information and belief, resides in the State of New York. On information and belief, defendant Gonzales was a Justice of the New York State Supreme Court Appellate Division First Department.

113. On information and belief, defendant APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE (collectively hereinafter "2<sup>nd</sup> DDC") sued herein is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. On information and belief, defendant 2<sup>nd</sup> DDC was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

114. On information and belief, defendant LAWRENCE F. DIGIOVANNA (hereinafter "DiGiovanna"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of New York. On

A handwritten signature in black ink is written over a circular, textured stamp. The signature appears to be 'L.F. DiGiovanna'.

information and belief, defendant DiGiovanna was employed as Chairman for the defendant 2<sup>nd</sup> DDC.

115. On information and belief, defendant DIANA MAXFIELD KEARSE (hereinafter "Kearse"), sued herein in her official and individual capacities, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Kearse was employed as Chief Counsel for the defendant 2<sup>nd</sup> DDC.


116. On information and belief, defendant NEW YORK STATE SUPREME COURT APPELLATE DIVISION SECOND DEPARTMENT (hereinafter "Second Department Court") sued herein is and was at all relevant times governmental entities created by and authorized under the laws of the State of New York. On information and belief, defendant First Department Court was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

117. On information and belief, defendant JAMES E. PELTZER (hereinafter "Peltzer") sued herein in his official and individual capacities, is an attorney, who, on information and belief resides in the State of New York. On information and belief, defendant Peltzer was employed as Clerk of the Court of the Second Department Court.

118. On information and belief, defendant the HON. A. GAIL PRUDENTI (hereinafter "Prudenti") sued herein in her official and individual capacities, on information and belief, resides in the State of New York. On information and belief, defendant Prudenti was the Presiding Justice of the Second Department Court.

119. On information and belief, defendant the HON. JUDITH S. KAYE (hereinafter "J. Kaye") sued herein in her official and individual capacities, on information and belief, resides in the State of New York. On information and belief, defendant J. Kaye was the Chief Judge of the State of New York Court of Appeals.

120. On information and belief, defendant STATE OF NEW YORK COMMISSION OF INVESTIGATION (hereinafter "COI") sued herein is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. On information and belief, defendant COI was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.





121. On information and belief, defendant ANTHONY CARTUSCIELLO (hereinafter "Cartusciello") sued herein in his official and individual capacities, is an attorney, who, on information and belief resides in the State of New York. On information and belief, defendant Cartusciello was employed as Chief Counsel/Deputy Commissioner of the COI.

122. On information and belief, defendant LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK (hereinafter "LFCP") sued herein is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. On information and belief, defendant LFCP was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

123. On information and belief, defendant ATTORNEY GENERAL OF THE STATE OF NEW YORK (hereinafter "NYAG") sued herein is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York. On information and belief, defendant NYAG was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

124. On information and belief, defendant ELIOT SPITZER (hereinafter "Spitzer"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the State of New York. On information and belief, defendant Spitzer was employed by the NYAG as Attorney General.

125. On information and belief, defendant COMMONWEALTH OF VIRGINIA sued herein was an employer within the meaning of the Constitution of the State of Virginia and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Virginia.

126. On information and belief, defendant VIRGINIA STATE BAR (hereinafter "VSB") sued herein, is and was at all relevant times a governmental entity created by and authorized under the laws of the Commonwealth of Virginia. On information and belief, defendant VSB was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Virginia.

A handwritten signature in black ink is written over a circular, textured stamp or seal. The signature is slanted and appears to be a stylized name.

127. On information and belief, defendant ANDREW H. GOODMAN (hereinafter "Goodman"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. On information and belief, defendant Goodman was employed as a member of the Standing Committee on Lawyer Discipline for the defendant VSB.

128. On information and belief, defendant NOEL SENDEL (hereinafter "Sengel"), sued herein in her official and individual capacities, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. On information and belief, defendant Sengel was employed as Senior Assistant Bar Counsel for the defendant VSB.

129. On information and belief, defendant MARY W. MARTELINO (hereinafter "Martelino"), sued herein in her official and individual capacities, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. On information and belief, defendant Martelino was employed as Senior Assistant Bar Counsel for the defendant VSB.

130. On information and belief, defendant LIZBETH L. MILLER (hereinafter "Miller"), sued herein in her official and individual capacities, is an attorney, who, upon information and belief, resides in the Commonwealth of Virginia. On information and belief, defendant Miller was employed as Senior Assistant Bar Counsel for the defendant VSB.

131. On information and belief, defendant MPEGLA, LLC<sup>5</sup> (hereinafter "MPEG") sued herein is a domestic limited liability company providing alternative technology licenses to the public, located at 6312 S Fiddlers Green Circle, Suite 400E, Greenwood Village, Colorado 80111.

132. On information and belief, defendant LAWRENCE A. HORN (hereinafter "Horn"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Colorado. On information and belief, defendant Horn was Chief Executive Officer employed by defendant MPEG located at 6312 S Fiddlers Green Circle, Suite 400E, Greenwood Village, Colorado 80111.

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<sup>5</sup> Plus royalties derived from patent pools including but not limited to: MPEG-2, ATSC, AVC/H.264, VC-1, MPEG-4 Visual, MPEG-2 Systems, DVB-T, 1394, MPEG-4 Systems, other programs in development.

133. On information and belief, defendant REAL 3D, INC. and successor companies (hereinafter "Real") sued herein, upon information and belief, was a domestic Florida corporation that develops and produces real-time three-dimensional (3-D) graphics technology products, and former strategic alliance partner with the Iviewit Companies, located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

134. On information and belief, defendant GERALD W. STANLEY (hereinafter "Stanley"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Stanley was Chairman, President and Chief Executive Officer employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

135. On information and belief, defendant DAVID BOLTON (hereinafter "Bolton"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Bolton was General Counsel employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

136. On information and belief, defendant TIM CONNOLLY (hereinafter "Connolly"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Connolly was Director of Engineering and employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

137. On information and belief, defendant ROSALIE BIBONA (hereinafter "Bibona"), sued herein in her individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Bibona was and engineer employed by defendant Real located at 2603 Discovery Drive, Suite 100, Orlando, Fla. 32826.

138. On information and belief, defendant RYJO, INC. (hereinafter "Ryjo") sued herein, upon information and belief, was a domestic Florida corporation that develops latest technologies to deliver solutions to your business problems and former strategic alliance partner with the Iviewit Companies, located at 12135 Walden Woods Drive, Orlando, Fla. 32826



139. On information and belief, defendant RYAN HUISMAN (hereinafter "Huisman"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Huisman was the founder of defendant Ryjo located at 12135 Walden Woods Drive, Orlando, Fla. 32826.

140. On information and belief, defendant INTEL CORP. (hereinafter "Intel") sued herein, upon information and belief, is a domestic Delaware corporation and the acquirer of the capital stock and/or the successor in interest to the technologies of defendant Real located at 2200 Mission College Boulevard, Santa Clara, CA 95054.

141. On information and belief, defendant LARRY PALLEY (hereinafter "Palley"), sued herein in his professional and individual capacities, who, upon information and belief, resides in the State of California. On information and belief, defendant Palley was employed by defendant Intel located at 2200 Mission College Boulevard, Santa Clara, CA 95054.

142. On information and belief, defendant SILICON GRAPHICS, INC. (hereinafter "SGI") sued herein, upon information and belief, is a domestic Delaware corporation and the past holder of an equity interest in defendant Real located at 1140 E. Arques Ave., Sunnyvale, Cal. 94085.

143. On information and belief, defendant LOCKHEED MARTIN CORPORATION (hereinafter "Lockheed") sued herein, upon information and belief, is a domestic Delaware corporation and the past holder of an equity interest in defendant Real located at 6801 Rockledge Drive, Bethesda, Md. 20817.

144. On information and belief, defendant BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP (hereinafter "BSTZ") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of BSTZ sued herein as a domestic professional service limited liability partnership providing legal services to the public, and former IP counsel to the Iviewit Companies, located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.

145. On information and belief, defendant NORMAN ZAFMAN (hereinafter "Zafman"), sued herein in his professional and individual capacities, and as a partner of

A handwritten signature in black ink is written over a circular stamp. The signature appears to be 'G. J.' or similar. The stamp is partially obscured by the signature.

defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. On information and belief, defendant Zafman has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025

146. On information and belief, defendant THOMAS COESTER (hereinafter "Coester"), sued herein in his professional and individual capacities, and as a partner of defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. On information and belief, defendant Coester has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.

147. On information and belief, defendant FARZAD AHMINI (hereinafter "Ahmini"), sued herein in his professional and individual capacities, and as a partner of defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. On information and belief, defendant Ahmini has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.,

148. On information and belief, defendant GEORGE HOOVER (hereinafter "Hoover"), sued herein in his professional and individual capacities, and as a partner of defendant law firm BSTZ, is an attorney, who, upon information and belief, resides in the State of California. On information and belief, defendant Hoover has been a partner in the defendant law firm BSTZ located at 12400 Wilshire Blvd., Seventh Floor, Los Angeles, Cal. 90025.

149. On information and belief, defendant WILDMAN, HARROLD, ALLEN & DIXON LLP (hereinafter "Wildman") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of Wildman sued herein, is a domestic professional service limited liability partnership providing legal services to the public, located at 225 West Wacker Drive, Suite 3000, Chicago, IL 60606.

150. On information and belief, defendant MARTYN W. MOLYNEAUX, (hereinafter "Molyneaux"), sued herein in his professional and individual capacities, and as a partner of defendant law firm Harrison, is an attorney, who, upon information and



belief, resides in Great Britain. On information and belief, defendant Molyneaux had been a partner in the defendant law firm Wildman, now presently employed at defendant law firm Harrison, located at located at 106 Micklegate, York YO1 6JX (GB) and the Iviewit Companies' former professional representative before the European Patent Office when employed by defendant law firm Wildman retained by defendant law firm BSTZ.

151. On information and belief, defendant MICHAEL DOCKTERMAN (hereinafter "Dockterman"), sued herein in his professional and individual capacities, and as a partner of defendant law firm Wildman, is an attorney, who, upon information and belief, resides in the State of Illinois. On information and belief, defendant Dockterman has been a partner in the defendant law firm Wildman located at 225 West Wacker Drive, Suite 3000, Chicago, IL 60606.

152. On information and belief, defendant HARRISON GOODARD FOOTE (hereinafter "Harrison") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of Harrison sued herein, is a concern organized under the laws of Great Britain providing legal services to the public, located at 106 Micklegate, York YO1 6JX (GB).

153. On information and belief, defendant EUROPEAN PATENT OFFICE (hereinafter "EPO") is an intergovernmental organization that provides a uniform application procedure for individual inventors and companies seeking patent protection in up to 38 European countries, located at Postbus 5818, 2280 HV Rijswijk, The Hague, Netherlands.

154. On information and belief, defendant ALAIN POMPIDOU (hereinafter "Pompidou"), sued herein in his official and individual capacities, who, upon information and belief, resides in Munich, Germany. On information and belief, defendant Pompidou was President of defendant EPO located at Postbus 5818, 2280 HV Rijswijk, The Hague, Netherlands.

155. On information and belief, defendant WIM VAN DER EIJK (hereinafter "Van Der Eijk"), sued herein in his official and individual capacities, who, upon information and belief, resides in Munich, Germany. On information and belief,



defendant Van Der Eijk was Principal Director International Legal Affairs & Patent Law, European Patent Office, Munich located at 80298 Munich, Germany.

156. On information and belief, defendant LISE DYBDAHL (hereinafter "Dybdahl"), sued herein in her official and individual capacities, who, upon information and belief, resides in Munich, Germany. On information and belief, defendant Dybdahl was Head of the Legal Division, European Patent Office, located at 80298 Munich, Germany.

157. On information and belief, defendant YAMAKAWA INTERNATIONAL PATENT OFFICE (hereinafter "YIPO") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of YIPO sued herein is, upon information and belief, an organization formed under the laws of Japan that provides its domestic and foreign clients with legal services with regard to intellectual properties, located at Shuwa Tameike Building 4-2, Nagata-Cho 2-Chome, Chiyoda-Ku Tokyo 100-0014, Japan.

158. On information and belief, defendant MASAKI YAMAKAWA (hereinafter "Yamakawa"), sued herein in his official and individual capacities, who, upon information and belief, resides in Tokyo, Japan. On information and belief, defendant Yamakawa was President of defendant YIPO, located at Shuwa Tameike Building 4-2, Nagata-Cho 2-Chome, Chiyoda-Ku Tokyo 100-0014, Japan.

159. On information and belief, defendant CROSSBOW VENTURES, INC. (hereinafter "Crossbow") sued herein, upon information and belief, is a domestic Florida corporation and the holder of an equity interest through defendant Alpine Venture Capital Partners, L.P. in defendant Iviewit Companies, located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401-5523.

160. On information and belief, defendant ALPINE VENTURE CAPITAL PARTNERS LP (hereinafter "Alpine") sued herein, upon information and belief, is a domestic Small Business Investment Company program participant and the holder of an equity interest in defendant Iviewit Companies, as further, a Delaware corporation located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

A handwritten signature in black ink is written over a circular, textured stamp. The signature is cursive and appears to be 'L. Eijk'. The stamp is a circular seal with a textured, grainy appearance.

161. On information and belief, defendant STEPHEN J. WARNER (hereinafter "Warner"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Warner has been a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

162. On information and belief, defendant RENE P. EICHENBERGER (hereinafter "Eichenberger"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Eichenberger has been a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

163. On information and belief, defendant H. HICKMAN "HANK" POWELL (hereinafter "Powell"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Powell was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

164. On information and belief, defendant MAURICE BUCHSBAUM (hereinafter "Buchsbaum"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Buchsbaum was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

165. On information and belief, defendant ERIC CHEN (hereinafter "Chen"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Buchsbaum was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

166. On information and belief, defendant AVI HERSH (hereinafter "Hersh"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Hersh was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.





167. On information and belief, defendant MATTHEW SHAW (hereinafter "Shaw"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Shaw was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

168. On information and belief, defendant BRUCE W. SHEWMAKER (hereinafter "Shewmaker"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Shewmaker was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

169. On information and belief, defendant RAVI M. UGALE (hereinafter "Ugale"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Ugale was a Managing Director of defendant Crossbow located at One North Clematis Street, Suite 510, West Palm Beach, FL 33401.

170. On information and belief, defendant DIGITAL INTERACTIVE STREAMS, INC. (hereinafter "DiStream") sued herein, upon information and belief, is a domestic Delaware corporation located at 11265 Alumni Way # 200, Jacksonville, FL 32246-6685.

171. On information and belief, defendant ROYAL O'BRIEN (hereinafter "O'Brien"), upon information and belief resides in the State of Florida. On information and belief, defendant O'Brien has been Chief Executive Officer of DiStream located at 11265 Alumni Way # 200, Jacksonville, FL 32246-6685.

172. On information and belief, defendant HUIZENGA HOLDINGS INCORPORATED (hereinafter "Huizenga") sued herein, upon information and belief, is a domestic Florida corporation and the holder of an equity interest in defendant Iviewit Companies, located at 450 E Las Olas Blvd Ste 1500, Fort Lauderdale, Fla.

173. On information and belief, defendant TIEDEMANN INVESTMENT GROUP (hereinafter "TIG"), upon information and belief, is a domestic New York corporation and the holder of an equity interest in defendant Iviewit Companies, located at 535 Madison Avenue, New York, New York 10022.



174. On information and belief, defendant BRUCE T. PROLOW (hereinafter "Prolow"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. On information and belief, defendant Prolow was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

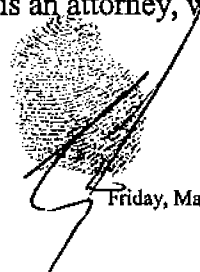
175. On information and belief, defendant CARL TIEDEMANN (hereinafter "Tiedemann"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. On information and belief, defendant Tiedemann was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

176. On information and belief, defendant ANDREW PHILIP CHESLER (hereinafter "Chesler"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. On information and belief, defendant Chesler was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

177. On information and belief, defendant CRAIG L. SMITH (hereinafter "Smith"), sued herein in his professional and individual capacity is a venture capitalist, who, upon information and belief, resides in the State of New York. On information and belief, defendant Smith was an officer in defendant TIG located at 535 Madison Avenue, New York, New York 10022.

178. On information and belief, defendant HOUSTON & SHADY, P.A. (hereinafter "SH") and its successors, and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of SH, and, its shareholders who acted *ultra vires*, sued herein is a domestic professional service association providing legal services to the public, and former counsel to Utley, Hersch, Reale, and Ryjo in a frivolous involuntary bankruptcy suit against the Iviewit Companies, located in Florida.

179. On information and belief, defendant BART A. HOUSTON (hereinafter "Houston"), sued herein in his professional and individual capacities, and as a partner of defendant law firm HS, is an attorney, who, upon information and belief, resides in the

A handwritten signature in black ink is written over a circular, textured stamp. The signature is slanted and appears to be 'S. A. Houston'.

State of Florida. On information and belief, defendant Houston has been a partner in the defendant law firm HS located in Florida.

180. On information and belief, defendant FURR & COHEN, P.A. (hereinafter "FC"), and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of FC, and, its shareholders who acted *ultra vires* sued herein, is a domestic professional service association providing legal services to the public, and former counsel to the Iviewit Companies, located at 2255 Glades Road Suite 337W Boca Raton, FL 33431.

181. On information and belief, defendant BRADLEY S. SCHRAIBERG (hereinafter "Schraiberg"), sued herein in his professional and individual capacities, and as a partner of defendant law firm FC, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Schraiberg has been a partner in the defendant law firm FC located at 2255 Glades Road Suite 337W Boca Raton, FL 33431.

182. On information and belief, defendant MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A. (hereinafter "MMSS"), and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of MMSS, and, its shareholders who acted *ultra vires* sued herein, is a domestic professional service association providing legal services to the public, located at 800 Corporate Drive Suite 500 Fort Lauderdale, FL 33334.

183. On information and belief, defendant WILLIAM G. SALIM (hereinafter "Salim"), sued herein in his professional and individual capacities, and as a partner of defendant law firm MMSS, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Salim has been a partner in the defendant law firm MMSS located at 800 Corporate Drive Suite 500 Fort Lauderdale, FL 33334.

184. On information and belief, defendant SACHS SAXS & KLEIN, P.A. (hereinafter "SSK"), and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary

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interests from the illegal actions of SSK, and, its shareholders who acted *ultra vires* sued herein, is a domestic professional service association providing legal services to the public, and former counsel to the Iviewit Companies.

185. On information and belief, defendant BEN ZUCKERMAN (hereinafter "Zuckerman"), sued herein in his professional and individual capacities, and as a partner of defendant law firm SSK, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Zuckerman has been a partner in the defendant law firm SSK.

186. On information and belief, defendant SPENCER M. SAX (hereinafter "Sax"), sued herein in his professional and individual capacities, and as a partner of defendant law firm SSK, is an attorney, who, upon information and belief, resides in the State of Florida. On information and belief, defendant Sax has been a partner in the defendant law firm SSK.

187. On information and belief, defendant SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP (a.k.a. Schiffrin Barroway, Topaz & Kessler LLP) and all successors (hereinafter "SB") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of SB sued herein, is a domestic professional service limited liability partnership providing legal services to the public, and former strategic alliance partner, who invested in the Iviewit Companies through a binding Letter of Understanding and former legal counsel to the Iviewit Companies, located at 280 King of Prussia Road, Radnor, PA 19087.

188. On information and belief, defendant RICHARD SCHIFFRIN (hereinafter "Schiffrin"), sued herein in his professional and individual capacities, and as a partner of defendant law firm SB, is an attorney, who, upon information and belief, resides in the State of Pennsylvania. On information and belief, defendant Schiffrin has been a partner in the defendant law firm SB located at 280 King of Prussia Road, Radnor, PA 19087.

189. On information and belief, defendant ANDREW BARROWAY (hereinafter "Barroway"), sued herein in his professional and individual capacities, and as a partner of defendant law firm SB, is an attorney, who, upon information and belief, resides in the State of Pennsylvania. On information and belief, defendant Barroway has



been a partner in the defendant law firm SB located at 280 King of Prussia Road, Radnor, PA 19087.

190. On information and belief, defendant KRISHNA NARINE (hereinafter "Narine"), sued herein in his professional and individual capacities, and as a partner of defendant law firm SB, is an attorney, who, upon information and belief, resides in the State of Pennsylvania. On information and belief, defendant Narine has been a partner in the defendant law firm SB located at 280 King of Prussia Road, Radnor, PA 19087.

191. On information and belief, defendant CHRISTOPHER & WEISBERG, P.A., (hereinafter "CW") and, all of its Partners, Associates and Of Counsel from 1998 to present, in their professional and individual capacities, who all have gained pecuniary interests from the illegal actions of CW sued herein, is a domestic professional service association providing legal services to the public, and former IP counsel to the Iviewit Companies, located at 200 East Las Olas Boulevard, Suite 2040, Fort Lauderdale, Florida 33301.

192. On information and belief, defendant ALAN M. WEISBERG (hereinafter "Weisberg"), sued herein in his professional and individual capacities, is an attorney, who, upon information and belief, and former IP counsel to the Iviewit Companies, resides in the State of Florida. On information and belief, defendant Weisberg has been a shareholder in the defendant law firm CW located at 200 East Las Olas Boulevard, Suite 2040, Fort Lauderdale, Florida 33301.

193. On information and belief, defendant ALBERTO GONZALES (hereinafter "Gonzales"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the District of Columbia. On information and belief, defendant Gonzales was employed by the United States Justice Department as Attorney General of the United States.

194. On information and belief, defendant JOHNNIE E. FRAZIER (hereinafter "Frazier"), sued herein in his official and individual capacities, is an attorney, who, upon information and belief, resides in the District of Columbia. On information and belief, defendant Frazier was employed by the United States Department of Commerce as Inspector General at the U.S. Department of Commerce.



195. On information and belief, defendant IVIEWWIT, INC., upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit, Inc. Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

196. On information and belief, defendant IVIEWWIT, INC., upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit, Inc. Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

197. On information and belief, defendant IVIEWWIT HOLDINGS, INC., (f.k.a. Uview.com, Inc.) upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit Holdings Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

198. On information and belief, defendant IVIEWWIT TECHNOLOGIES, INC., (f.k.a. Iviewit Holdings, Inc.) upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit Technologies Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

199. On information and belief, defendant IVIEWWIT HOLDINGS, INC., upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit Holdings Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

200. On information and belief, defendant IVIEWWIT.COM, INC., upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit.com Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

201. On information and belief, defendant I.C., INC., upon information and belief, is a domestic Florida corporation (hereinafter "I.C. Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.



202. On information and belief, defendant IVIEWIT.COM, INC., upon information and belief, is a domestic Delaware corporation (hereinafter "Iviewit.com Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

203. On information and belief, defendant IVIEWIT.COM LLC, upon information and belief, is a domestic Delaware limited liability company (hereinafter ".com LLC Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

204. On information and belief, defendant IVIEWIT LLC, upon information and belief, is a domestic Delaware limited liability company (hereinafter "LLC Delaware"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

205. On information and belief, defendant IVIEWIT CORPORATION, upon information and belief, is a domestic Florida corporation (hereinafter "Iviewit Florida"), located at its last known general counsel, Proskauer Rose LLP, c/o Christopher C. Wheeler 2255 Glades Road, Suite 340 West, Boca Raton, Fla. 33431.

206. On information and belief, defendant IBM CORPORATION an information technology company (hereinafter "IBM"), located One New Orchard Road, Armonk, New York 10504.

#### **OTHER INTERESTED PARTIES**

207. Other interested party, Glenn Fine, is the Inspector General for the United States Department of Justice, where a complaint has been filed by Plaintiffs and is under review.

208. Other interested party, H. Marshall Jarrett, is the Chief Counsel of the Federal Bureau of Investigation, Office of Professional Responsibility, and was referred by Glenn Fine to begin investigation of Plaintiffs' missing files at the Federal Bureau of Investigation and the United States Attorney General's office concerning Iviewit Companies matters and a car bombing of Plaintiff Bernstein's minivan.

209. Other interested party, Rick Lee, is the fire investigator for Boynton Beach.

A handwritten signature in black ink is written over a circular, textured stamp. The signature is cursive and appears to be the name of the person who signed the document.

210. Other interested party, Harry I. Moatz, is the Director of the Office and Enrollment and Discipline for the USPTO, whereby a complaint has been filed by Plaintiffs and has led to a formal investigation of up to nine attorneys and law firms complained of herein including Proskauer, Rubenstein, Joao, Foley, Dick, Boehm and Becker.

211. Other interested party, Jon W. Dudas, is Under Secretary of Commerce for Intellectual Property and Director of the USPTO, after initial investigation by Moatz, Plaintiffs were directed by Moatz to file a charge of fraud upon the USPTO by those attorneys and law firms of the Federal Patent Bar; request of patent suspension was granted pending outcome of Moatz and the USPTO investigations.

212. Other interested party, Eric M. Thorsen, Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

213. Other interested party, Daniel O'Rourke, is Assistant to Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

214. Other interested party, David Gouvaia, is the Duty Agent, Treasury Inspector General for Tax Administration, as a result of Plaintiffs' ongoing complaint.

215. Other interested party, George Pataki, is the former Governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

216. Other interested party, Eliot Spitzer, is the governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

217. Other interested party, Andrew Coumo, is the Attorney General of the State of New York, as a result of Plaintiffs' ongoing complaint.

218. Other interested party, Robert Morgenthau, is the District Attorney for New York County, New York, as a result of Plaintiffs' ongoing complaint.

219. Other interested party, Hillary R. Clinton, is a United States Senator from New York, as a result of Plaintiffs' ongoing complaint.

220. Other interested party, Chris P. Mercer, is the President of the Institute of Professional Representatives before the European Patent Office, as a result of Plaintiffs' ongoing complaint whereby evidence of document tampering has surfaced with responses to formal office actions.

A handwritten signature in black ink is written over a circular stamp. The stamp contains a fingerprint or similar identification mark.



221. Other interested party, Monte Friedkin ("Friedkin"), is a south Florida businessman with information pertinent to the history of several of the defendants as it relates to IP of his former company Diamond Turf Equipment, Inc. ("DTE").

222. Other interested party, Caroline Prochotska Rogers, Esq. ("Rogers") is an Illinois attorney who has information regarding many of the events described herein.

223. Other interested party, Goldman Sachs & Co. ("GS") is an investment banking firm, a managing director of which sat on the board of the Iviewit Companies and introduced the Iviewit Companies to a broad array of potential licensees under NDA's never enforced.

224. Other interested party, Jeffrey Friedstein ("Friedstein") is a Vice President Client Services of GS, an Iviewit Companies shareholder and a co-inventor of the remote control video patent of the Iviewit Companies.

225. Other interested party, Donald Kane ("Kane"), was a Managing Director of GS, an Iviewit Companies shareholder and a board director of the Iviewit Companies and introduced the Iviewit Companies to a broad array of potential licensees under NDA's never enforced.

226. Other interested party, Goldstein Lewin & Co. (hereinafter "GL") is a domestic professional service limited liability company providing accounting services to the public, located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431.

227. Other interested party, Donald J. Goldstein (hereinafter "Goldstein"), On information and belief, defendant Goldstein was a certified public accountant employed by GL located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431

228. Other interested party, Gerald R. Lewin (hereinafter "Lewin"), On information and belief, defendant Lewin was a certified public accountant employed by GL located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431.

229. Other interested party, Erika Lewin, (hereinafter "E. Lewin") On information and belief, defendant E. Lewin was a certified public accountant employed by defendant GL located at 1900 NW Corporate Blvd., Suite 300 East, Boca Raton, Florida 33431 and by the Iviewit Companies.

A circular stamp with a textured border, containing a handwritten signature in dark ink. The signature appears to be 'E. Lewin'.

230. Other interested party, JOSEPH WIGLEY (hereinafter "Wigley"), was upon information and belief, a citizen of the United States, residing in the State of Florida. On information and belief, defendant Wigley was employed by the 1<sup>st</sup> DDC as an investigator.

**FACTUAL ALLEGATIONS**

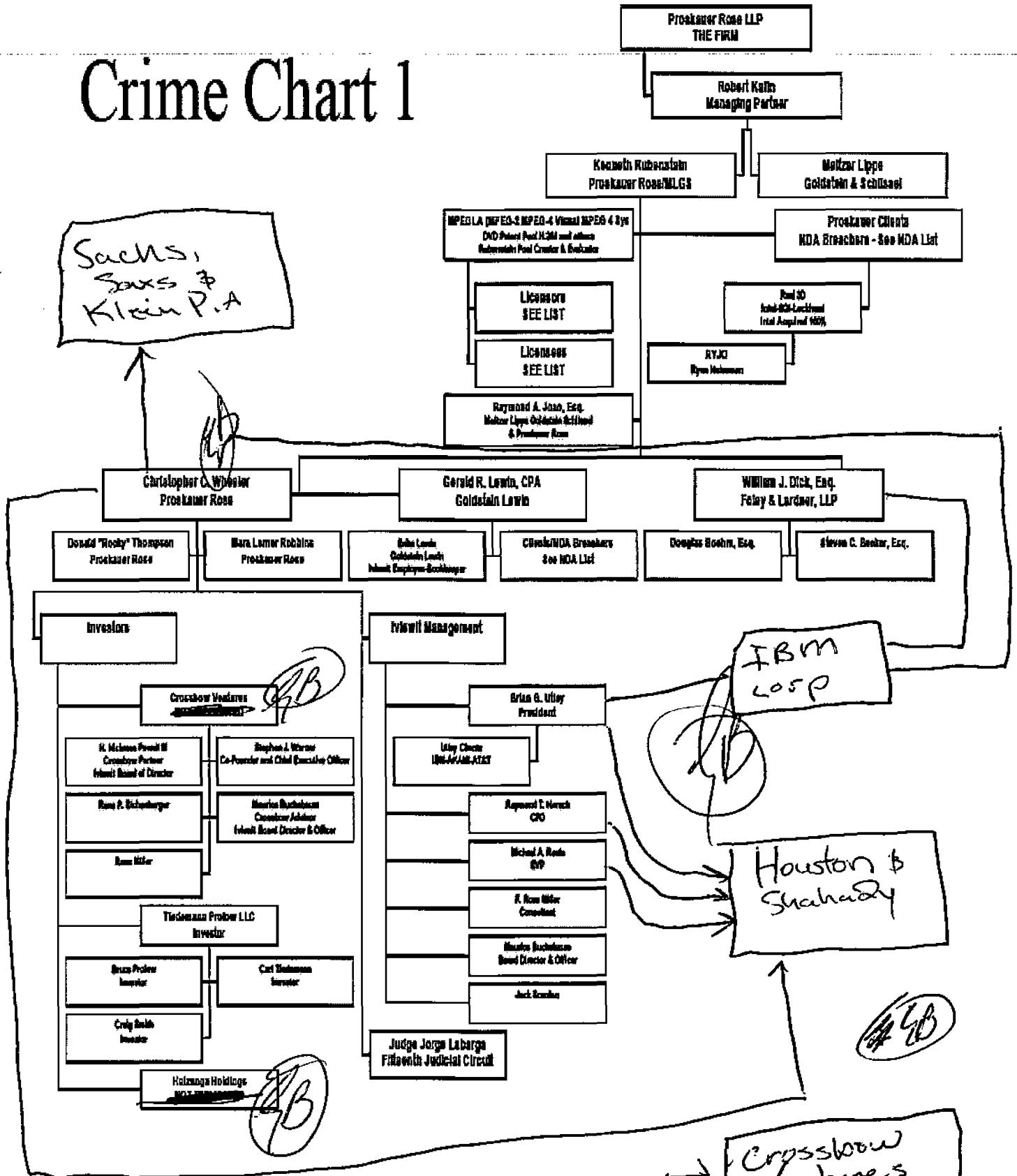
**CRIME ORGANIZATIONAL CHART - MAIN CONSPIRATORIAL ENTERPRISE**

231. Plaintiffs repeat and reallege each and every allegation contained in paragraph "1" through "10" as though fully set forth herein.

232. That the following organizational charts were done in early 2005 and may fail to contain certain defendants described herein but serve to show the initial conspirators and crimes then alleged to have been committed.

A handwritten signature in black ink is written over a circular, textured stamp. The signature is stylized and appears to be the initials 'JW'.

# Crime Chart 1



*[Handwritten signature]*

50  
Friday, May 09, 2008 @ 2:04:17 PM

Many equal = separate conspiracy  
 Crossbow Ventures  
 ↓  
 DiStream

# Crime Chart 2

**PROSKAUER ROSE LLP**  
THE FIRM  
Wheeler, Rubensola, Kohn, Gold,  
Thompson, Triggs, Kruse, Robbins

**KENNETH RUBENSTEIN**  
Proskauer Rose/MILGS  
Patent Pools Counsel  
Inventor Counsel

**MELTZER LIPPE GOLDSTEIN & CHLISSEL**  
Joan, Martinez, L. Weitzer

**MPEGLA (MPEG-2 MPEG-4 Visual MPEG-4 3D)**  
DVD Patent Pool H264 and others  
Rubensola Pool Creator & Evaluator

**PROSKAUER CLIENTS**  
NDA Breachers - See NDA List

**LICENSORS**  
SEE LIST

**REAL 3D (Intel-3DLabs)**  
Ronky (CRD) - Polky (Pat) and Acquired Real 3D (MPL)

**RYIO**  
Hudson and Johnson

**LICENSEES**  
SEE LIST

**Wheeler**  
Proskauer Rose

**GOLDSTEIN LEWIN & CO.**  
Gerald R. Lewin, CPA  
Erika Lawla, CPA

**FOLEY AND LARDNER**  
Dick, Boehm, Becker, Grossman

**BSTZ**  
Zelman, Coester, Alami

**Investors**

**Invent Management**

**Client/NDA Breachers**  
See NDA List

**Crossbow Ventures**  
~~404-338-8700~~  
STEPHEN J. WARNER - CEO

**Tiedemann Prolog LLC**  
Investor  
Prolog & Tiedemann

**Hutzenga Holdings**  
~~404-338-8700~~  
WAYNE HUTZENGA JR.

**WACHOVIA SECURITIES**  
NOT IMPLICATED  
JOHN DEERING

**Erica S. Utley**  
President

**Utley Chern**  
MILAKAM-AT&T

**Raymond T. Herold**  
CFO

**Brian Lewis**  
Bookkeeper

**Michael A. Rook**  
SVP

**Schirrin & Barroway**  
Schirrin, Barroway  
Nario

**Judge Jorge Labarga**  
Fifteenth Judicial Circuit

CB

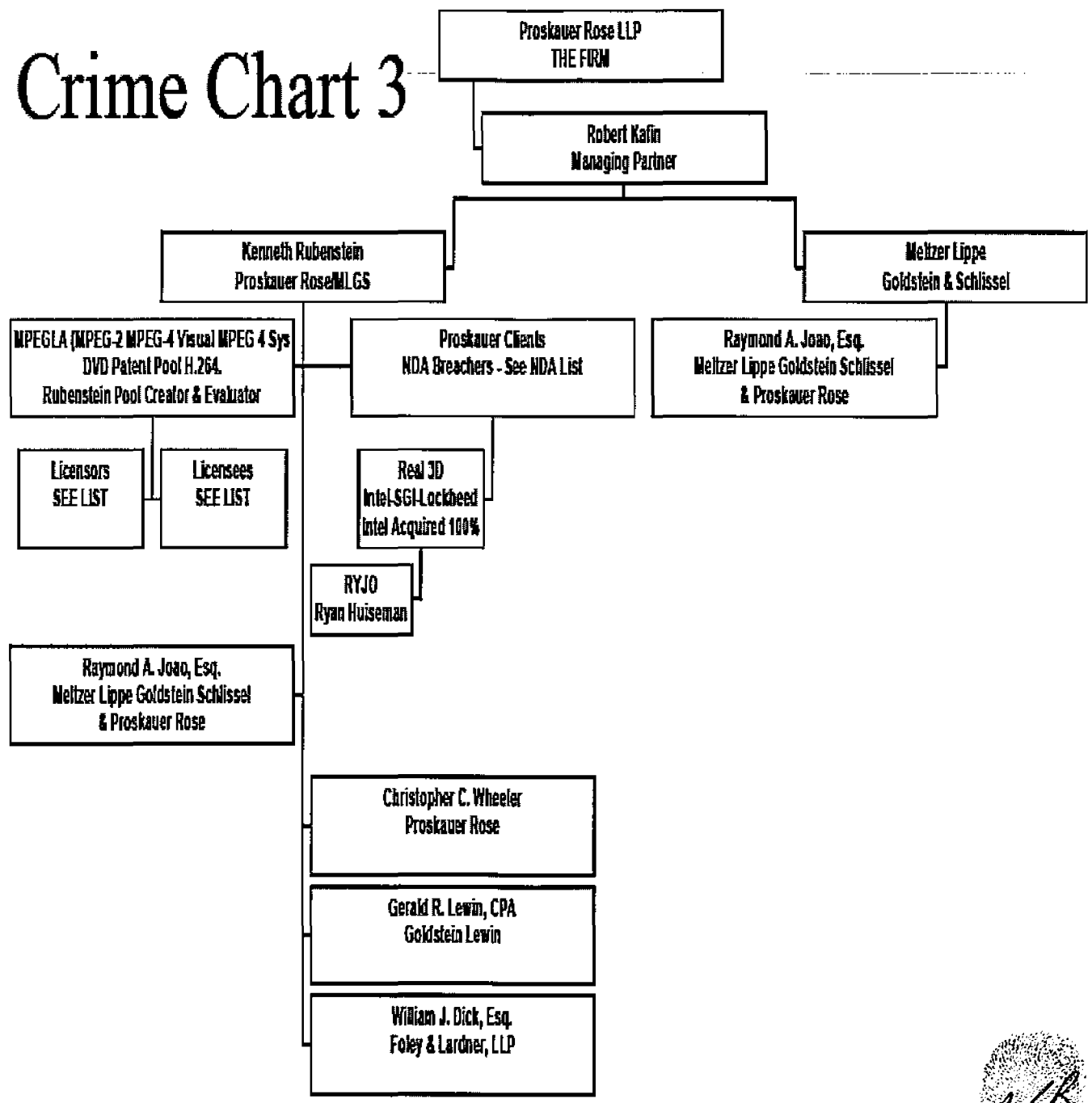
CB

1/3/2005

CB

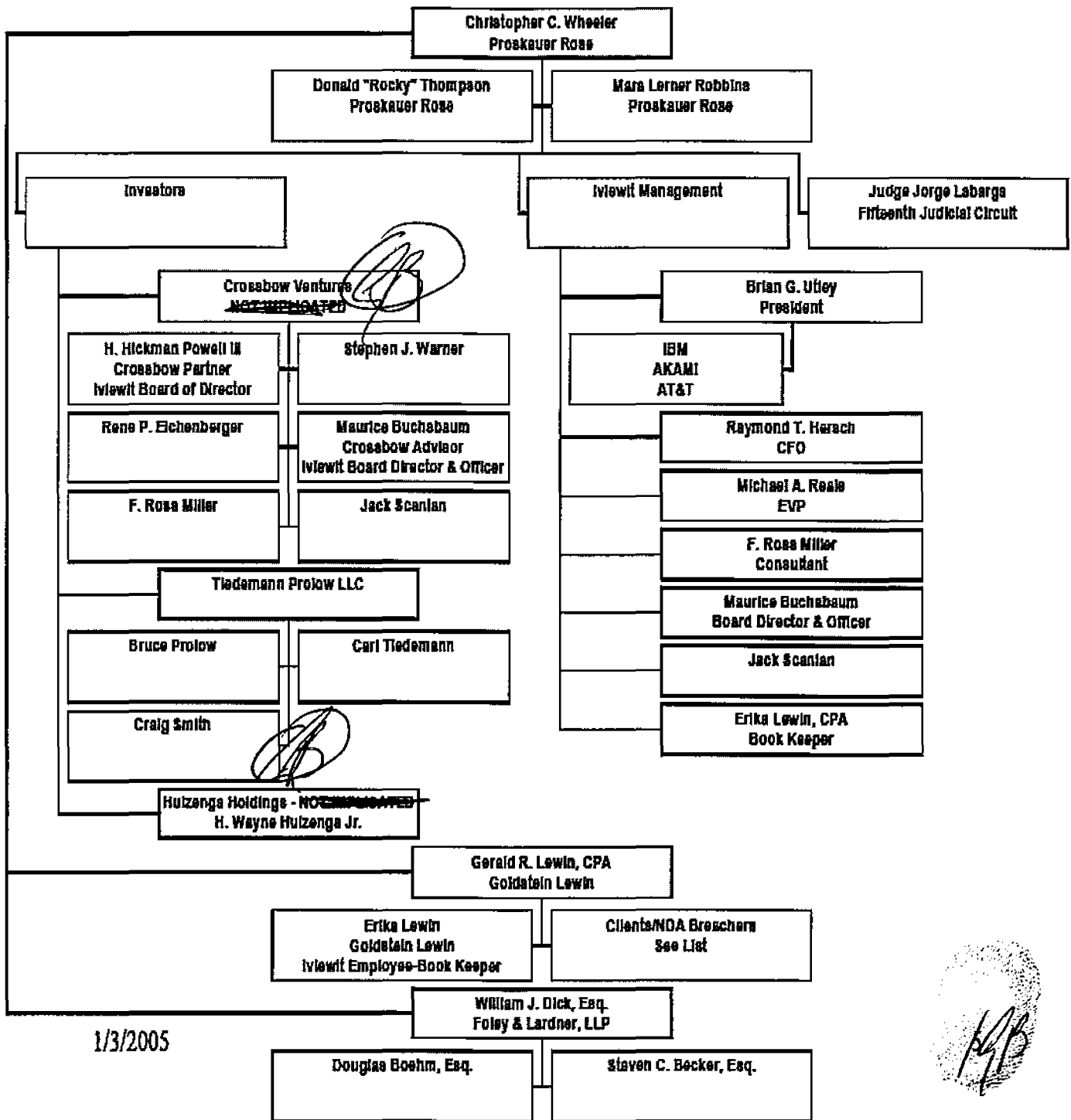


# Crime Chart 3



1/3/2005

# Crime Chart 4

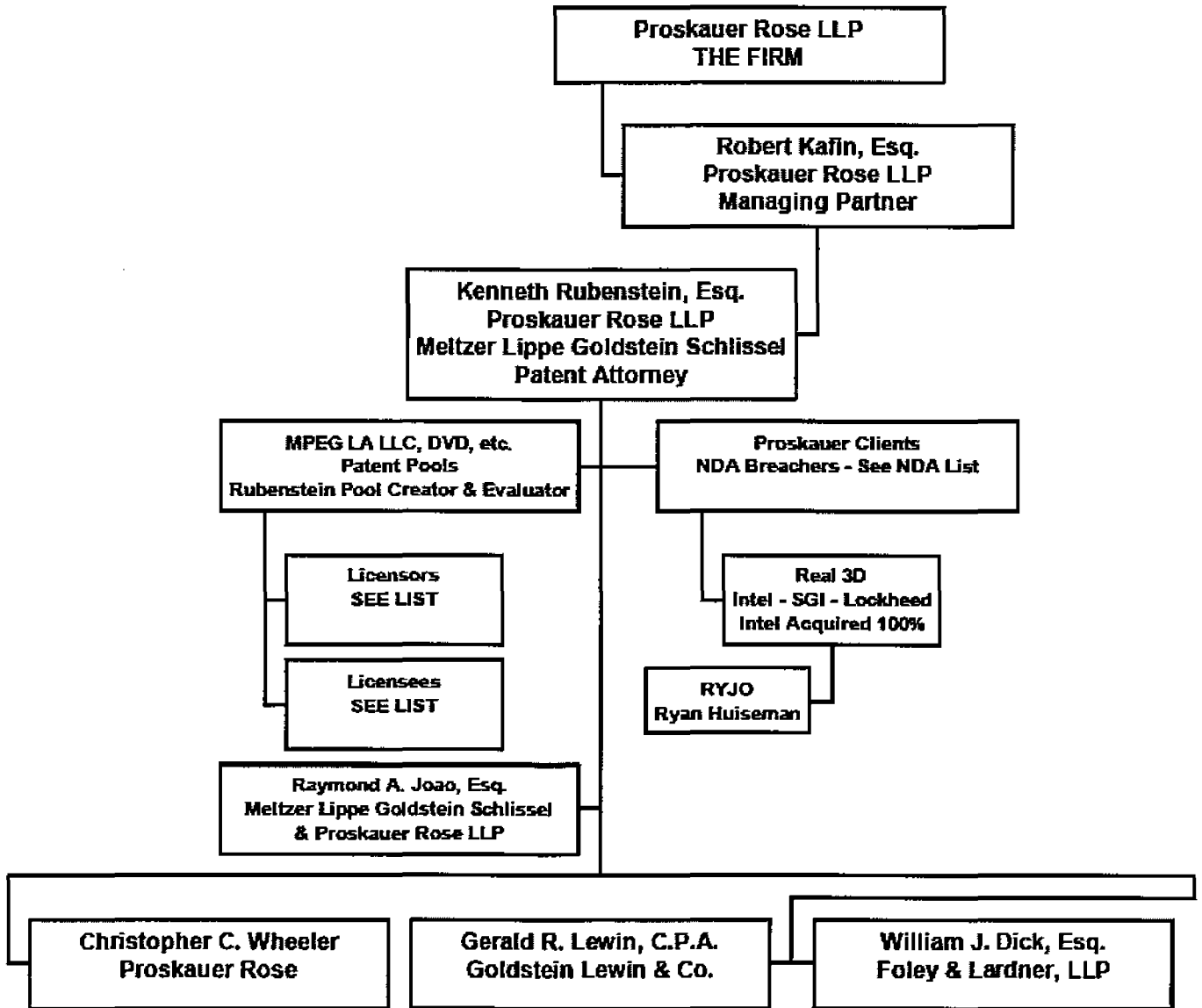


1/3/2005

*[Handwritten initials]*

*[Handwritten signature]*

# Proskauer Rose LLP - Kenneth Rubenstein



## Proskauer Rose LLP - Kenneth Rubenstein

### Alleged Activities

- Patent & Copyright Misappropriations
- Directs Frauds: United States Patent and Trademark ("USPTO"); European Patent Office ("EPO"); Japan Patent Office ("JPO"); U.S. Postal Fraud; Wire Fraud; Wachovia Securities Fraud; Iviewit Shareholder Fraud; Iviewit Investor Fraud (See Shareholder Table), Contributory Antitrust Violations
- Leads RICO Violations
- Tortious Interference with Business Relationships
- Conflicts of Interest
- Perjured Deposition
- False and Misleading Information to Florida State Court and N.Y. Bar Association
- Infringement
- Breach of Fiduciary Responsibility Advisory Board Director Iviewit
- Breach of Attorney Client Privileges

### Pending Actions by Iviewit

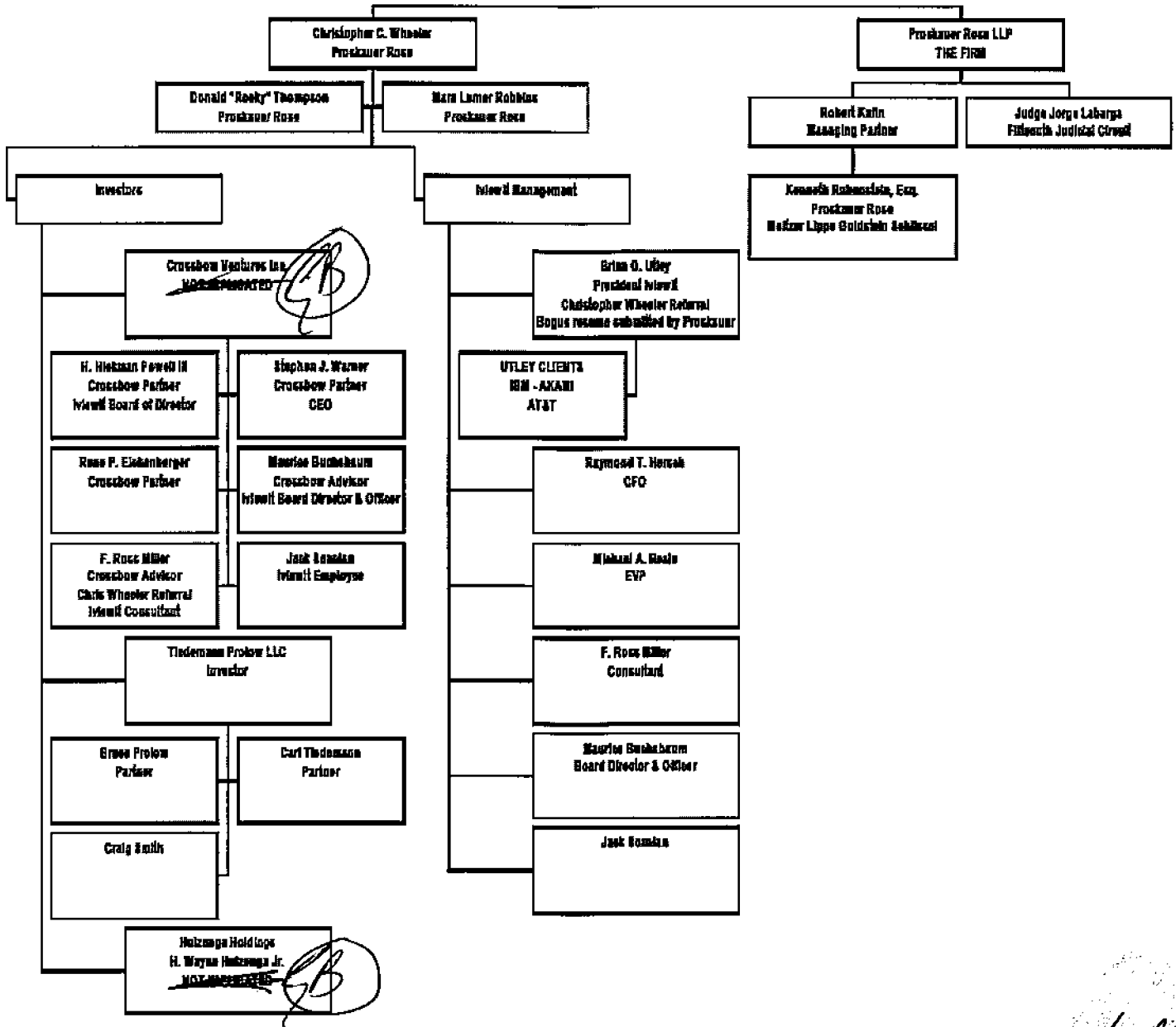
- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- New York Bar Complaint
- New Jersey Bar – soon to filed
- Written Statement to Department of Justice, Antitrust Division
- Written Statement to NY County District Attorney
- Written Statement to NY State Attorney General
- Written Statement to Office of Enrollment & Discipline – USPTO
- Written Statement to EPO and JPO

1-4B





# Christopher C. Wheeler - Proskauer Rose LLP



1/3/2005

vs CB

*[Handwritten signature]*

## Proskauer Rose LLP - Christopher C. Wheeler

### Alleged Activities

- Patent & Copyright Misappropriations
- Contributory Frauds: USPTO; EPO; JPO, U.S. Postal Fraud; Wire Fraud; Wachovia Securities Fraud; Iviewit Shareholder Fraud; (See Shareholder Table)
- Contributory Antitrust Violations
- Facilitates RICO Violations
- Tortious Interference with Business Relationships
- Conflicts of Interest
- Perjured Deposition
- False and Misleading Information to Florida State Court and The Florida Bar Association
- Infringement
- Misappropriation and Conversion of Funds
- Breach of Fiduciary Responsibility Director Advisory Board Iviewit
- Breach of Attorney Client Privileges

1/3/2005

### Pending Actions by Iviewit

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- The Florida Bar Association Complaint
- Written Statement to Department of Justice, Antitrust Division
- Written Statement to Office of Enrollment & Discipline – USPTO
- Written Statement to EPO and JPO

## Goldstein Lewin & Co. - Gerald R. Lewin, C.P.A.

### Alleged Activities

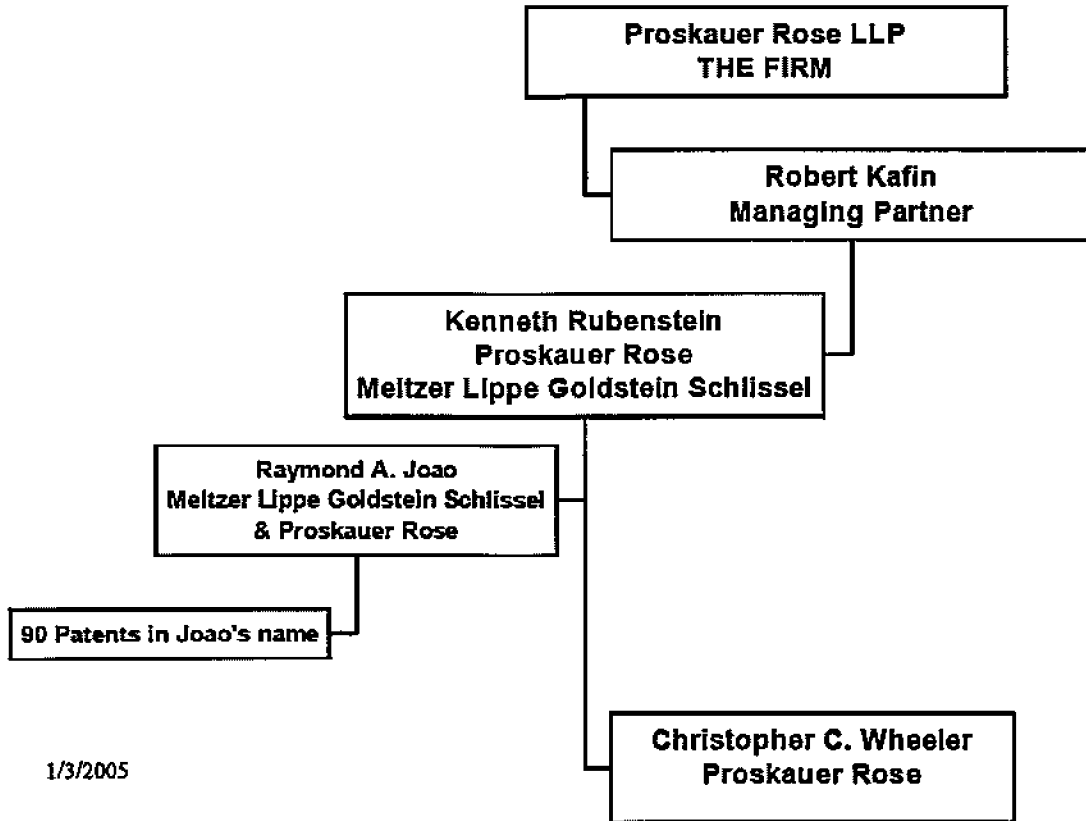
- Patent & Copyright Misappropriations
- Contributory Frauds: USPTO; EPO; JPO; Wachovia Securities Fraud; Iviewit Shareholder Fraud; (See Shareholder Table)
- Contributory Antitrust Violations
- Facilitates RICO Violations
- Tortuous Interference with Business Relationships
- Conflicts of Interest
- Perjured Deposition
- False and Misleading Information to Florida Civil Court
- Misappropriation and Conversion of Funds
- Breach of Fiduciary Duties as Officer and Board Director Iviewit

1/3/2005

### Pending Actions by Iviewit

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- AICPA Complaint
- Written Statement to Department of Justice, Antitrust Division

**Meltzer Lippe Goldstein, Wolfe & Schlissel - Raymond A. Joao**



1/3/2005

**Meltzer Lippe Goldstein, Wolfe & Schlissel LLP**  
**Raymond A. Joao**

**Alleged Activities**

- Patent & Copyright Misappropriations
  - Multiple Infringing Patents as Inventor
  - Invention Theft - Remote Video
- Direct Frauds: USPTO; EPO; JPO; U.S. Postal; and Wire Fraud; Wachovia Securities Fraud; Iviewit Shareholder Fraud; Iviewit Investor Fraud (See Shareholder Table)
- Contributory Antitrust Violations
- Actions Kick-Start RICO Violations
- Tortuous Interference with Business Relationships
- Conflicts of Interest
- Infringement
- False & Misleading Information to New York Bar Association

1/3/2005

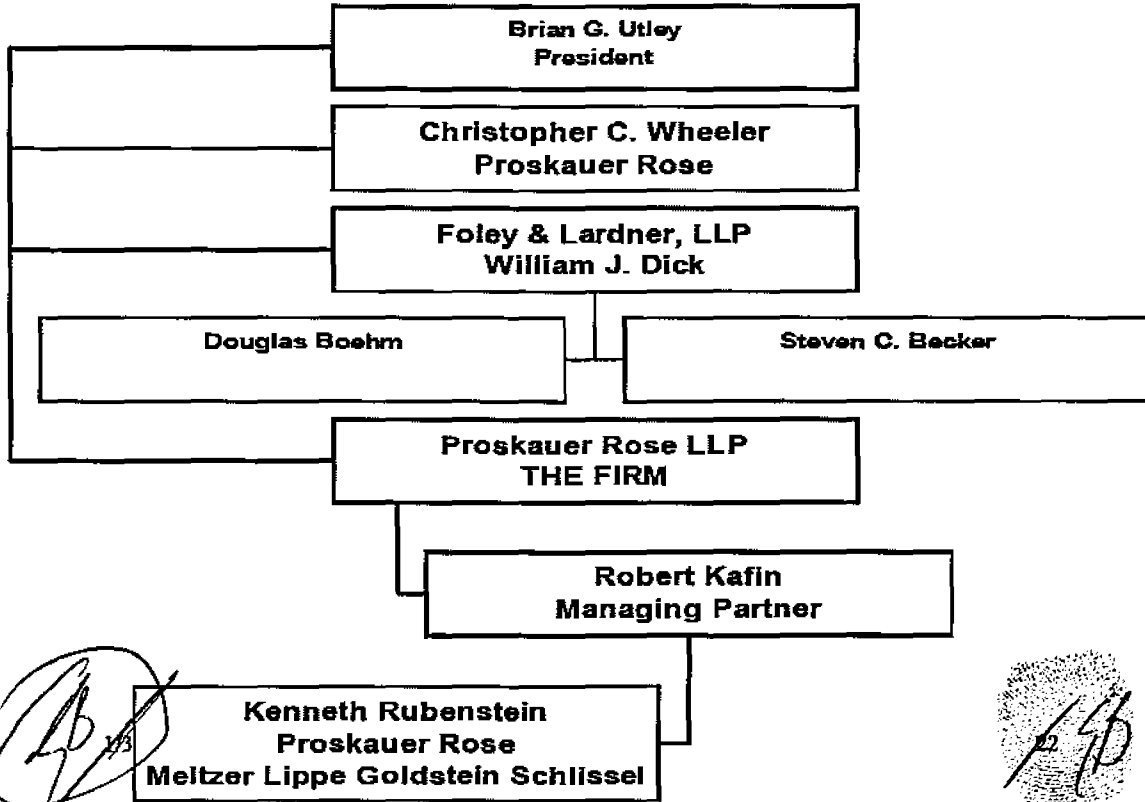
**Pending Actions by Iviewit**

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- New York Bar Complaint
- Connecticut Bar - soon to filed
- Written Statement to Department of Justice, Antitrust Division
- Written Statement to NY County District Attorney
- Written Statement to NY State Attorney General
- Written Statement to Office of Enrollment & Discipline - USPTO
- Written Statement to EPO and JPO

*AGB*



# Foley and Lardner, LLP



## Foley and Lardner, LLP - William J. Dick

### Alleged Activities

- Patent & Copyright Misappropriations
- Direct Frauds: USPTO; EPO; IPO; U.S. Postal, Wire Fraud; Wachovia Securities Fraud; Iviewit Shareholder Fraud; Iviewit Investor Fraud (See Shareholder Table)
- Contributory Antitrust Violations
- Continues/Redirects RICO Violations
- Breach of Fiduciary Responsibility  
Advisory Board Director

1/3/2005

### Pending Actions by Iviewit

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- Virginia Bar Complaint
- Written Statement to Department of Justice, Antitrust Division
- Written Statement to Office of Enrollment & Discipline - USPTO
- Written Statement to EPO and IPO

**Foley and Lardner, LLP - Steven C. Becker**

**Alleged Activities**

- Patent Misappropriations
- Direct Frauds: USPTO; EPO; JPO; U.S. Postal, Wire Fraud
- Contributory Antitrust Violations
- Continues/Redirects RICO Violations

1/3/2005

**Pending Actions by Iviewit**

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- Wisconsin Bar Complaint ~ Soon to file
- Written Statement to Department of Justice, Antitrust Division
- Written Statement to Office of Enrollment & Discipline - USPTO
- Written Statement to EPO and JPO





## Foley and Lardner, LLP - Douglas Boehm

### Alleged Activities

- Patent Misappropriations
- Direct Frauds: USPTO; EPO; JPO; U.S. Postal, Wire Fraud
- Contributory Antitrust Violations
- Continues/Redirects RICO Violations

1/3/2005

### Pending Actions by Iviewit

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview
- Illinois Bar Complaint – Soon to file
- Written Statement to Department of Justice, Antitrust Division
- Written Statement to Office of Enrollment & Discipline – USPTO
- Written Statement to EPO and JPO



## Tiedemann Prolow, LLC and Affiliates

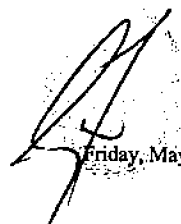
### Alleged Activities

- Patent Misappropriations
- Continues/Redirects RICO Violations
- Direct Frauds: U.S. Postal and Wire Fraud
- Misappropriation and Conversion of Funds
- Breach of Fiduciary Duties as Board Director Iviewit

1/3/2005

### Pending Actions by Iviewit

- FBI Written Statement/Interview
- Boca Police Written Statement/Interview



## Iviewit - Brian G. Utley, Former President & COO

### Alleged Crimes

- Patent Theft
  - Patents in sole name - no assignment
- Fraud United States Patent & Trademark Office - European Patent Office & Japan Patent Office
- Anti-Trust
- RICO - Conspiracy
- Torturous Interference with Business Contracts
- Conflicts of Interest
- Investor Fraud
- Perjured Deposition
- False & Misleading Information to Civil Court
- Theft of Proprietary Equipment
- Theft of @\$655,000
- Mail & Wire Fraud
- Falsified Resume
- Sexual Misconduct - Minor  
1/3/2005

### Current Actions

- FBI Investigation
- Boca Police Investigation
- Anti-Trust Filing
- NY State Attorney General
- Office of Enrollment & Discipline - US Patent & Trademark Office
- Office of Enrollment & Discipline - Europe & Japan



**CRIME ORGANIZATIONAL CHART - COVER UPS FOR THE MAIN  
CONSPIRATORIAL ENTERPRISE**



# Crime Chart 5 - Cover Up Participants

Supreme Court of New York  
Second Department  
and Second Department  
Disciplinary

Chief Justice of New York  
Judith Kaye

STEVEN C. KRANE  
ATTORNEY FOR  
RUBENSTEIN BAR COMPLAINT  
CONFLICT & IMPROPRIETY

PROSKAUER

Eliot Spitzer  
Law Firm  
= Proskauer

MATTHEW TRIGGS  
ATTORNEY FOR WHEELER  
FLORIDA BAR COMPLAINT  
CONFLICT & IMPROPRIETY

SUPREME COURT OF NY  
APPELLATE DIVISION  
FIRST DEPT &  
First Department  
Disciplinary

MLGS  
PATENT THEFT  
referred by  
Proskauer

FOLEY AND LARDNER  
PATENT THEFT  
referred by  
Proskauer  
Utley

SUPREME COURT OF FL &  
THE FLORIDA BAR  
Triggs conflicted Former  
Grievance Committee Member

Fifteenth Judicial Circuit  
Judge Jorge Labarga  
Proskauer v. Iviwii  
Conflicts with Public Office

THOMAS CAHILL  
CHIEF COUNSEL  
JOSEPH WIGLEY

BLAKELY SOKOLOFF  
TAYLOR & ZAFMAN  
PATENT COVER-UP  
FOLEY, MLGS AND PROSKAUER

LORRAINE HOFFMAN  
ERIC TURNER  
KENNETH MARVIN  
ANTHONY BOGGS

SCHIFFRIN & BARROWAY

Virginia State Bar

YAMAKAWA PATENT  
JAPANESE PATENTS  
PATENT COVER UP

KELLY JOHNSON  
PRESIDENT FLABAR  
CONFLICT WITH  
WHEELER BROTHER

~~MICHAEL WHEELER~~

Office of  
Attorney General N.Y.

WILDMAN  
EUROPEAN PATENTS  
PATENT COVER UP

JAMES WHEELER  
PARTNER  
BROAD & CASSEL  
OVERSIGHT OF JOHNSON

~~RYAN BECK~~  
~~MARVIN WHEELER~~

1/3/2005

Christopher  
Weisberg Pa



## **PREFACE**

233. That on information and belief, IP attorneys and others defined herein have violated state, federal, international laws and gross violations of attorney ethics with the intent of and successfully stealing the client technologies learned under attorney/client confidential and privileged information.

234. That on information and belief, IP attorneys and others alleged herein then created IP pooling schemes and other IP schemes defined herein to monopolize on the inventions of their client and act to create a barrier to entry for the true inventors by tying and bundling the inventions into elaborate licensing schemes and other products with other culpable parties.

235. That on information and belief, this is not the first time certain defendants have conspired to deprive others of their IP.

236. Once the Iviewit Companies discovered the IP crimes, the Iviewit Companies were no longer able to raise capital as the fate of the IP is too uncertain from that time to present due to the actions of the IP lawyers and others named herein who aided and abetted the defendant lawyers. Consequently, the Iviewit Companies lost the ability to conduct business entirely.

237. To protect their illegally gotten gains the defendants embarked on a conspiracy that unfolded to block due process once complaints were filed by the Iviewit Companies and Plaintiffs against the defendants when the crimes were discovered. How the blocking was effectuated and how public offices were violated, claims further supported in the related *Anderson, et al. v. the State of New York, et al*, (U.S. District Court, S.D.N.Y.) (October 26, 2007) hereinafter ("*Anderson*"). This criminal organization infiltrated the legal system to protect the defendants who are members of the legal community and some of the largest law firms in the world with enormous political clout.

238. That on information and belief, this blocking conspiracy, the "cover up" conspiracy, entails not only crimes against the Plaintiffs but directly against various agencies of the United States and foreign nations.

239. These defendants benefited themselves by using Plaintiffs' royalties against them to fund a massive criminal enterprise which has infiltrated government

agencies to cover up these crimes and tortuous intentional and contractual violations of Plaintiffs' rights.

240. On or about 1997, Iviewit Companies founder, Plaintiff Bernstein and other inventors created inventions pertaining to what industry experts have heretofore described as profound shifts from traditional techniques in video and imaging until then overlooked in the annals of digital video and imaging technologies.

241. These technologies described herein have played a pivotal part in changing the Internet from a text based medium to a medium filled with magnificent images and video, thought prior to be impossible on the limited bandwidth of the Internet.

242. The video technology opened new markets therefore in both low bandwidth video as is found on cell phones and the Internet to the other end of the spectrum to high end video such as HDDVD, etc. changing even the way television was created, transmitted and viewed, a change from to the new Iviewit scaling processes, allowing cable companies to increase channel throughput by 75%+! The imaging inventions are used on almost every digital camera and present screen display device and other devices that utilize the feature of "digital zoom." The imaging technology provided a way to zoom almost infinitely on a low resolution file with clarity, solving for pixilation that was inherent in the prior technology.

243. That on information and belief, if the inventions become the subject of a court ordered injunction, while investigations into these matters are ongoing, imagine it could preclude the use of the technologies while the Court resolves these matters, similar to the recent case almost brought in the RIM/Blackberry matter. Although dwarfed in comparison, that injunction would have shut Blackberry down to users had the parties not settled the matters, by way of tremendous pressure from that court, the court system being on of the biggest users of that technology and the Iviewit Companies technologies likewise.

244. That Plaintiffs state on information and belief, the markets for the inventions are highly concentrated and the illegal activities of the defendants have substantially increased concentration. So much so, to remove the product from the market would have catastrophic effects on markets dependent on the Inventions. A short description of the saturation caused by defendants is necessary to understand how



absorbed into the marketplace inventors' inventions have been proliferated. The following applications would have to pay proper royalties to the proper inventors or cease and desist using such applications for the following:

**A. Digital Zoom** - Applications such as digital cameras, DVD's, televisions and other screen zoom technologies would be limited to low resolution zoom, making certain applications such as digital zoom on a digital camera severely limited. The impact on the digital camera market or forced recall of such cameras would be historically significant.

**B. Scaled Video** - Applications such as video over low bandwidth communications networks such as the Internet and video cell phones would cease to exist. Applications such as HDDVD and other high bandwidth communications would take a serious loss in quality or not be achievable at all.

**C. Cable companies** would have to remove such technologies and this would decrease the amount of content that could be throughput by a remarkable 75+% and would decrease programming channels and features respectively.

**D. Video Players** - Windows Media, Real Player, Quicktime and other companies would be forced to remove such technologies from their products, rendering these product markets crippled.

**E. Websites** - All websites using video created by inventors' inventions would have to cease and desist display of such video and return to small postage stamp sized video at low frame rates and disharmonious, rendering it almost useless. This was compression technology such as MPEG technology before the inventors' inventions resolved these previously termed "Holy Grail" hurdles.

**F. Hosting and Serving Companies** - Would suffer from loss of video streaming revenues, currently the largest revenue driver for these companies.

**G. Telecommunications** - Video cell phones would cease to exist at low bandwidth. Digital zoom and pan images would be severely limited in resolution.

**H. Chips** - Almost all chips today use the inventors' mathematical scaling formulas and recall would be devastating to these markets.





**CERTAIN DEFENDANTS FOUND TO HAVE CONSPIRED TO STEAL IP PRIOR TO ATTEMPTING SAME ON PLAINTIFFS, BEGINNING POSSIBLY AT THE IBM CORP.**

245. That on information and belief, several of the key defendants in the present criminal cluster have a prior history together of attempted IP theft establishing that the criminal organization described herein appears to have a history of priors. Based on statements made by Monte Friedkin of Florida ("Friedkin"), to Plaintiffs former counsel, Caroline Prochotska Rogers, Esquire ("Rogers"), Friedkin reveals a similar attempted theft of IP and fraud committed upon him by several of the same original Iviewit Companies conspirators described herein. The attempted theft against Friedkin was attempted immediately prior to certain of the defendants learning of the Iviewit Companies inventions and being retained and hired by the Iviewit Companies and Plaintiff Bernstein. An attempt to remove valuable hydro mechanical IP from Friedkin's company, Diamond Turf Equipment, Inc. ("DTE") through similar false oaths to the USPTO for IP applications, again constituting fraud not only upon Friedkin but the federal offense of filing false patent oaths, committed by those entrusted and hired by Friedkin to protect his properties!

246. That on information and belief, the Friedkin illustration demonstrates that key members of the original conspiratorial ring against the Iviewit Companies, consisting of Wheeler<sup>6</sup> of Proskauer<sup>7</sup>, Dick of Foley, and Utley former President of the Iviewit

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<sup>6</sup> Arrested in Del Ray Beach, Florida for Driving Under the Influence with Injury, Case No. FLO 500 400, a felony DUI requiring a warrant for his arrest. Quoting from the Police Report "Additionally, the defendants wife, Deanna Wheeler, was following her husband and told me that her husband had taken off from the red light at 1000 South Congress Ave. at a high rate of speed for unknown reasons and had been drinking. Moments later, he struck the vehicle ahead of him. She then told me that her husband shouldn't have been driving and expressed concerns for the victim still trapped in his car."

<sup>7</sup> It will become important for this Court to note here that, on information and belief, Congressional records show that Joseph Proskauer, a founding partner of Proskauer and Supreme Court Justice at the First Department was involved as a stooge for JP Morgan, in the 1934 coup to overthrow FDR and have the United States join forces with Nazi Germany. The coup, know as the "Business Plot" was exposed and foiled by Smedley Darlington Butler, one of the most decorated war veterans of all time, a hero to this great nation whom the treasonous group tried to recruit to turn the US military against the People and suppress any rebellion that might follow with military force. Congressional hearings were held into the matters and much of the plot was confirmed as stated in Wikipedia "In 1934, Butler came forward and reported to the U.S. Congress that a group of wealthy pro-Fascist industrialists had been plotting to overthrow the government of President Franklin D. Roosevelt in a military coup. Even though the congressional investigating committee corroborated most of the specifics of his testimony, no further action was taken." The coup was thwarted, brought into the light by the McCormack-Dickstein House Committee, but the treasonous traitors' evaded prosecution. That the actual conspiratorial ring may begin here and has been operating through secret cults, including but not limited to, Yale's Skull and Bones, to plant members in

Companies, who was placed by Proskauer with a materially false resume, was **not** formed solely to deprive Plaintiffs of royalties deriving from its technologies, but was an ongoing criminal enterprise, perhaps hailing back to a criminal cartel that started at the IBM Corporation<sup>8</sup> ("IBM").

247. That on information and belief, involving IBM? That upon information and belief, this same cast of characters worked together at IBM where Dick was IBM's far eastern IP counsel in Boca Raton, FL ("Boca"), Utley was GM of IBM Boca, Wheeler handled real-estate transactions through Proskauer for IBM Boca and upon information and belief, J. Kaye was also an IBM employee in the legal affairs department, the time and place of where and when, and whether she had known Dick or Utley fails to appear in biographical information of J. Kaye whom provides a variety of resume backgrounds some listing IBM and others not.

248. That on information and belief, the Friedkin affair was wholly concealed as these conspirators were brought into Iviewit Companies to aid the inventors and shareholders of the Iviewit Companies secure their IP. The real purpose was nefarious; in that it was to steal the IP from the Iviewit Companies and Plaintiffs. Wheeler never made mention of his involvement with Utley in the setting up of the company where the IP of Friedkin was attempted to be absconded with, until his deposition in a civil billing case. Upon referring Utley to the Iviewit Companies, the Friedkin information was in fact falsified by Wheeler and Utley in submitting a fraudulent resume to shareholders that with scieneter covers up, and in fact lies about the incidence at Friedkin's.

249. That on information and belief, DTE was immediately closed as Utley was fired with cause for his attempted theft, costing a several million dollar loss to Friedkin.

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prominent government posts to again plan a takeover of the United States government. It should also be noted that, on information and belief and directly from their client list on their website, Proskauer represents both Yale and Yale Law School. Joseph Meyer Proskauer was involved in the coup through the American Liberty League of which he was Advisory Council and on its Executive Committee, he was also an executive of the American Jewish Committee which, during the 1930s, opposed efforts by the American Jewish Congress to promote a widespread public boycott of German products. A Jew who aids and abets Nazi efforts is termed "Judenrâte" <http://en.wikipedia.org/wiki/Judenrat>, a term applied to the Jews who welcomed concentration camp victims to the showers and ovens, promising in Hebrew warm water and cookies, in exchange for Nazi favors, at the expense of the soul.

<sup>8</sup> IBM has recently been linked to Nazi atrocities in Edwin Black's book "IBM and the Holocaust: The Strategic Alliance Between Nazi Germany and America's Most Powerful Corporation". Per the IBM website "In 2007, IBM received 3,125 U.S. patents from the USPTO. This is the fifteenth consecutive year that IBM has received more US patents than any other company in the world." Also [http://en.wikipedia.org/wiki/History\\_of\\_IBM#IBM.27s\\_role\\_in\\_WWII\\_and\\_the\\_Holocaust](http://en.wikipedia.org/wiki/History_of_IBM#IBM.27s_role_in_WWII_and_the_Holocaust)

250. Wheeler and Utley referring to Iviewit Companies their good friend Dick from IBM, who at the time was with Foley, again their dirty little secret was not disclosed to the Iviewit Companies shareholders, board or management. Dick's involvement in filing the IP of DTE for Utley to his home, outside of DTE, into the Utley company formed by Wheeler, all again was not disclosed with intent to conceal this information which would have caused Iviewit Companies to not hire or retain any of them.

251. That on information and belief, this establishes that this ring has worked together in the past and exhibits a conspiratorial pattern showing intent to swindle the Iviewit Companies and Plaintiffs of their IP rights right from the start, almost identical to the crime effectuated against DTE. The prior crime at DTE and Wheeler, Utley and Dick's part in that crime were confirmed in statements made by Utley and Wheeler under sworn depositions and Dick in a sworn response to the Virginia Bar complaint filed against him.

***PROSKAUER & MLG THE FIRST ON THE SCENE OF THE INVENTIONS***

252. On or about 1998 through 2001, Plaintiff Bernstein and Iviewit Companies retained Proskauer to review and procure IP for a number of inventions pertaining to digital video and imaging.

253. That on information and belief, the Plaintiffs and the Iviewit Companies since have fallen into trouble from a host of local, state, federal and international criminal activities, all emanating from the theft of the IP by Proskauer and its agents, including but not limited to, the estate of Stephen Kaye, Jaffe, Kafin, Rubenstein, Wheeler, Gortz, Pruzaski, Thompson, Coleman, George, Pincus, Reed, Gold, Saperstein, Healy, Kapp, Storette, Wolf, Zammis, Baumgarten, Cooper, O'Rourke, Weinstein, Hart, Grossman, Capraro, Shalek, Mashberg, Smith and other unknown Proskauer partners, who were to procure for Iviewit Companies the IP and set up companies and who instead committed numerous crimes to steal such. All roads to the criminal conspiracy, no matter how tangled they get emanate from Proskauer as the initial source of the conspiracy.

254. On or about 1998, Plaintiff Bernstein, through his personal accountant, G. Lewin was referred to Proskauer attorney Gortz, Lewin's good friend, who then brought in his partner Wheeler. Gortz an estate planner and Wheeler a real estate attorney. Wheeler then stated he would check with his main New York office to see if they had IP



counsel and came back several weeks later misrepresenting as partners of Proskauer, Rubenstein and Joao, claiming they were on board to protect and secure the technologies discovered by Plaintiff Bernstein, Zakirul Shirajee, Jude Rosario, Jeffrey Friedstein, James F. Armstrong and others.

255. After review and opinion by Rubenstein, Proskauer took on the role of securing IP and bringing other firms to aid in that process, including but not limited to, patent, trademark, trade-secret and copyright work for the inventors with the intent of forming a company to include various shareholders and investors, including Proskauer to conduct business.

256. Rubenstein was acting as both lead retained IP counsel and later sat on the Board of Directors whereby he was also reviewing the technologies to determine if Proskauer would be a shareholder of 2.5% in Iviewit, Inc., the original company.

257. That on information and belief, Wheeler stated Proskauer had never taken equity before and claimed that only after Rubenstein's opinion could they have a partners meeting to vote if they could take an equity interest in the original company. Proskauer after receiving favorable opinion from Rubenstein then purchased the founding shares in the company they then formed.

258. That upon information and belief, Rubenstein was hired by Proskauer after Wheeler had taken certain of the inventions to him and after Rubenstein and Joao had disclosures with inventors of certain of the inventions, acting as Proskauer partners at that time. Both Rubenstein and Joao were actually at another firm at the time and were misrepresented to give the impression that Proskauer had a long standing IP department in New York which just happened to have what Wheeler deemed the guru of digital imaging and IP law, Rubenstein.

259. That upon information and belief, Rubenstein was and remains gatekeeper and counsel to MPEGLA LLC, one of, if not the largest user of the inventions. It was later learned that neither Rubenstein nor Joao were actually with Proskauer at the time they were initially represented as partners of the firm, after claims to seed investors by Wheeler that Rubenstein was with Proskauer which induced many of the seed investors to invest. Wheeler had misrepresented Rubenstein and Joao who were factually found at the time to be with MLG instead.



260. That on information and belief, after confronting Wheeler with the information discovered by certain investors that Rubenstein was with another firm, Wheeler then claimed that Proskauer was in the midst of acquiring the MLG IP department, including Joao and Rubenstein.

**MPEGLA, LLC.**

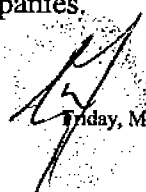
261. With the acquisition of Rubenstein, Proskauer then obtained as client the control of MPEGLA as Rubenstein was senior counsel for MPEGLA. Overnight, after transferring for MLG, Rubenstein was made the lead partner of the newly formed Proskauer IP department. Joao on the other hand was left at MLG despite claims he was transferring to Proskauer when he finished closing up the work for Rubenstein and himself at MLG. This action then forced Iviewit Companies to retain now Proskauer and additionally MLG, including but not limited to, Joao, Meltzer and Martinez. Proskauer told Iviewit Companies that Proskauer through partner Rubenstein would be in control of the IP with Joao assisting him at MLG until Joao could transfer to Proskauer.

262. That on information and belief, MPEGLA LLC now has bundled the Iviewit Companies technologies to their pool license in combination with an endless number of hardware, software, DVD, multimedia and chip technologies and Iviewit Companies has not received a dollar of royalty from the companies using them and where Proskauer inures direct benefit from these IP pools.

263. That on information and belief, Proskauer acting as retained lead IP counsel then brought into the Iviewit Companies, IP counsel all under the direction of Rubenstein in New York including patent counsel, trademark counsel, copyright counsel, trade-secret counsel to begin handling IP matters for the companies.

264. That on information and belief, Wheeler brought in and headed Proskauer's corporate counsel, immigration counsel, real-state counsel, securities counsel and other counsel for Iviewit Companies, all to further protect the inventions and form and fund the corporate vehicle to operate under.

265. That on information and belief, MPEGLA LLC stands as one of the main business store fronts for the criminal enterprise to convert the technologies through a monopolistic and anticompetitive IP pool controlled by the accused lawyers to monetize stolen IP from Iviewit Companies.



266. That on information and belief, the pools chief counsel and one of the originators, is Rubenstein, who is currently under investigation by the United States Patent & Trademark for fraud upon the USPTO and under state, federal and international investigation for his part in the alleged theft of intellectual properties and other crimes.

267. That on information and belief, Proskauer, a former real estate firm since the 1800's, developed a sudden appetite for IP work and so formed an IP department immediately after meeting the inventors and learning of their inventions.

268. That on information and belief, Proskauer then instead of filing timely and correct IP for the inventors, rushed about and acquired Rubenstein for control of MPEGLA, as part of a complex scheme to steal the IP from their retained client and convert them and control the market for the technologies.

269. That on information and belief, Rubenstein, acting as Iviewit Companies IP counsel, learned of the technology from the Inventors and then applied it to a bundled MPEG license for MPEGLA, the pool he formed. Not only did Rubenstein bundle and tie the product to products in the pool, Proskauer attempted to steal the IP with others involved for possible later inclusion into the pool to share royalties.

270. That on information and belief, Rubenstein brought in IP counsel MLG Joao who, after meeting the inventors, made application in his own name for ninety patents according to his own account.

271. The Proskauer IP department headed by Rubenstein was responsible for all of the following with Iviewit Companies;

- A. the oversight of the IP filings by his former partner Joao, his former firm MLG and its agents, including but not limited to, Meltzer and Martinez, and, Foley, including but not limited to its agents, Boehm, Becker, Dick, Norbitz, Sekel, Boer, Grossman and Clark.
- B. for the filing of numerous trademarks, copyright protections, trade-secrets and patent assignments,
- C. securing of investment from investors based on Proskauer IP opinions, directly opining on the technologies for investors, law firms and investment banks
- D. issuing IP opinion letters through partners such as Wheeler to investors,



- E. acting as an Iviewit Companies Board of Director and an Iviewit Companies stockholder,
- F. securing non-competes and non-disclosure agreements,
- G. structuring licensing deals with companies,
- H. setting up corporate formations to monetize the royalties, and,
- I. getting the IP into the pools for monetization to the investors.

272. That on information and belief, in a complex corporate and IP shell scheme, described further herein, Proskauer setup unauthorized companies created to steal the core inventions.

273. That on information and belief, Proskauer setup the illegitimate companies using companies formed to be identical or closely resembling the Iviewit Companies in various jurisdictions.

274. That on information and belief, with two sets of companies, Proskauer filed erroneous IP for the legitimate companies and the true inventions to the illegal companies, achieved through false oaths and applications for IP to the USPTO in other inventors' names.

275. By way of example, the inventors Plaintiff Bernstein, Rosario, Shirajee and Friedstein signed the IP applications, they were switched with meaningless and incorrect patents filled with math errors, incorrect inventors, missing the key aspects of the inventions, wrong assignees and owners and certain to fail at the USPTO for any or all of these reasons, some inventions replaced with bogus applications thus losing possible rights to the original invention.

***INTEL CORP., REAL 3D, INC., LOCKHEED MARTIN, SILICON GRAPHICS AND RYJO***

276. That on information and belief, Proskauer brought in officers to run the company and investment partners including the first large seed capital partner Wayne Huizenga and Wayne Huizenga Jr. all in an attempt to derail Iviewit Companies and perfect the IP thefts.

277. That on information and belief, Proskauer brought in top technology teams to evaluate and opine on the efficacies and efficiencies of the technologies, including Real (a consortium at the time composed of Intel, Silicon Graphics Inc. and Lockheed



Martin, later wholly acquired by Intel) and their clients under NDA's, licensing contracts and other agreements.

278. That Real was used to evaluate the technologies and formed a strategic alliance under NDA and then when later acquired by Intel, began to proliferate the technologies illegally in various combinations of other hardware and software applications of their products, thereby circumventing Iviewit Companies and its contractual agreements. Similar to MPEGLA, it is believed that Intel sought to monopolize the inventions through tying and bundling it into various products to maintain a competitive advantage to the disadvantage of the Iviewit Companies.

279. That on information and belief, Real and its agents, including but not limited to, Horn, Stanley, Bolton, Connolly, Bibona and Intel's agent Palley, all acted in conspiratorial activities to further the crimes of IP theft and contract violations alleged herein.

280. That on information and belief, Proskauer then attended almost every meeting of the Iviewit Companies, selling the technologies in sales meetings, opining to investors on the "novel" legal aspects of the technologies and was all the while supposedly acting to get the IP filed and approved with the stated intent to the Iviewit Companies shareholders that they were to get the IP placed into the MPEGLA IP pools and bundled into various products of Real and the other owners of Real.

281. That on information and belief, Proskauer's newly created IP division then formed newly created IP pools, to further proliferate the stolen technologies through bundling and tying the inventions to other products in the pool through complex licensing arrangements, eluding payment of royalties to the Iviewit Companies.

282. The IP crimes have led to the Commissioner of the USPTO suspending the IP of Iviewit Companies, while charges of fraud upon the USPTO are under investigation.

283. That on information and belief, attorneys under investigation by the USPTO and the USPTO OED are the former IP attorneys for the Iviewit Companies named herein. Charges filed of fraud on the USPTO by inventors and investor Crossbow, were directed by Moatz after discovering evidence of fraud by the attorneys, including IP

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dockets with materially false and misleading information procured by the various law firms retained for the IP work.

284. These same fraudulent IP dockets were tendered to the federally backed SBA, securities firms (including Goldman Sachs, Gruntal & Co., Wachovia Securities and all the Iviewit Companies shareholders) to secure the millions of investment by the Iviewit Companies.

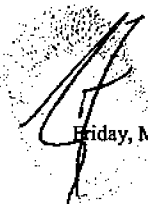
285. That on information and belief, these fraudulent IP documents used to secure investment capital set off another wave of crimes committed violating hosts of securities laws and crimes against the federally backed SBA and Iviewit Companies investors.

286. That on information and belief, all that needed to be accomplished to complete the crime was to remove the threat of the true Inventors getting their Inventions patented and take over the original filings by rewriting them out the backdoor. Once rid of the companies and inventors, the perpetrators needed only to then place the stolen IP into the pools to generate the lion's share of the revenue split for the IP holders that are members of the pools.

287. That on information and belief, Utley, when originally caught with evidence and documents showing his part in the scheme, flew out to California to threaten Plaintiff Bernstein that if he did not shut up about what was discovered (patents for things like "Zoom and Pan on a Digital Camera" found in Utley's name and not assigned to the company) that he and law firms would destroy him, his family and his companies.

288. That on information and belief, every effort has been made by the accused to destroy the Iviewit Companies and destroy the life of the primary inventor, all to get the core IP. The main inventor Plaintiff Bernstein's car was blown up, in a scene that looks like a car bombing out of Iraq. Plaintiff Bernstein's wife and children were hours away from picking the car up from an auto body shop where had this occurred with them in the car, only hours later, and these matters would have taken a horrible turn.

289. The fire investigator determined that arson was the cause of the car bombing, as accelerants were found.



290. That on information and belief, through the proliferation of the technologies, these pools have already become the dominant force in the market of defendants IP, with Proskauer & Rubenstein controlling the IP approval for the pools and profiting from the success of the pools, while blocking the Iviewit Companies from market. The pools have infringed upon the Inventors' patent pending technologies by blocking submission of the inventors' patent pending applications to the pools.

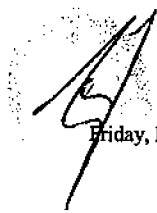
291. That on information and belief, the agents to effectuate these crimes for the enterprise were planted in the company in accounting, management or legal positions and this maintained control over all facets of the schemes processes so that no shareholders would catch on.

292. That on information and belief, once these prior steps were achieved, in order to share revenue from the pools with the other IP holders in the pools, one would need to have essential IP. This need for essential IP may answer the question as to why these attorneys attempted to get the actual dated IP of the Iviewit Companies through the corporate and IP shell scheme and writing the IP into other illegitimate inventors' names.

293. That on information and belief, Mashberg and Smith have been added to this complaint before this Court for their acting as counsel to Proskauer in violation of conflict laws, where both have vested interest in the outcome of these matters and where Proskauer has been sued and thus should hire outside counsel for representation. That Mashberg and Smith have been reported to the 1<sup>st</sup> DDC for investigation into their filings and actions in violation of ethics laws. That the NYAG has been notified of their complaints and where Plaintiffs await an answer from the 1<sup>st</sup> DDC through NYAG's office.

### **HUIZENGA HOLDINGS INCORPORATED**

294. That in or about the summer of 1999, Huizenga under the direction of W. Huizenga, Jr., and through referral by Goldstein, Wheeler and Proskauer, provided the seed funding of approximately Five Hundred Thousand Dollars (\$500,000) in the Iviewit Companies, wherein some time later, the defendants, including but not limited to, W. Huizenga, W. Huizenga, Jr., Wheeler, Proskauer, Utley and Cris Brandon (Huizenga's legal counsel), acted in ways that were not for the economic benefit to the shareholders of



the Iviewit Companies, and constitutes yet another instance of patent sabotage, theft of IP, and violations of state and federal law claims cited herein.

### **TIEDEMANN INVESTMENT GROUP**

295. That in or about March 2001, TIG through defendants, including but not limited to, Prolow, Tiedemann, Chesler, Smith, and through the doctrine of respondeat superior, TIG itself provided an investment note to the Iviewit Companies in the approximate amount of Three Hundred and Forty Five Thousand Dollars (\$345,000), when shortly thereafter, former employee affidavits state that they witnessed a large briefcase full of cash in the executive offices of the Iviewit Companies which may have been a combination of funds of Tiedemann and other investors, and whispers that the funds may have come from the new investor TIG, where Plaintiffs maintain that such cash monies were absconded with and converted to the monies of a to-be-formed distance learning company, run by Utlely and Reale, counseled by Wheeler, and a related party to TIG that constitutes yet another instance of patent sabotage, theft of IP, robbery, and violations of state and federal law claims cited herein.

### **NDA & CONTRACTS**

296. That on information and belief, the technologies were so broad and truly changed everything to do with digital imaging and video, as to cause a massive influx of interested parties to sign Non-Disclosure Agreements ("NDA") and other business contracts to learn how the processes were done and in many instances begin applying them to their products, many of these NDA clients were referred in by Proskauer and were Proskauer clients or client referrals.

297. Wheeler and Proskauer controlled the signing and maintaining of the NDA's and other business contract documents and in many instances had them signed by their clients, unbeknownst at the time Proskauer represented both sides to these transactions, in violation to ethics, perhaps because of their dual representation this may be why they have failed to enforce the violated NDA's.

298. In certain instances of violators of business contracts and NDA's whereby infringement was alleged against certain of Proskauer's clients bound by NDA, Proskauer was to investigate and prosecute if necessary, yet even after learning that such clients of



theirs were using the technologies they failed to take any steps to protect the Iviewit Companies.

### **THE FIRST SIGNS OF IP FRAUD & CRIMES**

299. That on information and belief, Plaintiffs claim that Joao, almost immediately after being introduced and then retained by Plaintiff Bernstein and the Iviewit Companies began a series of actions that caused immediate suspicion of both his actions on behalf of the inventors and the Iviewit Companies in the IP filings he was making, or worse, was not making.

300. That on information and belief, shortly after discovering problems with Joao's filings and possible non filings, including that he may have been filing inventions for himself as the inventor for ideas learned through the inventors' disclosures, inventions he was to be patenting for the inventors and Iviewit Companies, Proskauer was notified and claimed they were investigating the actions of their referred and controlled counsel.

301. That on information and belief, with days before the first provisional patent filing needing to be filed as a pending application, Joao came to the Iviewit Companies offices and met with inventors' Plaintiff Bernstein and Shirajee to finalize the applications and after having the inventors sign the applications, he immediately ran next door to Proskauer's office and in that time it was found that he had used a computer in the Iviewit Companies offices to make changes to the application, not approved by the inventors, after the inventors had signed for them.

302. That on information and belief, Joao had sealed the application in an overnight packing but the inventors wanted it opened and what they found was that the application had been materially changed and they forced Joao to rewrite the application and correct a myriad of problems, once they received that, they sealed the document and Plaintiff Bernstein, Jennifer Kluge and E. Lewin took the package to the US Post Office and sent it to the USPTO.

303. Joao was then terminated for his malfeasance and misfeasance.

304. Proskauer was then charged with investigating the actions of Joao since he was referred by them and failed to do so causing damages to the Iviewit Companies and inventors.



305. That on information and belief, later after learning Joao had delayed original filings, had not filed all the IP he was supposed to and perhaps changed much of IP filings fraudulently, Proskauer claimed they were bringing in replacement counsel to fix the errors of Joao, file the missing IP, correct the inventors and investigate Joao's possible stealing of IP through falsified patent oaths to the USPTO and to the EPO, via Patent Cooperation Treaty filings instigated at the USPTO.

306. That on information and belief, Plaintiffs later learned that Joao had 90+ patents in his own name, which Plaintiffs found in newsprint, a claim he never told anyone while retained with the Iviewit Companies, that many of these patents encompass the technologies he learned from and stole from Iviewit Companies.

### ***FOLEY AND LARDNER***

307. Joao was then terminated for cause as counsel and upon termination, through both Wheeler and Utley they recommended their "good friend" Dick from Foley, whom brought in defendants Boehm and Becker also of Foley.

308. Foley was then retained to first investigate and correct what appeared at the time to be deficient work of Joao, later learned to be almost wholly fraudulent work.

309. That on information and belief, Foley and Proskauer were to be contacting the appropriate authorities regarding the possible crimes committed by Joao and finally to file to protect the IP worldwide wholly replacing Joao and MLG's work.

310. That on information and belief, all of this was explained by Wheeler to be under the oversight of Rubenstein, who was directing the overall Iviewit Companies IP of the Iviewit Companies for patents, copyrights, trademarks and trade secrets and whereby everyone was assured that everything could be fixed and no damages had occurred.

311. That on information and belief, Plaintiffs later learned that Foley attorneys acted to further the conspiracy, continuing in Joao's criminal footprint, with new false filing of patents through falsified patent applications and oaths with the USPTO, a federal offense and a direct crime against the United States too.

312. That on information and belief, through the Patent Cooperation Treaty ("PCT"), similar patent fraud for filings in foreign nations violated international trade treaties with those patent offices, again these foreign filings done with fraudulent



inventors, owners and assignees, inapposite of what the attorneys claimed to be doing and presenting to investors and the inventors.

313. That on information and belief, evidence will show that Foley upon reviewing the Joao filings found a multitude of problems that they claimed to Iviewit Companies investors and inventors that they were fixing, yet instead of protecting the inventors and shareholders by fixing the IP Foley instead conspired with Proskauer and others to continue the IP crimes by, including but not limited to;

A. further writing the IP into a series of illegitimate fraudulent Iviewit Companies set up by Proskauer with similarly and identically named companies to the legitimate Iviewit Companies,

B. filing fraudulent applications for IP written with Utley's name as the sole inventor, for inventions as profound as "Zoom and Pan on a Digital Camera" where Utley had no involvement with such inventions, reminiscent to the DTE affair where these unknown filings were also being directed secretly to Utley's home address with no assignments to the Iviewit Companies,

C. in other instances, where Utley never invented anything with the Iviewit Companies inventors, Utley is secretly added on to other inventors' inventions, replacing original inventors with Utley on those applications and creating a second set of almost identical patents, one with Utley as inventor and one without,

D. sabotaging the filings in substance through incorrect claims, including using factually incorrect math,

E. failing to properly assign the properties to the rightful owners and assignees, and,

F. failing to correct the inventors to the true and correct inventors that Joao had initially failed to properly file for and further falsifying them.



314. That on information and belief, Foley was working in conspiracy with Proskauer and both were attempting to cover Joao's tracks and prevent his exposure and convince the Iviewit Companies shareholders, management and the inventors that the IP was being corrected and filed properly, no worries.

315. That on information and belief, the work Foley did with the inventors that was signed for by the inventors was later found to be completely changed in transit to the USPTO and foreign IP offices from what the Iviewit Companies were told was being filed.

316. Proskauer prepared, billed for, reviewed and disseminated a Wachovia Private Placement ("PPM") for the Iviewit Companies.

317. That on information and belief, this PPM was distributed to investors, including the SBA with materially false information submitted for the due diligence.

318. That on information and belief, Foley admitted in taped conversations that the assignments they claimed to have been executed by the inventors to Iviewit Holdings, Inc., for the statements relied on for the Wachovia PPM and by other investors, were never actually filed.

319. That on information and belief, Norbitz and Sekel have been added to this complaint before this Court for their acting as counsel to Foley in violation of conflict laws, where both have vested interest in the outcome of these matters and where Foley has been sued and thus should hire outside counsel for representation. That Norbitz and Sekel have been reported to the 1<sup>st</sup> DDC for investigation into their filings and actions in violation of ethics laws. That the NYAG has been notified of their complaints and where Plaintiffs await an answer from the 1<sup>st</sup> DDC through the NYAG's office.

320. That Plaintiffs remain confused as to how NYAG's office can investigate those they represent, especially where Plaintiffs have requested that reinvestigation of earlier complaints against certain of the defendants NYAG now represents, that were submitted to NYAG's office prior to this action but were declined to be investigated or wholly ignored, now be reopened based on the shocking revelations of *Anderson*. Based on statements contained in *Anderson* regarding public office corruptions those prior complaints will apparently require reinvestigation by the NYAG offices. For his failure to respond to the earlier complaints, former NYAG Eliot Spitzer and NYAG have also



been included herein as defendants making the need for them to get counsel in these matters and making it more confusing for their continued representation of any other defendants than themselves. The Court's prior ruling to partially decline the request for NYAG to recuse for possible conflict in representing the defendants was made prior to Plaintiffs filing of the request for reinvestigation based on *Anderson* and inclusion of NYAG and Spitzer as defendants, where these actions now presumably cause conflict.

**ARTHUR ANDERSEN ("AA"), AUDIT INSTIGATED BY CROSSBOW VENTURES ON BEHALF OF THEIR LOANS AND THE SBA LOANS THEY SECURED, THAT EXPOSES EVEN MORE CRIMES BEING COMMITTED IN THE IVIEWIT COMPANIES CORPORATE MATTERS**

321. That on information and belief, on or about 2000, an audit of the financial records of the Iviewit Companies by Arthur Andersen LLP<sup>9</sup> was begun whereby while conducting such audit for the legitimate Iviewit Companies' largest investor, Crossbow through Alpine (a side car fund of Crossbow's that used SBA funds in addition to their venture funds), AA found possible illegitimate Iviewit Companies that were similarly and identically named and other misleading corporate information and records, including missing stock for several entities.

322. That on information and belief, these accounting and business discrepancies in the corporate records caused AA to request further audit information from, including but not limited to, Proskauer, Goldstein, Lewin and E. Lewin, CPA, Hersch and others.

323. That on information and belief, E. Lewin was an Iviewit Companies W2 employee for internal accounting at the Iviewit Companies while also working for the firm Goldstein.

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<sup>9</sup> "On June 15, 2002, Andersen was convicted of obstruction of justice for shredding documents related to its audit of Enron, resulting in the Enron scandal. Nancy Temple (Andersen Legal Dept.) and David Duncan (Lead Partner for the Enron account) were cited as the responsible managers in this scandal as they had given the order to shred relevant documents. Since the U.S. Securities and Exchange Commission does not allow convicted felons to audit public companies, the firm agreed to surrender its licenses and its right to practice before the SEC on August 31, 2002, effectively ending the company's operations. The Andersen indictment also put a spotlight on its faulty audits of other companies, most notably Sunbeam and WorldCom. The subsequent bankruptcy of WorldCom, which quickly surpassed Enron as the biggest bankruptcy in history, led to a domino effect of accounting and like corporate scandals that continue to tarnish American business practices." Source Wikipedia [http://en.wikipedia.org/wiki/Arthur\\_Andersen](http://en.wikipedia.org/wiki/Arthur_Andersen)



324. That on information and belief, Goldstein, E. Lewin, Proskauer, Foley, Hersch and others prepared and disseminated false and misleading financial information to auditors from AA regarding the IP and corporate structure in attempts to mislead investigation into their corruptions.

### **THE FOLEY LARDNER FRAUDULENT IP APPLICATIONS**

325. In a bizarre instance, Utley was caught holding two sets of IP portfolios created by Foley by Plaintiff Bernstein and James Armstrong, where the legitimate Iviewit Companies had only been aware of one prior.

326. In these two volumes Iviewit Companies found a set of IP where owners, assignees and inventors all appeared fraudulently misstated when compared to the IP dockets and other IP documentation given to Iviewit Companies investors and the inventors.

327. That on information and belief, this second set of IP books was never shown or submitted with investment documents to the legitimate Iviewit Companies board, management, inventors and shareholders, including the SBA.

328. That on information and belief, in response to this finding of two sets of IP, further damning and bizarre evidence came to light in that the claims, including mathematical claims made by Foley in the IP in one of the Utley sets was mathematically incorrect.

329. That on information and belief, after having the IP reviewed by several other firms it was found that the claims were wrong materially, wholly missing the inventions, and, there were owners, assignments and inventors that were wrong.

330. Taped meetings were held immediately after finding the fraudulent IP to confront Foley, Proskauer and Utley with the evidence found after analyzing the newly unearthed IP filings.

331. That on information and belief, these fraudulent misstatements in the filings were then supposedly to be corrected by Foley and Proskauer as stated repeatedly over three days of meetings, yet many of the key changes were never made.

332. That on information and belief, the meetings were attended by, including but not limited to, Boehm, Becker, Wheeler, Wheeler on behalf of Rubenstein, Plaintiff Bernstein, Armstrong (an initial inventor, investor and senior manager), S. Bernstein as



former Chairman of the Board and defendant Buchsbaum as an officer of Iviewit Companies and also as an agent of Crossbow.

333. That on information and belief, the problems in the IP and the second set of IP were discovered only days before filings were due filings of critical importance and where the inventors' had never seen copies of the IP filings found in violation of patent bar attorney rules.

334. That on information and belief, this uncertainty with the IP has caused the Iviewit Companies to cease the ability to raise further capital on good faith, as the fate of the IP is too uncertain from that time to present due to the actions of the IP lawyers named herein and others who aided and abetted. That the devastating result of the findings of fraud and whispers of what auditors had appeared to have found led to a snowball effect of catastrophic effect on all business dealings with the Iviewit Companies.

335. That on information and belief, the IP problems and assignments were thought by the legitimate Iviewit Companies board, management, investors, and inventors, to be corrected by Foley before filing but it was later learned that they were filed fraudulently without critical changes anyway when compared to the filed applications.

336. That on information and belief, as of this date the problems in the IP have not been corrected and the IP in certain instances has been suspended pending investigation and where others may have been permanently lost.

#### ***THE DEATH THREAT ON PLAINTIFF BERNSTEIN FAMILY***

337. Shortly after learning of the second set of IP, Utley then came to the Iviewit Companies California offices unannounced and threatened inventor Plaintiff Bernstein that if further investigation or probing into the matters occurred and if he were not made CEO, with full signing authorities, Plaintiff Bernstein should watch his back upon returning to his family in Florida, as Proskauer and Foley would be watching and waiting, directly threatening the lives of Plaintiff Bernstein and his family.

338. Plaintiff Bernstein in response called his wife, had her pack their kids and belongings and flees Florida, leaving their home, to move into a hotel for the next several



months in California and Nevada with their children, in affect attempting extortion on Plaintiff Bernstein through threat.

339. This decision to move and leave all of their personal possessions and home behind, came after Plaintiff Bernstein immediately called several of the Board of Director members, shareholders and others, and it was determined it was safest for Plaintiff Bernstein and his family not to return to Florida until the matters were presented to investigators.

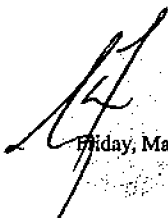
340. That on information and belief, the reason for these precautions was although Utley did not know this at the time, Plaintiff Bernstein had already begun notifying Iviewit Companies shareholders, certain Board of Director members, certain of the management team, investors including Crossbow and Huizenga, the federal patent authorities and others of what had been discovered.

341. That on information and belief, Plaintiff Bernstein had been in California setting up a satellite office, as a licensing and operating deal had been signed for Iviewit Companies with AOL LLC ("AOL") and Warner Bros. Entertainment Inc. ("WB") whereby the Iviewit Companies IP processes were being used for video production for AOL and WB websites.

342. Iviewit Companies had taken offices directly above AOL and WB's video encoding operation and had taken over the encoding processes for AOL and WB at such time.

343. Sony and up to four other leading studios were preparing to use the Iviewit Companies processes to consummate a digital download and streaming of movies of five of the major studios using the Iviewit Companies IP.

344. License deals and other business deals were being drafted by now Irell & Manella ("Irell") and then signed for such use of the IP, as Plaintiff Bernstein, S. Bernstein, Kane, Buchsbaum, Powell, members of the AOL and WB team and others decided a new team of professionals and management would be instantly found to consummate and manage these and other deals, take over the legal, accounting and management vacancies that would arise with these actions attempting to protect the Iviewit Companies from total loss.



**THE DISENGAGING OF IVIEWIT COMPANIES PROFESSIONALS AND MANAGEMENT**

345. That on information and belief, many of those involved in the IP and corporate problems, including but limited to defendants Proskauer, Foley, Wheeler, Rubenstein, Dick, Boehm, Becker, Utley, Reale were then terminated for cause and new counsel, accountants and management was then secured.

346. That on information and belief, it was determined by the acting Board of Directors of the Iviewit Companies, that The Florida operations were to be closed and the corporate headquarters moved to California after terminating all those known at the time to be involved.

347. That upon termination it was found that several of the members of the management of the Iviewit Companies were destroying documents as witnessed by employees in attempts to destroy evidence against them.

348. Plaintiff Bernstein then contacted friends and Iviewit Companies shareholders at his former employer, Rock It Cargo, USA Inc. to immediately descend upon the Boca offices and remove every stitch of corporate records not maintained by the accountants and attorneys, computers and all the office materials to ship them to Los Angeles to salvage and prevent further destruction.

349. When the items were delivered to California, Plaintiff Bernstein and others began to review the remains and put together much of the evidence submitted to investigators over the next several years and to be presented before this Court.

**STOLEN IP & STOLEN FUNDS – BOCA RATON POLICE DEPARTMENT**

350. That on information and belief, evidence was surfacing on or about this point to show further criminal activities that had taken place. Inventor Plaintiff Bernstein was called by Buchsbaum and other Iviewit Companies Florida employees, with allegations that in preparing to move the offices, Utley and Reale were attempting to bribe employees with a briefcase of cash to steal proprietary information and join them in a new venture using the Iviewit Companies processes.

351. That on information and belief, according to a witness statement, Reale claimed a briefcase contained stolen cash from Iviewit Companies investors which may



have also contained SBA funds and further attempted to have such employees aid and abet in stealing proprietary equipment and IP processes using the money as incentive.

352. That on information and belief, employees were told by Reale and Utley that the Iviewit Companies were being closed because there was no money to pay them and they were being fired. Further asking the employees if they wanted to leave and join Utley and Reale in a new venture with investor Tiedemann (referred by Proskauer) and they needed help to steal the processes and some equipment. They then took machines they were told was operating the processes without authorization and transported such across state lines. This crime also in violation of employment agreements and fiduciary responsibilities.

353. That on information and belief, Anthony Frenden an Iviewit Companies employee, in a written statement, stated that Utley and Reale had attempted to bribe him with a briefcase of cash to this effect and this was also witnessed and confirmed by other employees, which then led to filed charges with Boca PD for the stolen equipment and embezzlement.

354. That on information and belief, the stolen equipment was later returned to the company through police intervention and formal charges were unbeknownst to the Iviewit Companies, waived by Kasser, without company authority or consent and inapposite of what Kasser was supposed to do which was to seek prosecution. That the stolen goods were transferred across state lines to a Tiedemann owned company.

355. That later upon learning that Kasser had dropped charges instead of pressing them, the Iviewit Companies asked Boca PD to re-open the charges in the embezzlement case and press new charges for the IP thefts and stolen investor funds, including possibly those of the SBA, formal written statements were submitted for investigation and Flechaus assured Iviewit Companies that investigations were now under way. Later it was learned that Flechaus had failed to investigate and in fact reported that other agencies were joined in the investigations whom upon contacting by the Iviewit Companies had never heard of the case or had no records of such.

356. That on information and belief, the charges are currently NOT under investigation by the Boca PD and the matters have been escalated to Honorable Andrew J. Scott, III, Chief of Police and internal affairs, for possible internal corruption.

A circular stamp with a textured border, containing a handwritten signature that appears to be 'CF' or similar initials.

**ENRON CREDITORS RECOVERY CORPORATION (FORMERLY ENRON CORPORATION) & BLOCKBUSTER INC.**

357. That on information and belief, one of the unauthorized technology transfers that were being attempted at that time was to a brand new Internet company, Enron Broadband to monetize the stolen technologies through an Internet movie delivery scheme, virtually impossible without the Iviewit Companies technologies.

358. That on information and belief, Enron booked enormous revenue through their division Enron Broadband without a single movie to distribute and at the time no technology to distribute them with, as they were in discussions with the Iviewit Companies but no deal was yet made to allow for such accounting practices.

359. That on information and belief, Utley was found preparing an Enron/Blockbuster deal without authorization.

360. That on information and belief, Huizenga may have been the connection between Enron and Blockbuster, as Wayne Huizenga was the founder of Blockbuster and further discovery is necessary to explore this aspect of the allegation.

361. That on information and belief, Enron was now caught with revenue that was never realized due to suddenly losing the technologies they promised shareholders would deliver such VHS quality movies over the Internet and as the audit and investigations of the Iviewit Companies began to dig deeper, the Enron/Blockbuster deal collapsed over night causing massive losses to Enron investors.

362. That on information and belief, Enron's broadband division may be found to be one of the major reasons for Enron's bankruptcy.

363. That this Court should notify Enron's federal investigators of the possible connections to the Iviewit Companies and invite them into this action for further discovery, where Plaintiffs have already tried to protect the Enron shareholders by contacting Enron investigators and failed to be heard by those authorities.

**LEARNING OF ILLEGAL LEGAL ACTIONS - THE PROSKAUER CIVIL BILLING LAWSUIT & INVOLUNTARY BANKRUPTCY**

364. That on information and belief, it was stated by Warner Bros. ("WB") employee David Colter ("Colter"), a senior engineer, that AOL & WB IP counsel had found during due diligence that the IP displayed to their IP counsel for investment did not match up with IP on file at the USPTO and that the Iviewit Companies may have more

serious problems. That this led to a continued decline in business relations with AOL and WB and was the cause of the loss of a large pending investment.

365. That on information and belief, Colter also stated that AOL and WB due diligence appeared to show that there was an involuntary bankruptcy action against an Iviewit Companies company that had not been disclosed to them, this also interfered with raising capital from them, actions no one in the companies was aware of prior.

366. That on information and belief, Colter also stated that AOL and WB due diligence appeared to show that there was a lawsuit where Iviewit Companies companies were being sued for several hundred thousand dollars that had not been disclosed to them, this also interfered with raising capital from them actions no one in the companies was aware of prior.

367. That on information and belief, it was found that Proskauer established all of the following Iviewit Companies and where other John Doe companies may still exist and where many of these were unauthorized and unknown to exist by the Iviewit Companies prior to reviewing documentation discovered from the Boca Raton office after termination of many of the employees involved in the crimes:

1. IVIEWIT, INC., A FLORIDA CORPORATION,
2. IVIEWIT, INC., A DELAWARE CORPORATION,
3. IVIEWIT HOLDINGS, INC., A DELAWARE CORPORATION (F.K.A. UVIEW.COM, INC.)
4. UVIEW.COM, INC., A DELAWARE CORPORATION
5. IVIEWIT TECHNOLOGIES, INC., A DELAWARE CORPORATION (F.K.A. IVIEWIT HOLDINGS, INC.),
6. IVIEWIT HOLDINGS, INC., A FLORIDA CORPORATION,
7. IVIEWIT.COM, INC., A FLORIDA CORPORATION,
8. I.C., INC., A FLORIDA CORPORATION,
9. IVIEWIT.COM, INC., A DELAWARE CORPORATION,
10. IVIEWIT.COM LLC, A DELAWARE LIMITED LIABILITY COMPANY,
11. IVIEWIT LLC, A DELAWARE LIMITED LIABILITY COMPANY,
12. IVIEWIT CORPORATION, A FLORIDA CORPORATION,



368. Plaintiff Bernstein contacted a childhood friend, Rogers, to investigate as much of the possible crimes as was possible at that time, to confirm what was going on in the myriad of very scary events unfolding with regard to the IP crimes and claims of corporate crimes.

***THE FRAUDULENT FEDERAL BANKRUPTCY FILED***

369. That on information and belief, Roger's found there existed a federal involuntary bankruptcy action at the U.S. Bankruptcy Court Southern District of Florida Case No. 01-33407-BKC-SHF ("IB"), filed on or about July 26, 2001, incorporated by reference in its entirety herein, filed by Proskauer referred management and Proskauer referred strategic alliance partners, including but not limited to, Intel, acting through Real (Real at the time, a consortium of Intel 10%, Silicon Graphics Inc. 20% and Lockheed Martin Corp. 70%, later wholly acquired by Intel).

370. That on information and belief, after signing a strategic alliance agreement and while structuring a licensing deal with Real, Real was wholly acquired by Intel, along with the Iviewit Companies technologies, in violation of Real's agreements with an Iviewit Companies company.

371. That on information and belief, Intel and Real acted also through their subcontractor, defendant RYJO Inc. in the fraudulent federal bankruptcy filing, intended to abscond with certain of the Iviewit Companies IP. RYJO Inc. was also found to have earlier attempted to abscond with certain of the Iviewit Companies inventions through an unauthorized technology transfer prepared by Proskauer, Utlely and Reale, where they had presumed that RYJO had no NDA so he could copy Iviewit Companies technologies as his own and that Iviewit Companies would have to license back their own product. That Plaintiff Bernstein then produced a signed NDA for RYJO that they had thought did not exist as they had destroyed their copies but Plaintiff Bernstein had an extra copy in his office.

372. That on information and belief, Proskauer's management referrals defendants Utlely, Hersch and Reale were part of the fraudulent federal bankruptcy proceeding designed to abscond with the Iviewit Companies IP, along with other John Doe defendants to be named upon further discovery.





373. That on information and belief, none of the parties of the IB had contracts with the claimed debtors of the IB, Iviewit Holdings Inc., Iviewit.com Inc. and Iviewit.com LLC, the Florida Iviewit companies they sued.

374. That on information and belief, Utley's employment contract was with Iviewit.com, LLC, a Delaware, not Florida limited liability entity and any obligations would have been with the Delaware Iviewit Companies company.

375. That on information and belief, Hersch's employment was with Iviewit Holdings, Inc., a Florida corporation.

376. That on information and belief, Reale's employment contract was with iviewit.com, Inc. Further, Reale had terminated his employment voluntarily prior to the IB filing and had never entered into another employment contract with the companies upon his part time return, thus he had no contract with any company to sue under.

#### **THE PROSKAUER CIVIL BILLING LAWSUIT**

377. That on information and belief, Rogers found a billing suit instigated by Proskauer in *Proskauer Rose LLP v. Iviewit.com, Inc. et al.*, Case No. CA 01-04671 AB10 ("Proskauer Civil Billing Lawsuit") (Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida), incorporated by reference in its entirety herein, defendant Labarga was one of the presiding justices.

378. That on information and belief, Proskauer had a retainer, the authenticity which remains in question, with only one Iviewit Companies company, Iviewit LLC of which was not a party to the Proskauer Civil Billing Lawsuit making the lawsuit frivolous from the start.

379. That on information and belief, Roger's, after finding that the two **illegal** legal actions were actually existent, directed Plaintiff Bernstein and the Iviewit Companies to retain new counsel and prior unauthorized counsel in the IB and Proskauer Civil Billing Lawsuit matters were terminated.

380. That on information and belief, unauthorized counsel for the Proskauer Civil Billing Case, defendants SSK, which was originally retained by unknown parties,

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<sup>10</sup> Plaintiffs cannot confirm or deny that Labarga was the original Judge handling the case or that the case docket number provided was the original filing number, further discovery will be required to pursue this convoluted matter.



was terminated and the Iviewit Companies retained Steven Selz, Esq. ("Selz") to represent the Iviewit companies being sued in the Proskauer Civil Billing Lawsuit and to file a Motion to Amend Answer and Counter Complaint for Damages ("Counter Complaint").

**THE LABARGA CIRCUS COURT & THE SB BREACH OF THEIR LOU/RETAINER**

381. That on information and belief, rights were almost instantly denied against the Iviewit Companies by Labarga in the Proskauer instituted and prior unknown Proskauer Civil Billing Lawsuit, to new counsel Selz's motions, the Counter Complaint denied instantly by Labarga who was presiding on the case, claiming that former counsel who represented the Iviewit Companies without authority had basically waived the right to countersue and further that he was not going to allow the IP matters and crimes alleged committed in the Counter Complaint as he was limiting the case to billing matters only and the circus court began.

382. That on information and belief, Labarga also refused to dismiss the case based on the fact that Proskauer had no retainers or any other contracts with the companies they sued, their contracts were with a different Iviewit Companies company.

383. That on information and belief, at the time of the Iviewit Companies finding the Proskauer Civil Billing Lawsuit, it was not known that there were illegitimate companies and that those companies were directly involved in illegal legal action of the Proskauer Civil Billing Lawsuit, not the legitimate companies where Proskauer had its retainer and that these corporate matters were part of the larger IP and corporate scheme used in order to effectuate the IP thefts.

384. That on information and belief, Selz took depositions<sup>11</sup> of Rubenstein, Wheeler and Utley, hereby incorporated by reference in there entirety herein, whereby both lawyers from Proskauer fled deposition and refused to return to further deposition

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<sup>11</sup> Depositions for Plaintiff Bernstein, Lewin, Rubenstein, Wheeler, Simon Bernstein and Utley are available in the case file of the Proskauer Civil Billing Lawsuit for this Courts review and incorporated by reference herein and should be secured by this Court to prevent any file thinning similar to what Anderson claims occurred at the First Department. Plaintiffs request that as this Court receives such files of any court records and copy Plaintiffs to review and determine if file tampering has occurred, as *Anderson* poses a very real threat of wide sweeping document destruction and tampering. The Iviewit Companies complained that files were being destroyed illegally to federal and state authorities.

after the first day. Rubenstein had also fled his deposition refusing to answer questions pertinent to the case, inapposite Florida law.

385. That deposition was also taken of Plaintiff Bernstein by Proskauer and whereby that deposition is incorporated by reference in its entirety herein.

386. That on information and belief, Wheeler and Rubenstein were ordered later by Labarga to return to finish their deposition, despite their pinning that they would not, owing to the fact that at the first deposition evidence surfaced contradicting their deposition statements and previous written statements made to the court and state bar associations and disciplinary committees, which constituted obvious perjury and other crimes.

387. That on information and belief, the Iviewit Companies companies sued thus readied for trial armed with devastating evidence of perjured written statements, perjured depositions and perjured statements to state investigatory authorities, all crimes in the state of Florida.

388. That on information and belief, the Iviewit Companies had also retained a new law firm, whom also was an equity investor, in addition to Selz, defendants SB and its agents, including but not limited to, Schiffrin, Barroway and Narine..

389. That on information and belief, SB signed a binding Letter of Understanding ("LOU"), incorporated by reference herein, and, which also can be found at the Iviewit Companies website [www.iviewit.tv](http://www.iviewit.tv) on the homepage, whereby the Uniform Resource Locator ("url") [www.iviewit.tv](http://www.iviewit.tv) is hereby incorporated by reference in its entirety herein.

390. That the SB LOU can be found at the direct url <http://www.iviewit.tv/CompanyDocs/2003%2007%2016%20Signed%20Letter%20of%200Understaning%20Iviewit%20&%20SB.pdf> which also acted as a legal retainer to represent the Iviewit Companies in the upcoming Proskauer Civil Billing Lawsuit trial and a variety of collateral suits to follow against certain of the defendants, as well as, an investment document. That SB later breached such contract in presumed coordinated conspiratorial activity with Proskauer with scienter.

391. That on information and belief, after thorough review and investigation of the allegations, evidence and witness statements SB entered into the binding LOU.



392. That on information and belief, a denial of due process and procedure occurred on the way to the Proskauer Civil Billing Lawsuit trial, where the supposedly powerful Proskauer was to enforce their bogus billing case against bogus companies that they had no retainer agreements with<sup>12</sup> and where evidence of criminal misconduct in the Proskauer Civil Billing Case was to be presented.

393. That on information and belief, on the first day of the scheduled trial, Plaintiff Bernstein and Selz showed up at the courtroom to find the lights out and nobody home, the trial had been cancelled by defendant Labarga the prior evening without notice to the Iviewit Companies or their counsel Selz or SB, another crime according to FBI investigators to deny due process rights of Plaintiffs through illegal legal actions and violations of judicial and attorney conduct codes, as well as other criminal acts.

394. That on information and belief, it then became apparent that Labarga was not only part of the conspiracy but in the words of the Supreme Court Justice, Sandra Day O'Connor, in relation to the Florida Supreme Court election recount in the Bush v. Gore presidential election that Labarga was central too, that he was "off on a trip of his own...",<sup>13</sup> perhaps referring to the Iviewit Companies matters which were consuming him at the same time.

395. That on information and belief, at the rescheduling hearing an even more bizarre court room fiasco unfolded. First, at the suggestion of new counsel SB, co-counsel Selz filed a motion to remove himself from the case based on the fact that SB had committed to take over as lead counsel when they signed their binding LOU to represent the Iviewit Companies.

396. That on information and belief, SB requested the removal of Selz and Labarga then granted Selz's motion which claimed SB was taking over as counsel for the trial.

397. That on information and belief, Labarga, immediately after dismissing Selz then heard a motion filed the same day as the Selz motion to withdraw, a surprise

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<sup>12</sup> After investigations are concluded into the corporate malfeasances, the companies sued may even be proven to be companies formed without authorization from the Board of Directors or management and which contained the converted and stolen IP and for which the shareholders of the illegitimate companies are unknown but most likely Proskauer.

<sup>13</sup> Supreme Conflict ~ The Inside Story of the Struggle for Control of the United States Supreme Court  
Jan Crawford Greenberg, Penguin.



motion, submitted without notice to the Iviewit Companies that SB had simultaneously, alongside Selz filed to remove themselves as counsel, stating Selz was going to be counsel.

398. That on information and belief, to make things surreal, Labarga granted the SB motion to withdraw as counsel, despite having copies of their signed and binding LOU and legal retainer to represent the Iviewit Companies in the matters before him and knowing he had just let go of counsel Selz where SB was to take over, in violation of his judicial canons.

399. That on information and belief, this led to a complete denial of due process and procedure through illegal legal trickery to prevent the Iviewit Companies from going to trial or even rescheduling one to present the damning evidence at and usurping the rights' of the Iviewit Companies and Plaintiffs to counsel.

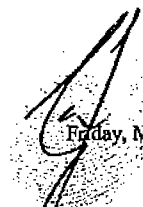
400. That on information and belief, Labarga appeared happy in telling Plaintiff Bernstein that he dismissed counsel, whereby he then summoned Plaintiff Bernstein to the stand to represent the Iviewit Companies, despite Plaintiff Bernstein claiming that he was not an attorney and had conflicts in acting in that capacity.

401. Labarga thus rendered the Iviewit Companies without counsel on the proverbial "eve of the trial".

402. That on information and belief, Labarga then gave the Iviewit Companies a few days to retain new counsel in a complex case already ready for trail and which the Iviewit Companies had spent their remaining monies to get too.

403. That on information and belief, SB never performed fully on their binding LOU and legal retainer and failed to put in their required investment funds, sending over approximately \$7,000 dollars total, including a partial salary of \$1,000.00 for Plaintiff Bernstein and leaving the Iviewit Companies devastated financially with scienter in gross violation of their binding agreement.

404. That on information and belief, the Iviewit Companies had turned away all other interested investors at the time in favor of the SB deal and SB then violated the LOU which also acted as a legal retainer agreement, in violation of law (breach of contract, etc.) and their ethics rules.



405. That on information and belief, these steps by SB were intentional and attempted to destroy what was left of the legitimate Iviewit Companies and Plaintiff Bernstein financially and making it virtually impossible to sue SB, Proskauer or anyone else. A well planned conspiracy to deny Plaintiffs and the Iviewit Companies their civil legal rights through denying due process through coordinated conspiratorial efforts to remove the right to fair and impartial counsel.

406. That on information and belief, Plaintiff Bernstein's family was forced to immediately thereafter apply for food stamps and other relief to feed their kids, devastated by the series of events intended to derail due process and procedure and force the Bernstein's into further destitute.

407. That on information and belief, with days to find replacement counsel in a case that would take months, if not a year, for a new legal team to investigate, digest and present the information accumulated by former counsel for trial, this series of events denied due process and procedure.

408. That on information and belief, Labarga had granted additional time to Selz when he took the case from formerly illegally retained counsel Sax Sachs & Klein, yet he was unwilling to budge this time on an extension to get replacement counsel despite his bizarre rulings to usurp Plaintiffs' rights to counsel.

409. That on information and belief, Plaintiff Bernstein could not even represent the Iviewit Companies as demanded by Labarga initially upon relieving retained counsel, as there was a law against Pro Se representation of corporations and Labarga later denied a formal request for Plaintiffs to act in Pro Se capacity considering the circumstances his rulings created.

410. That on information and belief, on or about this time in the Proskauer Civil Billing Case, Plaintiffs filed a motion to have Labarga recuse himself from the case for this bizarre denial of due process and procedure and violations of the judicial canons, of which he ruled on the motion to have himself removed, in his own favor, and so stayed on. This ruling apparently in violation of his judicial canons.

411. That on information and belief, to further tip over the scales of justice against the Iviewit Companies, former counsel SB and Selz refused to timely release the



case files so that Plaintiffs could even attempt to secure new counsel or prepare for an appeal.

412. That on information and belief, after weeks of attempting to contact Selz and SB to try and gain counsel to prepare for trial, at the advice of Rogers, Plaintiff Bernstein went to Selz's office where he was hiding from Plaintiff Bernstein and after heated conversation where Selz tried to preclude Plaintiff Bernstein from the records and further conference called SB in PA who through Narine stated that Selz should stand fast and hold all the documents, claiming that SB owned the files, Plaintiff Bernstein persisted to remove the files.

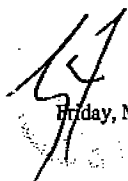
413. That on information and belief, Plaintiff Bernstein ignored the threats of Selz and SB regarding the files and removed approximately 15 banker boxes of trial materials.

414. That on information and belief, this document fiasco came too late to secure counsel or file a timely appeal and Labarga instead of understanding what was unfolding and the need for more time to secure counsel, ruled a default judgment against the Iviewit Companies for failure to retain replacement counsel. Justice not served.

415. That on information and belief, Labarga had evidence that Rubenstein of Proskauer had perjured himself in deposition and in sworn written statements to that court whereby Rubenstein claimed in deposition testimony and written statements to Labarga that he never heard of Plaintiff Bernstein or the Iviewit Companies, in fact, claiming he was the target of harassment and would not be deposed.

416. That on information and belief, Labarga ordered Rubenstein to his initial deposition and in the deposition in diametric opposition to his initial deposition statements, where he first denies knowing the Iviewit Companies and Plaintiff Bernstein, Rubenstein amidst a flurry of evidence confronting him contradicting his initial statements in deposition, then breaks down and admits such knowledge of both the companies and Plaintiff Bernstein.

417. That on information and belief, Rubenstein then flees the deposition refusing to answer further questions, again inapposite of law as so noted in the deposition transcripts. Why it is essential that Rubenstein feign that he had no knowledge of the Iviewit Companies, the inventors or the technologies, is due to the fact that for



Rubenstein to possess such knowledge of the Iviewit Companies IP, exposes the glaring conflict of his MPEGLA LLC role as senior counsel and gatekeeper of the IP pools (determining which submitted IP to include in the pool) and Rubenstein and Proskauer simultaneously acting as the Iviewit Companies IP counsel.

418. That on information and belief, this dual representation in conflict creates enormous violations of attorney ethics codes and failed to protect the inventors from the obvious conflict, whereby from this ethical violation they successfully converted the Iviewit Companies inventions, bundling and tying them in the anticompetitive licensing scheme sold by MPEGLA LLC which Proskauer acts as counsel for.

419. That on information and belief, what scared Rubenstein causing him to flee his deposition, at his firms instigated Proskauer Civil Billing Lawsuit, was that the evidence presented at deposition and to Labarga showed that;

- A. Rubenstein opined on the technologies for WB and others,
- B. there were billing statements with Rubenstein's name all over them submitted by Proskauer at their billing case and others showing Rubenstein acting as counsel in the Iviewit Companies files billing statements which appeared to materially differ from those Proskauer presented to that court and this may further constitute legal billing fraud,
- C. there were letters from Wheeler showing entire IP files were sent to Rubenstein for review,
- D. there were business plans and the Wachovia PPM showing Rubenstein named as lead "retained" IP counsel and as a Board of Director member (of note is that the Wachovia Private placement was billed for, reviewed and disseminated by Proskauer),
- E. there were letters from senior technologists at WB showing that Rubenstein had opined on the IP,
- F. there were letters from Wheeler sent to numerous investors stating Proskauer and Rubenstein were acting as IP counsel and where Rubenstein is the head of the Proskauer IP department formed immediately after learning of the Iviewit Companies inventions





G. there were letters stating that Proskauer opined after reviewing the technologies favorably, and,

H. there were technology evaluations conducted by Real whereby Wheeler sent letters to investors again claiming the technology had been reviewed by their IP counsel and technologists, and was "novel".

All clearly showing Rubenstein's former statements to Labarga, and the 1<sup>st</sup> DDC were lies, contradicted in his deposition and making for multitudes of wholly perjurious statements to authorities under oath.

420. That on information and belief, this perjurious evidence was presented to Labarga prior to his default judgment ruling, making the ruling a highly suspect action by Labarga and a gross violation of his Judicial Canons to report the perjury and other possible crimes of falsified information to authorities to the proper authorities.

421. That on information and belief, the most nefarious action of Labarga was his failure to report the perjurious statements to the proper authorities and more heinous his failure to report to the proper authorities that qualified counsel Selz had filed a Counter Complaint that had evidenced that there was a major fraud on the USPTO, the Copyright Office, foreign IP offices and hosts of other crimes committed by the attorney's representing themselves before him<sup>14</sup> in the Proskauer Civil Billing Lawsuit, where the judicial canons mandate him to report such, especially where the charges were filed by qualified counsel after months of review of the pertinent materials.

422. That on information and belief, prior to Labarga's granting the default judgment, Labarga was forced to rule that Rubenstein and Wheeler were to return to complete their depositions they walked out of refusing to answer more questions and they were both ordered to return to answer the questions they refused at the first. That the depositions never were continued as the trial was thrown before they could be.

423. That on information and belief, the only way out for Rubenstein, Wheeler, Dick, Foley, Utley and Proskauer at the time was to have the case fixed and wholly deny due process and prevent the Iviewit Companies from gaining access to the courts. That

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<sup>14</sup> TFB Complaints were filed against Proskauer Partner Matthew Triggs for a host of violations of the conflict rules and for violation of his TFB public office position but the TFB refused to formally docket the complaints in the

Labarga's actions reflect that his actions were also part of the coordinated conspiracy against the Iviewit Companies.

424. That this Court should siege the records of the Labarga court proceedings, as incorporated by reference herein, which again should provide ample evidence to substantiate the Plaintiffs' claims herein, of course, if file thinning has not occurred as suggested in *Anderson* which may be happening in other venues such as the court. That the Plaintiffs based on *Anderson's* claims request that the Court consider seizing for safety immediately, all legal documents and investigatory documents by all departments referenced herein to protect from further document destructions in efforts to cover up wrongdoings.

**CHRISTOPHER & WEISBERG, P.A.,**

425. That on or about May 2003, CW gained access, by acting as counsel to the Iviewit Companies, to the proprietary patent files of the Iviewit Companies with the purpose of repairing wrong inventors, wrong assignments, and wrong subject matter in the disclosure embodiment and other IP services. CW failed to act in accordance with their legal obligations, and therefore, is liable for the damages that were suffered by the Iviewit Companies and Plaintiffs that resulted from the conspiratorial acts of patent sabotage, theft of IP, and other state and federal law claims cited herein.

**THE CONSPIRACY THAT ALMOST WAS - THE ALMOST PERFECTED IP AND CORPORATE SHELL CRIMES**

426. That on information and belief, information herein should suffice this Court for understanding why the case before Labarga and the U.S. Bankruptcy Court were advanced in secrecy and once discovered were attempted to be instantly buried. The bankruptcy case was immediately dropped upon the legitimate Iviewit Companies discovery of the case and replacing former unauthorized counsel retained by unknown parties with counsel retained by Rogers on behalf of the Iviewit Companies.

427. That on information and belief, both the fraudulent US Bankruptcy action and the fraudulent Proskauer Civil Billing Lawsuit were designed, when combined, to steal core technologies from the inventors and thus were legal actions used for illegal purposes in violation of law.



428. That on information and belief, the Iviewit Companies that were filed on in the fraudulent federal bankruptcy and the Proskauer Civil Billing Lawsuit contained core technologies that were not supposed to be in those companies constituting further fraud.

429. That on information and belief, Plaintiffs shall argue that as the Arthur Anderson audit began questioning the dual corporations and missing stock documents, Proskauer instantly attempted to dispose of their sham entities with the stolen technology before the legitimate Iviewit Companies shareholders knew the better and seize the illegally converted stolen technology by inserting themselves as the largest creditor of the illegitimate Iviewit Companies through the sham Proskauer Civil Billing Case with the illegally set up illegitimate Iviewit Companies that harbored the stolen technologies.

430. That on information and belief, the sham bankruptcy would have completed the scam and was necessary to gain the assets (the stolen IP) buried in the illegal companies.

431. That on information and belief, Proskauer had their referred management and referred strategic alliance partners file the fraudulent federal bankruptcy filing with the intent of their friends in that action becoming the other largest benefactors of the sham companies in addition to them being the largest creditor from their illegal billing lawsuit, and "a batta bing", it would have been all over in hocus pocus "New York minute", with Proskauer and their friends having gained control of the stolen assets in the bogus companies, effectively walking the backbone, enabling IP out the back door and reaping the spoils of their soon to be ill-fated bungled crimes.

432. That on information and belief, it is presumed and will take further discovery to confirm but it appears that all Proskauer would have had to then do to complete the scam was get rid of the legitimate Iviewit Companies and force them out of business and intending that their scam would go unnoticed in the confusion, no one ever knowing the sham companies and other IP had ever existed, especially where Proskauer and Lewin controlled all the corporate records.

433. That on information and belief, one final element that may have then been considered after this was to get rid of the inventors, slowly and methodically, so that no

A handwritten signature in black ink, appearing to be 'A', is written over a circular stamp. The stamp contains the date and time: 'Friday, May 09, 2008 @ 2:04:17 PM'.

one would be able to make claims against the stolen IP, including perhaps murdering them, as the car bombing attempt on Plaintiff Bernstein and his family may indicate.

434. That on information and belief, the reason it was critical for Proskauer to steal the original inventions was that they needed the inventions and their original filing dates, to gain future royalties from the IP once they were converted and put in the IP pools Proskauer now controls and other ways of monetizing them.

435. That on information and belief, IP pools are designed as a revenue share amongst inventors of the pool that make up a standard and that the revenue share is not for attorneys who have invented nothing.

436. That on information and belief, these crimes were not committed for only the attorney fees they were generating from the proliferation of the technologies through the pools but for a piece of the whole pie which would require control of the original inventions with the original dates.

437. That on information and belief, owning the stolen technologies would have yielded royalties, in the IP pool revenue share whereby Proskauer et al. would get a piece commensurate with other inventors who make up the pool IP, despite the fact that they invented nothing, unless of course you consider inventing the largest bungled fraud on the USPTO an invention. Historically IP pools have been broken up by the Justice Department as anticompetitive.

438. That on information and belief, the Joao and Utley IP illegally written to their names may be yet another vehicle to share the royalties of the pools, whereby even if they were worthless; with Rubenstein opining and controlling pool inclusion it mattered not what the Joao and Utley IP really claimed, unless challenged in the future.

439. That on information and belief, fortunately for Plaintiffs, employees at WB stumbled onto the fraudulent illegal legal actions and the fraudulent IP filings, yet all the while through the Proskauer Civil Billing Lawsuit and the fraudulent federal bankruptcy, new counsel Selz and SB appeared to have no idea that the illegitimate Iviewit Companies they were defending were not the legitimate Iviewit Companies. No one appeared to know that the illegally set up shell companies were the ones now being represented after replacing counsel that appears to have fallen from the sky prior.

440. That on information and belief, Selz, SB and Labarga were all further reported for their actions to a variety of investigators including the Judicial Qualifications Commission (to be re-opened upon submission of the new evidence in the *Anderson* suit and other information relating to the illegitimate companies that were represented), TFB, VSB and the Pennsylvania Bar, all investigations which will have to be re-instigated especially in light of *Anderson's* claims and other new evidence that has surfaced. That this court should also consider obtaining the records of these bar actions to prevent any destruction.

441. That on information and belief, it is interesting to note that *Anderson's* assertions will cause a domino effect in the investigatory house of cards, to allow for cause all prior investigations that in any way relied on information from the 1<sup>st</sup> DDC to be reinvestigated. There are a multitude of derailed investigations that were relied upon in part by information gained from the 1<sup>st</sup> DDC reviews that will now have to be reinstated.

442. That on information and belief, Plaintiffs further state that the beginnings of a conspiracy were exposed with first the Joao investigations into his part in stealing the IP and other crimes, AA's initial exposure of the corporate crimes and missing stocks, the two sets of IP done by Foley with different inventors, Foley filing IP for Utley as a sole inventor and now the illegal legal actions but it has taken years for Iviewit Companies to piece together the thousands of pieces of evidence and where new crimes are still being discovered and further complaints will be filed unless all matters are resolved here before this Court.

**HOUSTON & SHAHADY, P.A.,**

443. That in or about Spring 2001, and through commissioning by Wheeler and Proskauer, defendant B. Houston and, through the doctrine of respondeat superior, SH itself, abused process and filed a frivolous and fraudulent involuntary bankruptcy suit on behalf of Utley, Reale, Hersch, Huisman, and Ryjo that constituted another instance of state and federal law claims cited herein that resulted from patent sabotage, theft of IP, robbery, and other state and federal law claims cited herein.

