

FURR & COHEN, P.A.,

444. That in or about Spring 2001, and through commissioning by Wheeler and Proskauer, defendant Schraiberg and, through the doctrine of respondeat superior, FC itself, conspired with Wheeler, Proskauer, B. Houston, SH, Utley, Reale, Hersch, Huisman, and Ryjo to yield to those plaintiffs claims by abused process and the filing of 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.

SACHS SAXS & KLEIN, P.A.,

445. That in or about Spring 2001, and through commissioning by Wheeler and Proskauer, defendants Zuckerman, Saxs and, through the doctrine of respondeat superior, SSK itself, conspired with Wheeler and Proskauer, to file an answer to the billing dispute complaint of Proskauer that was filed fraudulently 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.

BSTZ UNCOVERING FURTHER FRAUD

446. That on information and belief, including but not limited to, Powell, Kane, S. Bernstein, Buchsbaum, Epstein, Crossbow and Hersch began to undertake a course of actions to replace counsel, secure records, transfer personnel, relinquish employees, close down offices to begin sorting out what exactly had been stumbled upon.

447. That on information and belief, Crossbow was fully cognizant of what was transpiring and with Kane, worked to rid the company of Utley, Proskauer and others and try and hold together the company under the duress and protect the IP or so it appeared at the time.

448. That Crossbow convinced the Board that not knowing what was going on it would be safest for all the shareholders to allow them to secure the IP with more loans to attempt to prevent possible legal actions or otherwise dubious actions to cause loss.

449. That on information and belief, the company problems were revealed and disclosed to AOL, WB and Sony representatives and it was determined that such crimes

being investigated would not effect ongoing deals, as Crossbow represented at the time to these clients that they stood behind the Iviewit Companies and were continuing funding despite the unfolding problems, yet this was not the case as the deals slowly dissolved on the emerging information of the crimes and uncertainty of the IP.

450. That on information and belief, Crossbow had Powell assess the situation and Powell worked with inventor Plaintiff Bernstein and hired new legal counsel to evaluate the prior IP work and file charges if necessary.

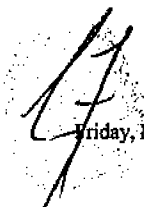
451. That on information and belief, Plaintiff Bernstein had an approximately fifteen year business relationship with members of Irell and Manella ("Irell") and it was determined they would replace Foley and Proskauer for IP work and licensing after meeting with Crossbow and Crossbow retaining them on behalf of Iviewit Companies.

452. That on information and belief, further licensing and other business deals continued for a short time by Irell who was retained to complete them but upon learning from counsel Irell secured that there large scale IP problems it was determined that it would be impossible to license the technology without certainty of who owned it.

453. That on information and belief, upon reviewing certain evidence presented to them regarding the problems with the IP they were licensing, Irell referred BSTZ and its agents, including but not limited to, Coester, Ahmini and Hoover to investigate the filings and correct the problems found in the filings, if possible.

454. That on information and belief, Crossbow, acting as an ally at the time, continued funding through the transition to new management and professionals and retained for Iviewit Companies both Irell and then BSTZ to investigate the work of Foley, Proskauer and MLG and so began the unearthing of a mass of crimes as will be listed in approximation further herein but whereby the number of crimes in violation of state, federal, international and attorney ethics approaches a thousand.

455. That on information and belief, Crossbow's Powell came to California to meet with WB and Sony and evaluate the emerging relationships and assure them that they were unaware of the problems and would support Iviewit Companies. Powell met with representatives of WB regarding a proposed funding and licensing deal formulated upon a multi-layered implementation of the Iviewit Companies technologies for five studios digital libraries.



456. AOL and WB had already begun to use the Iviewit Companies processes under NDA and an encoding/licensing deal structured by Irell and that a similar deal was being prepared for Sony and others. That the result of the crimes committed herein damaged and derailed these licensing arrangements and the ability to execute them causing massive damage to the Iviewit Companies.

457. That on information and belief, Crossbow through Powell assured AOL, WB and Sony that Crossbow was not aware of these problems either and would work to rectify the legal actions if they were found to be true. This was further reason that Crossbow stated they wanted to securitize the loans with the IP, to protect all the shareholders.

458. That on information and belief, Powell assured WB and Sony that Utley was being terminated, the offices were moving to Los Angeles and they would continue funding of Iviewit Companies as promised and agreed to.

459. That on information and belief, David Colter, a senior technologist for WB and Douglas Chey, a former senior WB senior technologist who transferred to Sony Digital as senior technologist after learning of the Iviewit Companies inventions, were present at meetings with Powell in California and disclosed the site www.moviefly.com later changed to www.movielink.com that was being created using the Iviewit Companies processes for a studio download of their content.

460. That on information and belief, both advised Powell they were using the processes on their websites and in other forms of video and image transmissions and were planning on using Iviewit Companies services while licensing the technologies.

461. That on information and belief, Colter explained to Powell he and other leading technologists at AOL, WB and other studios wanted to make sure Utley was fired and that no further deal would be possible with any of the major studios with Utley involved, after it was found that Utley was lying and his other dubious actions.

462. That on information and belief, Crossbow then began a series of discussions with limited Board of Director members, including but not limited to, mainly Kane (formerly of Goldman Sachs signed under NDA and acting as an initial banking firm for the Iviewit Companies), Buchsbaum and Powell, regarding how to protect the IP

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and the shareholders and what exactly to do to investigate all of the matters fully and report the actions to the proper authorities.

463. That on information and belief, Crossbow and the Iviewit Companies later find after hiring counsel BSTZ to audit the work of Foley, Proskauer, MLG and Joao, to the amazement of Iviewit Companies shareholders Utley had indeed been patenting core technologies into his name with Foley's IP team, spearheaded and over sighted by Dick at Foley. BSTZ then prepared an IP docket showing two patents found whereby the inventor was solely Utley and other inconsistencies in the IP dockets with what was audited on file at the patent offices, inapposite of the Foley and Proskauer IP dockets constituting a further series of crimes against Iviewit Companies and the United States.

464. That on information and belief, Utley was found listed as sole inventor on two patent applications with no assignments and this fact is completely contradicted by Utley's direct deposition testimony whereby he states no digital camera patent applications, or any other IP applications were filed in his sole name.

465. That on information and belief, Utley stated in his deposition in the civil billing case that if there was any IP in his name it was assigned to the Iviewit Companies, a materially false statement later confirmed by the USPTO.

466. That on information and belief, the audit work performed by BSTZ led to BSTZ being retained to fix such errors and report such fraud and other crimes to the proper tribunals worldwide.

467. That on information and belief, Iviewit Companies and Crossbow were otherwise led to believe BSTZ was undertaking such tasks to fix the inventions and notify authorities.

468. That on information and belief, BSTZ was later found to have further conspired with the former "defendants" to further the IP crimes by aiding and abetting through covering up the past crimes, while continuing the crimes and wholly failing to notify anyone of the crimes they discovered resulting in further damage to the Iviewit Companies.

469. That on information and belief, BSTZ began to procure false and misleading Iviewit Companies IP dockets to the Iviewit Companies that again were used for the solicitation of investor funds which again unbeknownst to the Iviewit Companies



were again incorrect, thus constituting further fraud and legal malpractice, in the long tradition of Iviewit Companies legal counsel of malpractice and other crimes.

470. That on information and belief, conversations with the USPTO led to evidence showing BSTZ's IP portfolios were almost entirely false when compared to what was actually on file with the USPTO.

471. That on information and belief, BSTZ further misdirects the Iviewit Companies to think Utley is being removed from the IP in the US and foreign filings and the true and proper inventors are being named, in fact BSTZ has the inventors sign documents to execute such changes to correct the inventions.

472. That on information and belief, after review with the USPTO, the EPO and JPO it was found that the changes BSTZ were making were never made.

473. That on information and belief, it was later learned that even after discovering Utley had committed fraud and was long fired with cause, BSTZ filed **additional** IP applications listing Utley as an inventor and falsifying the IP dockets to cover it up to Iviewit Companies shareholders, investors and potential investors.

474. That on information and belief IP attorney complaints were then filed with Moatz of the USPTO OED against BSTZ's attorneys for their part in the conspiracy, adding them to the list of law firms and attorneys Moatz had already begun formal investigations on.

475. That on information and belief, the complaints filed with Moatz also involved IP and client file document destruction by BSTZ, further violations of their ethics and perhaps other crimes.

476. That on information and belief, BSTZ upon being uncovered as a possible conspirator then destroyed, through loss, the IP files, including original IP documentation transferred to them from Foley, MLG and Proskauer, including original IP materials and filings. Such loss by BSTZ comes after they are requested to contact Moatz at OED and transfer the IP files.

477. That on information and belief, BSTZ was charged with notifying the USPTO of the frauds on the USPTO and through foreign IP agents they retained they were to notify the EPO and European investigators and this was never done constituting further ethical violations and possible other crimes.



478. That on information and belief, upon speaking with foreign IP counsel defendant Molyneaux, brought in by BSTZ as EPO counsel, and through his firms Wildman and Harrison, it was determined that to correct the errors across the pond, the EPO would have to be notified of the fraud and that he was going to aid Plaintiffs by doing so in response to a formal office action and other notices to other international authorities. Iviewit Companies had thought Molyneaux had taken this course since being retained, as he was privy to the information that fraud had occurred by all prior IP counsel upon BSTZ being retained, constituting further attorney malpractice and possible other crimes, including conspiracy.

479. That on information and belief, corrective action was to have been taken by Molyneaux to change owners and inventors prior to answering EPO actions that were coming due in Europe and this was never done.

480. That on information and belief, BSTZ was requested to make such filing of fraud to the EPO and European investigators through Molyneaux, including a written statement by Plaintiffs referencing Moatz's OED actions and the Commissioner of Patents suspensions pending investigation of fraud on the United States and the Iviewit Companies and where per Molyneaux, shortly before filing, BSTZ had failed to transmit the documents to him or WILDMAN containing the allegations and asking the EPO to take actions to protect the IP and institute investigations furthering the conspiracy.

481. That on information and belief, upon contacting WILDMAN directly, Plaintiffs gave Molyneaux a copy of what BSTZ had failed to send notifying the EPO of the alleged IP crimes for filing with the EPO and it was presumed that he had transmitted the entire document, later it was learned that the document may have been altered in transit constituting further mail and wire fraud and furthering the conspiracy.

482. That on information and belief, Molyneaux volunteered to submit such fraud notification with the Iviewit Companies with the office answer, based on unfolding situation with BSTZ where it was being learned of their involvement in the conspiracy with the other defendants, where BSTZ was not responding to repeated requests to file an answer with a statement of fraud and the deadline for a filing only a few days away.

483. That on information and belief, it is later found that the office action filed with the EPO, sent to Plaintiffs by Institute of Professional Representatives before the

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European Patent Office ("IPR") as part of their investigation of the attorneys involved that are licensed with the EPO based on formal complaints filed by Plaintiffs, was materially changed in transit to EPO and the document was wholly fraudulent and missing much of what was filed. This has led to further requests of the IPR to contact other investigators to examine all documents on file and call European investigators to file charges of fraud.

484. That on information and belief, upon filing of the statement of fraud upon the EPO and fraud upon the Iviewit Companies, Plaintiffs made repeated requests to the EPO for suspension of all applications pending investigation into the IP fraud in the US and at foreign offices and these were refused stating Iviewit Companies needed replacement counsel to effectuate any changes with the EPO despite repeated complaints stating that attorneys were causing the problems and thus Iviewit Companies could not rely upon attorneys further without fear of continued conspiracy. As the filings were due almost instantly this was near impossible to retain new counsel. Further, the EPO released Molyneaux as counsel with pending applications needing instant filings; inapposite the rules regulating the EPO and this further aided the conspiracy.

485. That Molyneaux on requesting to be released as counsel filed a statement for release that was materially fraudulent in that it failed to state the true cause of his request for termination or notify the EPO of the emerging crimes he was aware of, further constituting violations of attorney ethics and other crimes in continuing the conspiracy.

486. That upon being noticed by Molyneaux that WILDMAN had filed Iviewit Companies response to the office action, BSTZ realized Molyneaux had let the cat out of the bag and began a series of steps to attempt to cover up for their deceits including document destruction, in violation of ethics laws at the USPTO and state of California and possible other crimes.

487. That on information and belief, attorneys from BSTZ then instantly went overseas on business that precluded their returning calls from Plaintiffs regarding the EPO series of events. That the nature of this trip(s) by members of BSTZ will be better explored through the discovery phase but is believed to have been to further protect the conspiracy from being revealed.

488. That on information and belief, BSTZ then lost all of Iviewit Companies IP files, spawning five years, three prior law firms, original art dating the inventions, and all records that had been transferred to them from Proskauer, MLG and Foley.

489. That on information and belief, this loss of files was done deliberately to cover up and attempt to destroy records of the Iviewit Companies crucial to securing the IP.

490. That on information and belief, BSTZ claimed to have transferred the files to Plaintiffs, acting with no authority or any record confirming the documents receipt by the Iviewit Companies and what documents were enclosed or received.

491. That upon submitting the IP dockets of Foley, Proskauer, MLG and now BSTZ to Moatz, at the USPTO OED, it was discovered much of the information told to the Iviewit Companies by Foley, Proskauer, MLG and BSTZ, was materially false.

492. That on information and belief, the work BSTZ stated they were performing, in fact was never done. This leads one to believe somehow BSTZ became part of the cover up through some form of bribery which caused them to act in such coordinated conspiratorial manner.

493. That on information and belief, Plaintiffs, in discussions with the USPTO on or about February 1, 2004, finds IP information different from every IP docket delivered to the Iviewit Companies by every retained IP counsel, as to inventors, assignments, and, in particular, two IP applications in the name of Utley with no assignment to the Iviewit Companies and not invented by the Iviewit Companies inventors constituting a mass of conspiratorial crimes.

494. That on information and belief, according to the USPTO, the Iviewit Companies presently hold no rights, titles, or interest in certain of the IP applications filed by IP counsel on behalf of Iviewit Companies constituting a further mass of conspiratorial crimes.

495. That on information and belief the IP issues caused the Iviewit Companies, in conjunction with its largest investor, Crossbow, at the direction of Moatz, to file complaints with the USPTO Commissioner of Patents, alleging charges of Fraud upon the USPTO and additionally the Iviewit Companies.

496. That on information and belief, the Commissioner of Patents after review of the initial information supplied suspended certain of the Iviewit Companies U.S. patent applications, while investigations are proceeding into the attorney criminal activity alleged.

497. That on information and belief, the JPO provides new evidence of filings in Utley's name but BSTZ attempts to state they were filed in August of 2000 before they were involved which later becomes learned to be false.

498. That on information and belief, the JPO filing information states they were filed by BSTZ, on or about, January of 2002, long after Utley was terminated in early 2001 and after BSTZ was supposed to be removing Utley from IP not continuing applications with his name on them further constituting attorney malpractice and other crimes.

499. That on information and belief, the JPO information directly contradicts the BSTZ portfolio information.

500. That on information and belief, the JPO evidence was submitted to Moatz and is currently under investigation as the original IP filings appear to have begun in the US by US attorneys.

501. That on information and belief, when one looks at the JPO filings, one sees submitted with the application a document with a blacked out date stamp to the USPTO as part of the filing.

502. That on information and belief, the JPO rejected and requested such blacked out document from BSTZ and requesting additional information to support the filing.

503. That on information and belief, such document with blanked out date was sent to Moatz for investigation and clarification, since the document was filed in the United States originally; imagine a filed patent confirmation document with the date intentionally blacked out. Further it was found on another document submitted to the USPTO by Joao that on the document there were fax dates on the document with the dates 3/10/1900 and 3/10/2020 and that the document appeared to have falsified signatures on the application constituting further crimes.

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504. That on information and belief, such document is being investigated by the USPTO and the obvious blacking out of the document and erroneous dates suggests further fraud on the USPTO and JPO.

505. That on information and belief, the JPO has been advised of the fraud but the JPO claimed that no such crime as fraud exists in Japan and that they were looking further into how to deal with the fraud.

ROGERS HIRES GREENBERG TRAUIG TO CONDUCT AN IP AUDIT

506. That on information and belief, Rogers hired Greenberg Traurig PA to audit the Iviewit Companies IP, power of attorney was granted by the inventor Plaintiff Bernstein and the result of the audit was that further fraudulent errors were discovered in the IP and contradicted in the IP dockets prepared by former counsel BSTZ, Proskauer, Foley and MLG. Where it is unknown at this time what Greenberg did once aware of the possible crimes against the United States and foreign patent offices, if they noticed authorities or concealed the information furthering the conspiracy.

507. That on information and belief, BSTZ was aware from the moment they were retained of many of the fraudulent errors and was at the time supposed to be correcting the errors. BSTZ had taken Plaintiff Bernstein, Rosario, Shirajee and Friedstein's signatures for power of attorney and falsely conveyed such powers were being used to make the changes on both the USPTO and foreign applications but instead used such powers to advance the conspiracy.

508. That on information and belief, once it was fully understood what BSTZ had done, and not done, charges were filed with OED at the USPTO, notice was given to federal, state and international authorities of BSTZ's involvement and soon to be filed charges are forthcoming with the state bar association of California for BSTZ's involvement in the conspiracy.

509. That on information and belief, BSTZ for their involvement and furtherance of the crimes, was included in the filings of fraud upon the USPTO, filed with the USPTO that have led to suspension of Iviewit Companies IP.

510. That on information and belief, BSTZ for their involvement and furtherance of the crimes, was included in the filings of fraud upon the USPTO, filed with the USPTO OED in formal attorney complaints still being investigated supposedly.

USPTO OED INVESTIGATES AND MOVES TO SUSPEND IP BASED ON FINDING FRAUD IN PRIOR COUNSELS IP DOCKETS

511. That on information and belief, on another front, after the Proskauer Civil Billing Lawsuit and the fraudulent federal bankruptcy ended, and upon presenting further evidence to Moatz, it was learned that IP had been assigned to corporations that were contrary to what the attorney IP dockets and documents from MLG, Proskauer, Foley and BSTZ had indicated.

512. That on information and belief, Moatz noted that the IP dockets had been transmitted to, including but not limited to, the legitimate Iviewit Companies shareholders, investors (including the SBA), the USPTO, the state bar authorities investigating several of the accused attorneys, leading Moatz to immediately form a specialized USPTO team to handle the Iviewit Companies IP filings and get them prepared (answering any outstanding office actions, filing for change of inventors based on fraud, paying all fees, etc.) for suspension and began formal USPTO OED investigations of all those involved who were licensed with the USPTO OED named herein.

513. That on information and belief, Moatz instantly directed Plaintiffs to remove all prior counsel to the pending applications and not speak to any other USPTO staff but the newly appointed Moatz team. Moatz then directed Plaintiffs to file with the Commissioner of Patents a request for IP suspensions based on allegations of fraud directly on the USPTO¹⁵ (as the filing of false oaths and other frauds were crimes directly against the USPTO) and not merely the legitimate Iviewit Companies and inventors.

514. That on information and belief, Moatz later began working with Luchessi of the FBI regarding the fraud on the United States, foreign patent offices and other IP crimes.

515. That on information and belief, to add strong credibility to the fraud claims to the Commissioner of Patents, the allegations were similarly signed by the Chairman and CEO of Crossbow, Stephen J. Warner ("Warner") who had spent

¹⁵ These charges alone should cause this Court to enjoin investigators to this case but more importantly prosecutors who can represent the United States in the crimes against the United States and many US and foreign government agencies, of which Pro Se indigent Plaintiffs or possible future Pro Bono counsel can represent. It is the duty of this Court to make sure the People of the United States are protected from crimes against the United States and foreign nations, not Plaintiffs.



enormous time reviewing the evidence, a 20 year veteran investment banker from Merrill Lynch Capital Ventures Inc.

516. That on information and belief, the Commissioner of Patents then suspended certain of the Iviewit Companies IP and where those suspensions have remained in effect outside the legal limit defined in the Patent Act and may lead to legal precedent being established in order to secure the inventor rights guaranteed under the Constitution.

517. That on information and belief, the USPTO in fact, refused to release information regarding Utley's patents to Iviewit Companies because neither Iviewit Companies, nor the inventors, are found listed on certain of the patents in any capacities, in contradiction to attorney IP dockets from Joao, Foley, MLG, BSTZ and Proskauer.

518. That on information and belief, Dick in his response to a VSB bar complaint submits an IP docket which shows patent applications Foley supposedly filed for the Iviewit Companies but when sent to Moatz at the USPTO, he states that the information on the IP dockets is almost wholly incorrect and Moatz states that the USPTO cannot release information on certain of the filings, as the Iviewit Companies and the inventors were not listed anywhere on them, contrary to the IP dockets prepared by counsel after counsel. Moatz then states that to release the information of those patents Iviewit Companies would need an act of congress, Moatz further strongly suggests to Plaintiff Bernstein that he should seek new counsel as these matters were far to complicated in law for him to handle, yet another reason this Court should grant instant Pro Bono counsel.

519. That on information and belief, what Plaintiffs had discovered and will take further discovery, hopefully by this Courts granting Pro Bono counsel in tandem with federal, state and international investigators of the RICO and other criminal allegations contained herein, was the existence of two sets of IP applications in what appears an IP shell game created as an artifice to defraud. Combined with the two sets of identically and/or closely named corporations created in the corporate shell game, these two scams combined then created an illusion as to which IP applications had been assigned to which companies and individuals and which unauthorized companies



contained the fraudulently filed IP, a "bait and switch" scheme, leaving the legitimate Iviewit Companies with IP certain to fail.

USPTO OED - FORMAL INVESTIGATIONS OF ATTORNEYS

520. That on information and belief, Moatz now investigates all of the following licensed representatives before the USPTO OED, including but not limited to; MLG, Joao, Foley, Dick, Boehm, Becker, Proskauer, Rubenstein and his department IP professionals involved, BSTZ, Zafman, Christopher and Weisberg for their part in fraud on the USPTO and Iviewit Companies for the ethical violations of the federal patent bar he is in charge of.

521. That on information and belief, the Commissioner of Patents now investigates all of the following licensed representatives before the USPTO OED, including but not limited to; MLG, Joao, Foley, Dick, Boehm, Becker, Proskauer, Rubenstein and his department IP professionals involved, BSTZ, Zafman, Christopher and Weisberg for their part in fraud on the USPTO and Iviewit Companies for the ethical violations of the Patent Act and USPTO.

**SECOND CONSPIRACY BY IVIEWIT COMPANIES INVESTMENT BANKER
CROSSBOW VENTURES AND DISTREAM**

522. That on information and belief, a theory will be advanced herein, that Crossbow and its agents, including but not limited to, Chen, Hersch, Ugale, Buchsbaum, Warner, Eichenberger, Shaw and Powell, once finding out about the scams that had taken place by the attorneys and accountants began another attempt to gain control of the IP and rid the shareholders of their ownership to steal the grail technologies through gross violations of securities laws, violations of their security agreements and other crimes.

523. That on information and belief, this conspiracy again is inapposite the interests of Iviewit Companies shareholders and the true and proper inventors and was committed through a series of very diabolical transactions to try and sell the companies, which they did not have controlling interest in and rewrite the patents into others names.

524. Where investor Crossbow was referred by Proskauer and at first appeared to be in the dark about the crimes going on and in fact siding with the Iviewit Companies



once information was uncovered through the audit of AA that they started but now turned on the Iviewit Companies in an attempt to abscond with the IP for their self gain.

525. That on information and belief, the crimes committed in this instance may constitute a second conspiratorial ring trying to usurp the first conspiratorial group of their rights through extorting them or finally joining the original conspiracy, further discovery will aid in determining exactly what happened. The second conspiratorial ring has come under scrutiny for their actions in attempt to steal the IP from the rightful owners, the Iviewit Companies shareholders and inventors, which is at the heart of their scheme.

526. That on information and belief, what makes the second conspiracy possible is that those involved in the second attempt, became aware of the first conspiratorial ring and possessed evidence the Iviewit Companies shareholders (including themselves and the federally backed Small Business Administration who they had secured investment funds from) had been scammed, as evidenced in their signing the charges filed with the USPTO. The second conspiratorial ring led now by Crossbow had intimate knowledge of the crimes as is evidenced by the co-signing of the document accusing the law firms of fraud upon the USPTO filed with the Commissioner of Patents. This document led to the ongoing investigations at the USPTO and the IP being suspended.

527. That on information and belief, instead of going to the authorities and revealing their knowledge, including the possible theft of SBA funds, until forced by the fear of being included in the charges being filed with the USPTO which is why Warner signed the USPTO fraud charges, Crossbow had begun a series of steps unbeknownst to Plaintiffs or any Iviewit Companies shareholders to take control of the IP for themselves and further perpetuate fraud and other crimes to achieve their goals.

528. That on information and belief, the second conspiratorial ring, had taken monies from the federally backed SBA, and on information and belief, failed to disclose to the SBA through proper accounting and disclosure, the true nature of the events surrounding the writing off of their loans. In effect, they attempted to abscond with SBA monies, as well as the monies invested by the Iviewit Companies shareholders and further have the pie all for their own gains.

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529. That on information and belief, because of the second conspiratorial rings direct ties to the first group, referred by members of Proskauer, what may appear separate and distinct conspiracies, may be in fact be a good guy/bad guy facet of the first ring.

530. That on information and belief, Crossbow, having gained valuable inside information from their investments in the Iviewit Companies, participation on the Board of Directors and management placed inside the Iviewit Companies, then used such information to the detriment of the Iviewit Companies shareholders in violation of their obligations as investors to the Iviewit Companies.

531. That on information and belief, Crossbow attempted to derail the Iviewit Companies through a series of actions intended to cause damage to the business and at the same time saddle the company with secured debt, immediately after learning of the crimes committed by former counsel and accountants.

532. That on information and belief, Crossbow, working with Board of Director Kane, sold to the Board a plan to secure the IP with loans of one million five hundred thousand dollars (\$1,500,000.00). Such securitization of the investment was intended to protect the Iviewit Companies shareholders in the event actions were taken against the company by all of those terminated and being investigated, including but not limited to, Utley, Reale, Hersch, Proskauer, Foley and MLG. That has this money been invested fully that Crossbow may have had controlling interests but that Crossbow failed to pay the full the amount.

533. That on information and belief, Crossbow, after finding out from WB, Sony and others that the Iviewit Companies technologies were to be used for a major five studio digital download project, and both companies were exploring hardware/software licenses with the Iviewit Companies, they then began a series of illegal actions, to knock out the Iviewit Companies shareholders and finish off the companies through a series of more illegal actions including: fraud on the SBA, fraudulent sale of the company, fraudulent IP assignments to DiStream, fraudulent oaths of IP applications to the USPTO for new IP through DiStream and possibly foreign patent offices whereby a key executive of DiStream, Royal O'Brien was found writing almost identical IP to the Iviewit Companies IP into his name on behalf of DiStream.



534. That on information and belief, Crossbow made press releases that they had sold an Iviewit Companies company to DiStream and then when called on to explain their actions and complaints threatened and then filed with the Securities and Exchange Commission ("SEC"), were then forced to retract their statement of selling the Iviewit Companies company to the press who published such retraction.

535. That on information and belief, conversations with Warner after leaving Crossbow as CEO, reveals Crossbow may have been duped by Proskauer and Wheeler and invested in an Iviewit Companies entity that did not hold the IP rights to the correct set of IP. Warner reveals to Plaintiff Bernstein the Crossbow dollars invested in the Iviewit Companies were composed of federally backed SBA loans and if fraud was committed upon Crossbow, it was committed upon the SBA.

536. That on information and belief, Plaintiffs then notified the inspector general and others at the SBA of the crimes committed. The SBA Inspector General Office has begun an audit into where the SBA funds in the Iviewit Companies went, along with their rights in the IP, as the numbers provided by Warner for the SBA loans secured would make them the largest single owner of the Iviewit Companies and its assets in the event of liquidation.

537. That on information and belief, on the one hand Crossbow claims they wrote off their investment and the SBA loans, while on the other hand they are off selling their loans to DiStream and taking assignments on the IP. It appears they attempted to get rid of the SBA loans yet transfer the IP assets to another company they are also owners of, DiStream, in an attempt to get rid of the Iviewit Companies shareholders and SBA, allowing them total control of the IP through DiStream.

538. That on information and belief, since becoming aware of the attempts to steal the IP, Crossbow had no fear of being caught in their attempt by prior counsel or professionals, in fear that the original conspiracy would be revealed, possibly extorting Proskauer et al. or joining them in the overall conspiracy which further discovery will aid in determining.

539. That on information and belief, this attempt by Crossbow to steal the inventions from the proper owners seems strung together by, including but not limited to, Matt Shaw and Renee Eichenberger, who failed to address Iviewit Companies



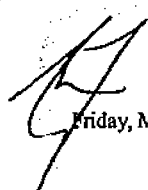
shareholders to address questions of how they sold a company they did not own or have controlling interest in, how the West Palm Beach Post had claimed that they sold an Iviewit Companies company and then later such press was retracted and reprinted as an error.

540. That on information and belief, Crossbow failed to notify (even a whisper) to the Iviewit Companies shareholders they had sold an Iviewit Companies entity and taken the IP to the new company to begin attempting to rewrite the IP in the owner of DiStream's name, and thus perpetrated another fraud on the Iviewit Companies shareholders, including the federally backed SBA and the USPTO.

541. That on information and belief, Plaintiff Lamont sent a letter on behalf of the Iviewit Companies to Warner titled *Re: 10% Senior Secured Notes Dated, On or About: May 14, 2001; June 8, 2001; July 9, 2001; and, September 17, 2001 (collectively "Notes")* where the letter states, "on or about December 31, 2002, Alpine Venture Capital Partners, L.P. transferred or otherwise assigned the Notes to a third party. Moreover, this letter is to advise you that the Notes are unregistered, restricted securities as defined by the Securities Act of 1933 ("Act"), generally, and Regulation D of the Act, specifically.

Moreover, unless benefiting from an exemption afforded by Rule 144, prior to any sale, offer for sale, pledge, or hypothecation of said Notes, Iviewit Holdings, Inc.: (I) must have the benefit of an effective registration statement; or, (II) must have an opinion of counsel from Alpine Venture Capital Partners, L.P. reasonably satisfactory to the company that such effective registration statement is not required for any sale, offer for sale, pledge, or hypothecation of said Notes. Furthermore, it appears that you did not qualify for the exemption offered by Rule 144, and, therefore, Iviewit Holdings, Inc. does not recognize the transfer of the Notes...as a result of the lack of communication with respect to this invalid transfer, and for the benefit of shareholders of Iviewit Holdings, Inc. as a class, the company has filed a complaint with the Enforcement Division of the Securities and Exchange Commission.

542. That on information and belief, based on the above securities violations and complaint filed, Iviewit Companies have not heard from the Enforcement Division of the Securities and Exchange Commission as to the outcome of the complaint filed.



THE COVER-UP CONSPIRACIES

543. The Supreme Court said in an 1882 decision, *United States v. Lee*, 106 U.S. 196, 220, 1 S.Ct. 240, 261, 27 L.Ed. 171, that:

“No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey.

It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.”

THE FLORIDA COVER UP CONSPIRACIES TFB AND THE FSC

544. That on information and belief, Plaintiffs filed a complaint with TFB that alleges that Wheeler and Proskauer were involved in all facets of the above series of events and therefore violated professional ethics on numerous violations of the Lawyers Code of Professional Conduct as regulated by TFB.

545. That TFB on information and belief, and all of its agents involved, including Bartmon, Hoffman, Turner, Marvin, Boggs and Beer, all acted in conspiracy to deny due process rights to complaints filed by Iviewit Companies and Plaintiffs as described herein.

546. That on information and belief, the complaint can be found at the url; <http://iviewit.tv/CompanyDocs/2003%2002%2026%20Wheeler%20Bar%20Action.pdf> and is hereby incorporated by reference herein.

547. That on information and belief, the lack of an adequate review, or any investigation, at TFB by Bar Counsel Lorraine Christine Hoffman, Esq. (“Hoffman”), in July 2003, is evidenced wherein she dismissed the Wheeler Complaint as a result of the ongoing Proskauer Civil Billing Lawsuit by and between Plaintiffs and Proskauer in violation of the Rules Regulating the TFB.



548. That on information and belief, the Hoffman's response can be found at the url;
<http://iviewit.tv/CompanyDocs/2003%2007%2001%20Florida%20Bar%20hoffman%20Response%20Wheeler%20Complaint.pdf> and is herein incorporated by reference. Where it is interesting to note Hoffman's claim that no investigation was done and the complaint was dismissed on her review.

549. That on information and belief, the civil case was a billing dispute case, limited specifically by Labarga to billing issues only and Hoffman's decision was a result of her desire to see what findings that court would make in her termed "sufficiently similar" allegations. Hoffman however knew at such time that the case was wholly dissimilar as the Proskauer Civil Billing Lawsuit was merely a billing dispute case that contained a denied motion to amend and counterclaim with the other claims of crimes not even allowed in by Labarga and limited to a billing case.

550. That on information and belief, with the broader IP theft and crimes against the United States contained in the Counter Complaint and refused to be heard in the Proskauer Civil Billing Lawsuit, Hoffman acted inapposite of TFB rules as the complaint filed with TFB contained the broader IP crimes Wheeler and Proskauer had coordinated. Since the allegations were not being heard by the civil court against Wheeler, TFB had no basis to establish that the complaints were similar in virtually anyway and thus delay investigation or even put it on hold until the conclusion of the Proskauer Civil Billing Lawsuit. This action by Hoffman allowed the conspiracy to be further perpetrated by going uninvestigated or reported by officials in possession of the evidence of crimes.

551. That on information and belief, it is also believed that the Rules Regulating TFB prohibit delaying cases without a board of TFB approval which Hoffman failed to follow.

552. That on information and belief, Hoffman's actions created a catch 22 to deny due process and procedure of the broader and more serious crimes inapposite of the Rules Regulating TFB; this is initially what caused Plaintiffs to elevate Hoffman's decision. Further, Hoffman has obligations that based on evidence of attorney misconduct, especially where the claims were concerning attorney crimes against the



United States and foreign nations was claimed and where evidence was submitted to her to support such, to report those actions to authorities which she failed to do.

553. That on information and belief, once apprised that the Proskauer Civil Billing Lawsuit had ended due to a default by Plaintiffs to retain replacement counsel and Plaintiffs' requested reinstatement of the Wheeler complaint, Hoffman, seemingly did an about face and claimed that the Wheeler Complaint was a civil dispute outside of the jurisdiction of TFB. That this action appears in furtherance of the conspiracy and may indicate that Hoffman was bribed or otherwise induced to make such rulings inapposite of the rules.

554. That on information and belief, despite the multiplicity of professional misconducts alleged and evidenced, including participating in a scheme in the misappropriation and conversion of Iviewit Companies funds including funds of the SBA, crimes against the United States government and foreign nations, conflicts of interests and other ethical misconduct regulated by TFB, Hoffman appeared to be aiding and abetting the activities of the accused Proskauer and lawyer Wheeler.

555. That the Wheeler bar complaint response, tendered by Triggs, later to be learned tendered acting in conflict and violations of his public office, can be found at the url;

<http://iviewit.tv/CompanyDocs/2003%2004%2007%20-%20Wheeler%20Proskauer%20Response%20to%20Bar%20Complaint.pdf>

556. That on information and belief, the Plaintiffs rebuttal to the Wheeler response tendered by Triggs in conflict and violation of public office can be found at the url (patience with this 40.69 Megabyte Adobe pdf file);

<http://iviewit.tv/CompanyDocs/2003%2004%2030%20Bernstein%20response%20Florida%20Bar%20Wheeler%20BOOKMARKED.pdf> and is hereby incorporated by reference herein.

557. That on information and belief, Hoffman was notified by Plaintiffs that no civil case was pending that contained any of the charges in the complaint, being that the TFB complaint and other attorney disciplinary actions were the first step in several states in attempting to bring these matters to justice, as the crimes were almost entirely committed and directed by lawyers and law firms.



558. That on information and belief, elevating the Wheeler and Proskauer bar complaints for review of Hoffman's decisions, Eric Montel Turner ("Turner"), Chief Branch Discipline Counsel, was brought in. With no investigation into the complaint, Turner dismisses the Wheeler and Proskauer complaints and further makes an incorrect determination and endorsement on behalf of Proskauer and Wheeler in his response, whereby he claimed that Proskauer did NO patent work for Plaintiffs, despite the volumes of evidence to the contrary contained in Plaintiffs rebuttal and initial complaint. Turner also states that there was an "investigation", to give the appearance that the matters had been investigated when Hoffman's decision was to NOT investigate based on review and no other "investigation" was done of Wheeler. This slight differentiation in words is significant and where the Turner letters form part of a quasi defense for Wheeler. The complaint was dismissed on review by Hoffman and no investigation was ever conducted, no witnesses contacted, no evidence tested but Turner's letter attempts to impart such on TFB stationary.

559. That the Turner response can be found at the url;
<http://iviewit.tv/CompanyDocs/2004%2001%2020%20Florida%20Bar%20Response.pdf>
and is hereby incorporated by reference herein.

560. That on information and belief, this opinion and endorsement violated The Rules Regulating TFB where it appears that without formal investigation TFB cannot make determinations in favor of either party, nor make endorsements of either side or their positions without full investigation. That these actions of Turner are in violation of TFB rules and acted to further suppress the complaints and in furtherance of the conspiracy. That this action may indicate that Turner was bribed or otherwise induced to make such rulings and the endorsing a position of party, inapposite of the rules.

561. That on information and belief, for his endorsement inapposite the rules, a TFB complaint was filed against Turner and TFB chose to investigate the matter of the endorsement as a violation of the Rules Regulating TFB and Turners TFB bar rules regulating professional conduct but converted the complaint to an internal employee matter versus a formal bar complaint. That these actions are also in violation of TFB rules and acted to further suppress the complaints and in furtherance of the conspiracy.

A circular stamp with a textured, fingerprint-like pattern is located at the bottom center of the page. Overlaid on the stamp is a handwritten signature in dark ink, which appears to be 'E. Turner'.

562. That on information and belief, no formal docketing of the Turner TFB bar complaint took place, inapposite procedural rules, again denying Plaintiffs due process and procedure and appear to aid and abet the conspiracy.

563. That on information and belief, Turner had given the conspirators a document to run around the country with to other investigators stating Proskauer had done ~~NO~~ patent work based on his review with no formal investigation, although having a falsified document on TFB letterhead imparting that Wheeler was vindicated after investigation. That this document seemed to refute the claims of the Iviewit Companies and damaged investigations nationwide, as it appeared an endorsement of Proskauer's position, despite the evidence in multitude that supported that Proskauer was IP and patent counsel for Iviewit Companies.

564. That on information and belief, Turner's letter was tendered on TFB stationary and allowed Proskauer and Wheeler touting their victory that they did NO patent work. At that time it was not known that Wheeler and Proskauer had been represented by Triggs, a Proskauer partner who was violating his TFB public office rules by representing his partners without TFB approval and thus made this TFB victory a short lived victory and began a long nightmare to cover up the conflicts that were unearthed.

565. That on information and belief, after receiving the Turner "dismissal" without investigation letter, Plaintiffs contacted Turner to find out how to elevate the Wheeler and Proskauer TFB complaints and his decision and endorsement to the next highest review level, whereby Turner stated that he was the final review for TFB and therefore the case was permanently closed and he was moving to destroy the file and evidence.

566. That on information and belief, when questioned further, Turner stated that Plaintiffs should call the general number of TFB in Tallahassee and hung up. Upon contacting the Tallahassee office, Plaintiffs spoke with Kenneth L. Marvin ("Marvin"), Director Of Lawyer Regulation, who stated that Turner was factually incorrect and that the matter could be reviewed by the Chairperson of the 15(c) Grievance Committee ("Chair"). Marvin then directed Plaintiffs to have Turner follow procedure and move the case for review to the Chair.

567. That on information and belief, at the request of Plaintiffs, Turner presumably turns the Wheeler and Proskauer complaints to the next higher level of review at TFB, the Chairperson of the 15(c) Grievance Committee.

568. That on information and belief, despite Plaintiffs' requests, Turner refuses the accommodation of the proof of delivery to the Chairperson, the name and contact information for the Chairperson, and any other information about the Chairperson.

569. That on information and belief, despite Turner's assurance that the Chairperson will respond to the complaints in due course directly to Plaintiffs, that Turner then pens a letter in his own hand conveying a message, seemingly and unintelligibly from the Chairperson, that merely regurgitated on behalf of the Chair, Turner's prior determination that Wheeler's firm, Proskauer Rose LLP ("Proskauer") had done NO patent work and the case was dismissed again on review. Another determination made as endorsement of Wheeler and Proskauer's position, again in violation of the Rules Regulating TFB, without any formal investigation, whereby TFB was precluded from endorsing either party in any way without an investigation, per Rules Regulating TFB. This letter also served to establish false defense for Proskauer as it again was penned under the authority of TFB and would indicate to anyone reading it that the determination was based on a formal procedural investigation which was not done. This letter further aids the conspiracy and may indicate further bribery of public officers or infiltration by Proskauer agents of public offices to derail Iviewit Companies complaints.

570. That on information and belief, the Turner and the Chairperson's statement is patently wrong regarding Proskauer not doing patent work and from this statement in blatant disregard to their own rules; liability may arise to TFB and their actors.

571. That on information and belief, TFB's decision and opinion was then used by other attorneys in their defenses, citing Wheeler's purported innocence in the matters and Proskauer's lack of culpability due to supposedly not doing patent work affecting those decisions.

572. That on information and belief, TFB refused to retract their statements or to correct such false statements made in violation of their rules to other regulators, even



after notice that they were being cited by another defendant, William J. Dick, to the Virginia State Bar in defense of his actions, as if TFB officials had created a legal defense for the defendants to further aid the conspiracy.

573. That on information and belief, Triggs a partner of the law firm Proskauer, acted as attorney on behalf of Wheeler, his partner at Proskauer in TFB complaint No. 2003-51, 109 (15C), herein incorporated in entirety by reference, in February 2003.

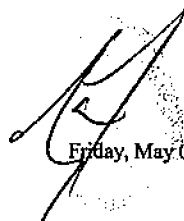
574. That on information and belief, in Trigg's authored letter of March 21, 2003 to TFB to act as counsel for his firm Proskauer and Wheeler, Triggs knowingly, willfully, and with intent violated The Rules Regulating TFB which precluded him from representation of any party after being a Committee Member of TFB for a period of one year after service.

575. That on information and belief, this action by Triggs, Proskauer and Wheeler was with an effort to create bias in the review of the Proskauer and Wheeler bar complaints. Where Triggs was too recently a member of the Grievance Committee, causing a violation of his public office position, in violation of the Rules Regulating TFB, as he acted as counsel in a bar matter within a one year blackout period which precluded him from representing anyone, especially his partner and firm.

576. That on information and belief, Triggs also had a vested interest in the case personally and professionally that would have conflicted and precluded him from representing his partners and his firm in the bar complaints.

577. That on information and belief, Triggs was also acting as lead Proskauer counsel in the concurrent Proskauer Civil Billing Lawsuit before Labarga, also in violation of attorney ethics regulated by TFB and the Rules Regulating the TFB.

578. That on information and belief, Triggs knowing and willful representation in violation of the Rules Regulating TFB on behalf of Wheeler, as it relates to his too recent Grievance Committee membership, and representing his partner within such period of exclusion, imputes a conflict of interest and an appearance of impropriety in the response of Wheeler that should have negated that response in entirety and forced all determinations of TFB to be retracted and redacted, yet TFB stood fast and took no actions to enforce the rules, precluding due process and procedure yet again.



579. That on information and belief, the representation of Wheeler by Triggs, since the Wheeler Complaints filing on or about February 2003, whereby Triggs, an individual so well known to the Grievance Committee and other branches of TFB, the tentacles of which reach to places little known to Plaintiffs, hails as one of the most imprudent abuses of power and public office, one of the most conflicted examples of influence pedaling, and another ill-advised instance of Trigg's, Wheeler's, and Proskauer's desperate attempts and continuous spinning of their wheel of fortune, their leaps of faith, and their bands of hope that the specific, factual allegations of the incomprehensible professional misconducts and crimes cited in the Wheeler and Proskauer bar complaints would go unheard and further not be investigated through such flagrant violation of ethics rules and law.

580. That on information and belief, based upon information supplied by Kenneth Marvin of TFB, and further confirmed in the Rules Regulating TFB, former Grievance Committee members are barred, for a period of one (1) year without full disclosure and board approval prior to acting as counsel. It is clear from the Rules Regulating TFB as stated below that Triggs clearly was in conflict:

3-7.11 General Rule of Procedure (i) Disqualification as Trier and Attorney for Respondent Due to Conflict. (3) Attorneys Precluded From Representing Parties Other Than TFB (E) A member of a grievance committee shall not represent any party except TFB while a member of a grievance committee and shall not thereafter represent such party for a period of 1 year without the express consent of the board" showing that Triggs violated his office position in representing Wheeler.

581. That on information and belief, Triggs also acted as lead counsel for the simultaneous litigation in the Proskauer Civil Billing Lawsuit in concurrence with his TFB official term and the handling of the Wheeler and Proskauer bar complaints as lead counsel. This conflict would allow Triggs access to the Wheeler and Proskauer bar complaint files and to information provided by Plaintiffs to TFB through his acting as counsel for Wheeler and Proskauer, then giving him the ability to use this information for his representation of his firm and partners in the Proskauer Civil Billing Lawsuit and vice versa, again inapposite TFB rules.

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

582. That on information and belief, a complaint was filed at TFB against Triggs for a mass of conflicts and violations of his TFB Rules of Professional Conduct and violations of the Rules Regulating TFB regarding his public office position and TFB failed to even formally docket or enter them into the system for review, blocking both due process rights guaranteed in the Constitution and the Florida Constitution and the right of citizens to file against government officials for violations of office.

583. That on information and belief, evidence was provided showing new information that Wheeler had committed perjury to TFB when compared to his statements under deposition in the Proskauer Civil Billing Lawsuit versus his prior written answer to the bar complaint and that even after Wheeler admits such in response, TFB ignored the perjurious statements and further aided the conspiracy from being revealed.

584. That on information and belief, Wheeler later admitted such perjury to TFB but tried to diffuse the importance in his response to the claims of false and misleading statements to TFB, hiding his admission of perjurious statement in a footnote.

585. That on information and belief, evidence showed cause for investigation, such as the perjured statements to TFB and conflicts found and yet TFB still refused to investigate, furthering the conspiracy.

586. How high did the conflicts elevate at TFB to be able to suppress the Plaintiffs' rights to the legal bar complaint process? That on information and belief, evidence now shows conflicts and violations of office extending all the way to the then President of TFB, defendant Kelly Overstreet Johnson ("Johnson").

587. That on information and belief, Johnson, after being apprised and sent information regarding the Wheeler and Proskauer complaint violations, information regarding the Triggs conflicts, information regarding the Turners and the Chairs actions in violation of the Rules Regulating TFB and accepting letters from Plaintiffs is found to coincidentally to be a direct report to the brother of the main protagonist Wheeler, through defendant James Wheeler ("J. Wheeler"), in the Florida law firm of defendant Broad and Cassel.

588. That on information and belief, this conflict of interest became known only after Johnson received Plaintiffs complaint information for months, with pleas for



Johnson to intercede on behalf of Plaintiffs' efforts to force formal docketing and disposition of the complaints against Triggs, Proskauer, Wheeler and Turner and begin formal charges against those involved in the affirmed conflicts and abuses of office. That Johnson's failure to perform her duty to enforce the rules is not only a violation of her office position but stands as evidence of her participation in the conspiracy to deny due process.

589. That on information and belief, pleas to Johnson to have the Triggs responses tendered in conflict voided from the Wheeler and Proskauer complaint record, to remove statements of endorsement by Turner and the Chairperson that were procured in violation of the rules and to have all prior complaint reviews re-evaluated in light of the conflicts and without their prejudicial influence, as would be required by law and procedure, all went wholly ignored by Johnson who continued to receive information central to what was happening at TFB without ever disclosing her conflict.

590. That on information and belief, although Johnson took the information again and again, she failed to disclose the obvious conflict she had with Wheeler's brother, until of course she was confronted with the fact that Plaintiffs had discovered her incestuous conflict and asked for formal written disclosure of the relationship.

591. That on information and belief, Johnson refused to tender a response to her conflicts and instead had TFB counsel call and state that she would no longer take any submissions or speak with Plaintiffs in regard to the matters. A bit late.

592. That on information and belief, with nowhere to go it appeared at TFB due to the top down corruptions and realizing that further complaints were frivolous at TFB, having exhausted every level of review, finding that no matter the level the rules were being wholly violated, Plaintiffs then appealed the matters to the direct oversight of TFB, as instituted in the Florida Constitution, defendant Florida Supreme Court ("FSC") and the defendant justices of that court.

593. FSC at once issued orders to halt a proposed destruction of the Proskauer, Wheeler, Turner, Triggs complaints filed with TFB which appeared to violate the Florida record retention laws for such files that TFB was in hurry to destroy ahead of such record retention laws.

A circular stamp with a signature written over it. The signature is in cursive and appears to be 'A. Johnson'. The stamp is partially obscured by the signature.

594. That on information and belief, TFB was planning to destroy their files prior to what record retention rules allowed and prior to the FSC review of the misconduct at TFB of its members in efforts to destroy relevant documents and further aid and abet the conspiracy and deny due process.

595. That on information and belief, Plaintiffs in response to the threatened destruction contacted defendant Deborah Yarborough of FSC whom advised Petitioners to file a complaint with the FSC and Plaintiffs filed such petition on or about October 07, 2004 with FSC becoming Case No. SC04-1078 and whereby such case is hereby incorporated by reference herein in its entirety.

596. That on information and belief, FSC and its agents, including but not limited to Hall and Yarborough and those identified herein, did act conspiratorially to deny Iviewit Companies and Plaintiffs due process rights.

597. That on information and belief, on or about October 11, 2004, FSC ordered TFB to respond to the petition filed by Plaintiffs.

598. That on information and belief, the response from TFB was tendered on or about October 22, 2004 to FSC, whereby the answer from TFB, which was barely intelligible and tendered by Turner, addressed none of the substantive issues raised in the petition filed and fell short of a proper response to a complaint by failing to address the substantive issues.

599. That on information and belief, Plaintiffs filed a response to the response of TFB, on or about November 15, 2004 that showed that TFB had failed to respond properly to the petition and requesting a default judgment.

600. That on information and belief, instead of granting Plaintiffs a victory for TFB's default, as the Turner response failed to deal with any of the substantive issues, FSC moved to close the case instead, failing to afford Plaintiffs the opportunity of further due process and procedure, or their rights to challenge and charge public officers, all without explanation or basis in law.

601. That this Court will see that not only did FSC err in a decision but their actions were coordinated to further usurp due process and procedure with the direct intent of covering for their brethren, TFB members and to further aid and abet the conspiracy.



602. That on information and belief, TFB is an offshoot of the FSC, it is believed that the members of TFB are insured under an insurance policy of the FSC, giving the FSC a vested interest in the outcome of the matters and again making it impossible for FSC to be objective when they maintain an interest. That this conflict was completely ignored by FSC and led to further violations of due process rights.

603. That on information and belief, the defendant justices of the FSC named herein were members of the opposing party TFB, and, thus had direct membership interest in the TFB, constituting further conflict and impeding their ability to make fair and impartial rulings in the matters and where due to this they should have found a none conflicted venue to review the matters as requested.

604. That on information and belief, unless Plaintiffs are unaware that conflict laws only apply when attorneys are conflicted with others and not when they are involved in bar cases against other attorneys, judges or members of the disciplinary process, then the whole concept of attorney self regulation is marred in conflict causing it to be useless as conflict laws are ignored.

605. That on information and belief, the fact that an attorney would be normally precluded from representing any organization where he has direct membership interest to avoid the obvious prejudice inherent in such representation, appears not to be the case when attorneys are attempting to regulate the actions of other attorneys, creating a conflicted process from the start and one where all actions can be questioned as to the ethics and where this conflicted process instead creates an attorney protection agency versus any sort of reliable disciplinary process.

606. That on information and belief, the factual allegations against TFB and FSC defendants can be found in the following set of documents and are hereby incorporated through reference herein, including but not limited to;

- A. Wheeler Bar Complaint #1 File No: 2003-51 109 (15c);
- B. Wheeler bar Complaint #2 – Pending Case No. – Case was never formally docketed or disposed of per due process and procedure.
- C. Triggs bar Complaint – Pending Case No. – Case was never formally docketed or disposed of per due process and procedure.



D. Turner bar Complaint – Pending Case No. – Case was changed from Bar Complaint to Employee matter inapposite due process and procedure in the handling of bar complaints.

E. FSC Case SC04-1078

F. United States Supreme Court Case No. 05-6611 Eliot I. Bernstein v. TFB - Certiorari of FSC Case SC04-1078. That representative copies of the complaint in online form can be obtained at the urls;

- i. <http://www.iviewit.tv/supreme%20court/> - a hyperactive document of the Supreme Court filing chalk full of evidence.
- ii. <http://www.iviewit.tv/CompanyDocs/oneofthesedays/index.htm> containing a list of the federal, state, international and civil laws that have been committed in the commissioning of the alleged acts,
- iii. <http://www.iviewit.tv/supremecourtexhibitgallery/> - with approximately close to 800 supporting documents, and,
- iv. <http://www.iviewit.tv/CompanyDocs/rico/CRIME%20ORG%20CARTS%201.htm> – A list of crime organization charts for the RICO element of this case as exhibited in that case. Turn on speakers.

STATE OF FLORIDA

607. That in or about Spring 2003 to Spring 2004, and through the actions of defendants TFB, Boggs, Marvin, Hoffman, Turner and, through the doctrine of respondeat superior, the State of Florida itself, and upon information and belief, these defendants conspired with Wheeler, Triggs, and Proskauer, to “white wash” and otherwise “rubber stamp” the attorney discipline complaints against Wheeler, Triggs, and Turner 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.

OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA

608. That in or about Spring 2004, and through the actions of defendants FSC, Wells, Anstead, Lewis, Quince and Bell and, through the doctrine of respondeat superior,



OSCA itself, and upon information and belief, these defendants conspired with Wheeler, Triggs, and Proskauer, to “white wash” and otherwise “rubber stamp” the attorney discipline complaints against Wheeler, Triggs, and Turner 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

609. That on or about November 4, 2008, Angela Potter of Florida’s Department of Business and Professional Regulation requested more information on a graphical depiction of where Plaintiffs position Gerald Lewin and Erika Lewin of Goldstein Lewin & Co., Inc. in the alleged conspiracy and other information. When confronted with such information and other substantive information, DBPR denies Plaintiffs claims that constituted another instance of denial of due process and 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.

THE NEW YORK COVER UP CONSPIRACIES

THE 1ST DDC & THE FIRST DEPARTMENT COURT

610. That on information and belief, on or about May 20, 2004, it was brought to the attention of Plaintiffs that Proskauer partner Krane, acting as counsel by authoring the formal responses of the Rubenstein and Proskauer attorney complaints filed with the 1st DDC had acted in conflict and violation of his public office positions. This was not discovered until the complaints had been stymied and delayed against 1st DDC rules and regulations and where Krane’s influence was most likely the cause of such delay to due process and procedure afforded under the Constitution and the New York Constitution.

611. That on information and belief, all the while he acted as counsel for his Proskauer partners, Krane had undisclosed conflicts having positions at both the 1st DDC and the New York State Bar Association (“NYSBA”), an organization that works in conjunction with the 1st DDC in the creation and enforcement of the Lawyer’s Code of Professional Responsibility (“Code”) and in each of the above roles either separately or combined, such positions created multiple conflicts and violations of public office positions for Krane.



612. That on information and belief, Plaintiffs allege that the conflicted Krane responses were promoted, encouraged, and, perhaps, in fact, ordered by Rubenstein and Proskauer, as a means to have the complaint against Rubenstein, Proskauer and Joao blocked through using Krane's influence to either unconscionably delay the complaints and/or quickly review and dismiss them with no investigation, owing to Krane's position as one of New York's disciplinary most influential members and his roles in the disciplinary departments.

613. That on information and belief, and relying on the integrity of *Anderson's* claims of file thinning, the documents referenced herein in the attorney complaints can be found at the Iviewit Companies homepage, www.iviewit.tv and the following urls are particularly important for review;

A. Original Rubenstein filing at url

<http://iviewit.tv/CompanyDocs/2003%2002%2026%20Original%20Rubenstein%20Bar%20Action.pdf>

B. Rubenstein response to complaint tendered in conflict by former NYSBA

President and Proskauer partner Steven Krane at url

<http://iviewit.tv/CompanyDocs/2003%2004%2011%20-%20Rubenstein%20reponse%20KRANE%20CONFLICT%20AUTHORED%20to%20N.pdf>

C. Iviewit Companies rebuttal of Rubenstein response (best viewed with Adobe bookmarks on and patience is required as it is a 102 Megabyte file).

<http://iviewit.tv/CompanyDocs/2003%2007%2002%20Iviewit%20Rebuttal%20to%20Rubenstein%20Response%20Final%20ALL%20.pdf>

D. Raymond Joao original bar complaint filed at the 9th District Grievance Committee but somehow gets transferred to the 1st DDC.

<http://iviewit.tv/CompanyDocs/2003%2002%2025%20Joao%209th%20district%20original%20complaint.pdf>

E. Joao's response to the bar complaint at url

<http://iviewit.tv/CompanyDocs/2003%2004%2008%20Joao%20response%20to%20NY%20Bar.pdf>



F. Iviewit Companies Rebuttal to Joao's response (best viewed with Adobe bookmarks on and patience is required as it is a 49.8 Megabyte file) at url
<http://iviewit.tv/CompanyDocs/2003%2005%2026%20Iviewit%20Rebuttal%20to%20Joao%20Response%20BOOKMARKED.pdf>

G. 1st DDC Letter regarding complaints at url
<http://iviewit.tv/CompanyDocs/2003%2009%20New%20York%20Bar%20Response%20Joao%20and%20Rubenstein.pdf>

H. Iviewit Companies response to 1st DDC letter regarding complaints at url
<http://iviewit.tv/CompanyDocs/2004%2001%2009%20-%20Response%20to%20Cahill%20New%20York%20Bar%20Rubenstein%20Joao%20.pdf>

I. Krane bar complaint for conflict and violations of public office and request to strike the conflicted responses of Krane in the Rubenstein and Proskauer complaints at url
<http://iviewit.tv/CompanyDocs/2004%2005%2019%20Krane%20Complaint%20Signed%20Lamont%20Bernstein%20Cahill.pdf>

J. Krane response to Krane complaint tendered in conflict by Krane who represents himself at url
<http://iviewit.tv/CompanyDocs/2004%2005%2021%20krane%20response%20to%20complaint.pdf>

K. Iviewit Companies letter to Cahill regarding Krane conflicts at url
http://iviewit.tv/CompanyDocs/Lamont%20Docs/Strike_Response_05242004_Executed.pdf

L. Cahill Motion to move complaints of Rubenstein and Joao, failing to mention the Krane complaint too at url
<http://iviewit.tv/CompanyDocs/2004%2006%2017%20Cahill%20Motion%20to%20move%20complaints%20krane%20rubenstein.pdf>

M. Iviewit Companies complaint against Cahill at url
<http://iviewit.tv/CompanyDocs/2004%2006%2023%20cahill%20complaint%20fax%20to%20curran%20second%20send%20direct.pdf>

N. Iviewit Companies Affirmed Motion to move complaints at 1st DDC at url



<http://iviewit.tv/CompanyDocs/2004%2007%2008%20Cahill%20Motion%20Supreme%20court%20new%20york%20FINAL%20BOOKMAR.pdf>

O. First Department Court Order to move Krane complaint for conflict of interest and the appearance of impropriety for immediate investigation at url

<http://iviewit.tv/CompanyDocs/2004%2008%2011%20new%20york%20first%20department%20orders%20investigation%20Krane%20Rubenstein%20Joao.pdf>

P. First Department Court Order to move Rubenstein, Proskauer, Joao and MLG complaints for conflict of interest and the appearance of impropriety for immediate investigation at url

<http://iviewit.tv/CompanyDocs/2004%2008%2011%20Supreme%20Court%20NY%20ruling%20Joao%20and%20Rubenstein.pdf>

614. That on information and belief, after learning of such conflicts of Krane, the Plaintiffs called Cahill and filed a formal written complaint against Krane for violation of the ethics codes of NYSBA and the 1st DDC rules and regulations of its members pertaining to conflicts of interest and the appearance of impropriety.

615. That on information and belief, on or about, May 21, 2004, Krane authored another response, incorporated by reference herein, in not only Rubenstein and Proskauer's defense but now in his own defense, against the attorney misconduct complaint filed against him with defendant Cahill at the 1st DDC in an effort to have the complaints filed against Rubenstein, Proskauer and himself dismissed without due process by denying he was conflicted or had conflicting roles. That this false information of Krane further acts as violations of his ethics rules, department rules and other crimes of the New York penal code as further defined herein.

616. That on information and belief, at that time the rules of the NYSBA did not allow officers to represent disciplinary actions for one year after service and where Krane violates this rule in representing his firm Proskauer, Rubenstein and himself.

617. That on information and belief, the influence of Krane at the 1st DDC, because of his prominent roles and his name recognition, should have precluded Krane from any involvement in the complaint process against his firm Proskauer, Rubenstein and especially on his own behalf.



618. Any attempt to represent the complaints would have required full disclosure first of such conflicts to avoid the appearance of impropriety. Krane also had conflict in the matters as Proskauer was named in the complaints and thus he had a vested interest in the outcome.

619. That on information and belief, by acting as direct counsel for Rubenstein, himself and the firm of Proskauer, Krane knowingly violated and disregarded the conflicts inherent so as to cause an overwhelming appearance of impropriety at the 1st DDC, forcing a motion by Cahill, after Krane was exposed, to have the matters moved out of the 1st DDC after **sixteen months of virtual inactivity**, the conflict of Krane apparently worked well to suppress the complaints for that time in denying Plaintiffs due process rights.

620. That on information and belief, upon further investigation by the Plaintiffs, and when viewing the biography of Krane, Krane holds a multiplicity of professional ethics positions in New York and nationwide that present conflicts which would have precluded Krane from acting in any matters involving himself personally, his firm Proskauer, or any partner such as Rubenstein at the 1st DDC. In fact, Krane's roles in the disciplinary are so broad and overwhelming throughout the state of New York and the United States, that Krane would be barred for conflict from representing his firm and partners in almost any disciplinary venue at any of the NY court disciplinary departments, especially where he has personal and professional vested interest in the matters.

621. That on information and belief, Plaintiffs called Cahill regarding the conflicts of Krane whereby Cahill feigned that he did not really know of Krane or any conflict, as he did not think he was a member of the 1st DDC in any way.

622. That on information and belief, Plaintiffs called the First Department Court, Clerk of the Court, defendant Catherine O'Hagan Wolfe ("Wolfe"), who informed the Plaintiffs that a conflict with Krane presently existed at the 1st DDC with his official roles, making his responses tainted on behalf of Rubenstein, Proskauer and himself. Further showing that Krane was lying and committing perjury in a public complaint matter in violation of law and ethics rules.



623. That on information and belief, Wolfe further directed Plaintiffs to send a motion to the justices of the First Department Court for the immediate transfer of the Proskauer, Rubenstein, Krane and Joao complaints out of the 1st DDC and for investigation, to avoid further undue influence already caused by the conflict in the complaints filed by the Plaintiffs.

624. That on information and belief, the First Department Court and its agents, all acted in conspiratorial activity to further deny Ivewit Companies and Plaintiffs due process rights.

625. That on information and belief, Cahill, after learning of the Plaintiffs call to Wolfe, suddenly recants his prior statements to Plaintiffs regarding Krane having no affiliation with the 1st DDC and admits to Plaintiffs that Krane is appointed to the position of referee concerning attorney discipline matters at 1st DDC, a serious conflict, and at the very venue that is charged with the investigation of the complaints against Proskauer, Rubenstein, Rubenstein's referred underling Joao and now Krane.

626. That on information and belief, on information and belief, Krane held other more senior roles at the First Department Court and 1st DDC in addition to his roles as referee that were earlier attempted to be masked by the Cahill and Krane showing these were not mere errors or misstatements but a coordinated effort to aid and abet the conspiracy through public office violations.

627. That on information and belief, Plaintiffs allege that the conflict allowed by Cahill with scienter and existing since Krane's April 11, 2003 response to the Rubenstein complaint and Krane's May 21, 2004 response to the Krane complaint, was the genesis of a series of events that served to protect Proskauer, Rubenstein, Wheeler, Krane, Joao, Foley and Dick, using the 1st DDC as a shield and further as a quasi defense based on their dismissal of the case and lack of prosecution.

628. That on information and belief, the 1st DDC's actions to stymie and delay investigations and other documents submitted by conflicted Krane, were then used in other investigatory venues to attempt to claim vindication by those complained of, including VSB and TFB.

629. That on information and belief, the 1st DDC letters and the Krane responses were used further influence other investigatory bodies with false and



misleading information tendered in conflict, that all appear to fall from Krane's conflicted responses and abuse of his departmental power and public offices.

630. That on information and belief, Plaintiffs, on or about January 9, 2004, were sent a letter from the 1st DDC by Cahill dated, on or about, September 2, 2003 ("Deferment Letter"), which was issued without knowledge of Plaintiffs and missing for months, as the Deferment Letter was conveniently misaddressed and "lost" by the 1st DDC and never received by the Plaintiffs until January 2004.

631. That on information and belief, 1st DDC's Deferment Letter claims to use the same basic argument that TFB had used to delay and stymie the investigation of the complaints, claiming that due to the Proskauer Civil Billing Lawsuit, they were dismissing the case inapposite the 1st DDC rules, where the cases in these matters were wholly dissimilar as the 1st DDC complaints which contained allegations that the attorneys had violated hosts of state, federal and international laws against Plaintiffs, the United States and foreign nations and had nothing to do with the claims in Proskauer Civil Billing Lawsuit which was limited to billing issues by Labarga. That this violation of the 1st DDC appears to act to further delay due process.

632. That on information and belief, Plaintiffs rejected this delay of the complaints based on the Proskauer Civil Billing Lawsuit formally to the 1st DDC stating that the Proskauer Civil Billing Lawsuit was a civil matter limited by Labarga to purely billing matters and in fact, where Labarga had denied the Counter Complaint stating he would not let the claims other than billing in, or words to that effect.

633. That on information and belief, Plaintiffs later notified Cahill that the Proskauer Civil Billing Lawsuit had ended and that Plaintiffs suffered a technical default for failure to timely retain replacement counsel without any trial and requested that Cahill begin immediate investigation of the attorney complaints he had delayed for sixteen months.

634. That on information and belief, Plaintiffs see Cahill continuing the deferment of the Rubenstein and Joao complaints even after learning the Proskauer Civil Lawsuit had ended and that the matters contained in the complaints were entirely separate and not similar as stated in Cahill's Deferment Letter.

A handwritten signature in black ink is written over a circular stamp. The stamp contains a smaller signature and some illegible text.

635. That on information and belief, per follow up conversations with Cahill with Plaintiffs, after receiving the Deferment Letter and explaining the dissimilarity of Proskauer Civil Billing Lawsuit and the disciplinary complaints, Cahill stated he was beginning an investigation, one that he further would undertake personally.

636. That on information and belief, after months of unanswered calls by Cahill, Plaintiffs find Cahill further culpable in aiding and abetting the denial of due process and procedure rights of Plaintiffs, in that he failed to take the investigatory steps that he stated he was undertaking, further diffusing due process and procedure in the matters.

637. That on information and belief, this influence of Krane and Cahill was used as a means to protect Rubenstein, Joao, Wheeler and Dick from facing investigations into IP crimes, perhaps similar to allegations alleged in the RELATED case *Anderson*, used as a means to protect Proskauer's crimes to steal the IP and all other crimes committed. This all in violation of a mass of ethics laws, public office violations and violations of the laws of the State of New York.

638. That on information and belief, as a result of the multiplicity of conflicts allowed by Cahill, the complaint against Rubenstein, Proskauer and Joao languished at 1st DDC since its filing on or about February 25, 2003 through approximately January 2004.

639. That on information and belief, on or about February 1, 2004, Plaintiffs filed a complaint with the Commissioner of Patents and Trademarks ("Commissioner"), at the bequest of Harry I. Moatz ("Moatz"), the Director of the Office of Enrollment and Discipline, for registered patent attorneys, a unit of the USPTO. Moatz had found problems with inventors, assignments and ownership of the patent applications filed by Rubenstein and Joao for Plaintiffs, culminating in filed complaints against Rubenstein, Proskauer, MLG and Joao of fraud upon the USPTO. Similarly it is claimed that fraud has occurred against Plaintiffs and the Iviewit Companies shareholders through the same set of facts surrounding the fraudulent filings of declarations of oaths to the USPTO.

640. That on information and belief, Moatz, inquired as to the status of the Plaintiffs' complaints at the 1st DDC against Rubenstein, Proskauer, MLG and Joao, both which languished at 1st DDC since their filing on or about February 25, 2003 and February 26, 2003, respectively.



641. That on information and belief, Plaintiffs, upon contacting Cahill with the USPTO OED information and forwarding Moatz's request to speak to Cahill regarding the status of the 1st DDC investigations and further giving Cahill Moatz's telephone number to contact, find that several months after the request from the USPTO to speak to Cahill, that Cahill failed to contact the USPTO per his own admission.

642. That on information and belief, the Commissioner of Patents heard Plaintiffs specific, factual allegations of fraud upon the USPTO and based on such has granted a six (6) month suspension of four out of six patent applications, Plaintiffs expects similar suspensions for the remaining patent applications, stopping the applications from further prosecution at the USPTO while investigations were underway.

643. That on information and belief, the IP is suspended while matters pertaining to the crimes committed against the UPSTO and foreign nations (through violations of international trade treaties), by the attorneys and others can be further investigated.

644. That on information and belief, Cahill's failure to work with the USPTO points to Cahill's culpability and is further a sign that Cahill was influenced by Krane to further avoid his office duties to protect Proskauer, Rubenstein and Joao, all in violation of law and ethics and all aiding and abetting the conspiracy.

645. That on information and belief, Plaintiffs were confronted with time of the essence patent prosecution matters to repair patent applications, if possible, the detriments of which are at the nexus of the complaints against Rubenstein, Proskauer, MLG and Joao and Cahill was made aware of such pertinent filing dates and other time of the essence issues. Whereby, due to the failure of Cahill to investigate, discipline, or review the Plaintiffs' complaints further damage to the Plaintiffs' IP portfolio occurred.

646. That on information and belief, an affirmed motion titled

IN THE MATTER OF COMPLAINTS

AGAINST ATTORNEYS AND

COUNSELORS-AT-LAW;

KENNETH RUBENSTEIN – DOCKET

2003.0531

RAYMOND JOAO – DOCKET 2003.0532

STEVEN C. KRANE – DOCKET PENDING



**REVIEW BY PAUL J. CURRAN, ESQ.
THOMAS J. CAHILL – DOCKET PENDING
REVIEW BY SPECIAL COUNSEL MARTIN
R. GOLD ON ADVISEMENT OF PAUL J.
CURRAN (SEPARATE MOTION ATTACHED)
AND THE LAW FIRM OF
PROSKAUER ROSE, LLP**

was filed at First Department Court, on or about, July 08, 2004.

647. That on information and belief, the motion resulted in a unanimous decision by that court to begin immediate investigation of Rubenstein, Proskauer, Krane, MLG and Joao which was later to be wholly ignored by Second Department Court and 2nd DDC as further defined herein.

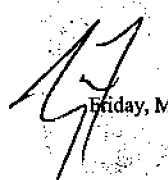
648. That on information and belief, a complaint was filed by Plaintiffs against Cahill which remains under investigation and where no determination has been made yet, in Special Inquiry No. 2004.1122, by reference herein incorporated in its entirety, which was transferred according to 1st DDC rules to special investigator Martin Gold, from 1st DDC Chairman for investigation of conflict and violations of public office.

SECOND DEPARTMENT COURT & 2nd DDC

649. That on information and belief, the First Department Court ordered investigations were then derailed by the 2nd DDC where they were transferred for investigation and again we find 2nd DDC members acting as counsel to the accused to dismiss the complaints and derail the ordered investigations.

650. That on information and belief, the attorneys ordered for investigation did not even have to provide a response to the complaints against them, no witnesses were called, no evidence tested and the court ordered investigation was attempted to be dismissed on review on review and skirt formal and procedural investigation, nothing but a dismissal on review letter which again appears to act to further block due process and aid and abet the conspiracy through obfuscations of public officers duties to follow procedure.

651. That on information and belief, formal written complaints were filed against 2nd DDC members for violating public offices and refusing to enforce a court order for investigations and those complaints were refused by those who they were filed



against, with no legal or procedural basis, denying Plaintiffs access again to the legal system and complaint process in New York in violation of the Constitution, the New York Constitution and other section of the New York penal code.

652. That on information and belief, the 2nd DDC was transferred the complaints against Rubenstein, Joao and Krane to conduct the court ordered investigation. An order by five Justices of the First Department Court whom concurred after "due-deliberation" and ordered an "investigation" of Proskauer, Krane, Rubenstein, MLG and Joao for conflict of interest and the appearance of impropriety.

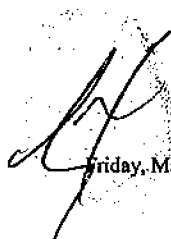
653. That on information and belief, upon reviewing the complaints, instead of addressing the First Department Court justices that ordered the investigation, the 2nd DDC wrote to inform Plaintiffs that no investigation was being done after a "review" was done of the materials. That the letter can be found at the url <http://iviewit.tv/CompanyDocs/2004%2010%2005%20Supreme%20Court%20NY%20Second%20Dept%20Kearse%20Krane%20Re.pdf>

654. That on information and belief, a "review" that failed to account for the fact that the complaints were already reviewed by five justices of the First Department Court and based on thorough review Ordered for "investigation" based on information supplied in the Motion filed at the First Department Court.

655. That on information and belief, a "review" that again had not tested a single piece of evidence and failed to call a single witness that was presented in the New York matters. A "review" that ignored the fact that the USPTO and the USPTO OED, had begun formal investigation of two of the three attorneys ordered for investigation. A review that ignored the conflicts and violations of public offices entirely.

656. That on information and belief, a "review" that ignored the fact that the FBI had taken these matters to the United States Attorney for further disposition and investigation.

657. That on information and belief, the "review" also failed to take into account that the IP was suspended by the USPTO Commissioner of Patents directly due to charges of fraud upon the USPTO by two of three attorneys.



658. That on information and belief, members of 2nd DDC, not even legally involved in the complaint process tried an attempt to dismiss all the cases and allow formal complaints and orders for investigations to be evaded.

659. That on information and belief, the 2nd DDC immediately became suspect with their failure to follow the court ordered "investigation" in favor of "review".

660. That on information and belief, upon confronting the reviewer Chief Counsel, Diana Maxfield Kears ("Kears"), on a call with Plaintiff Lamont and attorney Marc Garber, Esq., to address her dismissal on "review" letter, unbelievably further conflicts were discovered and affirmed by the reviewer, whereby she claimed she had conflicts with Krane and J. Kaye. Plaintiffs had recently learned that J. Kaye was married to a Proskauer partner, S. Kaye and where Krane was Kaye's former law clerk.

661. That on information and belief, Kears having admitted having professional and personal relations with Krane then stated that if Plaintiffs wanted a formal disclosure of her conflicts to put the request in writing.

662. That on information and belief, once caught in conflict and failure to follow a court ordered investigation, Kears then failed to even respond to the letter she requested, sent by Plaintiffs requesting her to expose further her conflicts. Supporting such is a letter to Kears to reveal more about her stated conflicts with Krane and to the move the bar complaints to a non conflicted reviewer at url;

<http://iviewit.tv/CompanyDocs/2004%2010%2026%20Kears%20Krane%20Letter%20NY%20SUPREME%20COURT%20SECOND%20DEP.pdf>

663. That on information and belief, Kears continued to handle the matters personally despite acknowledging her conflicts with Krane and Kaye as evidenced in her response, incorporated by reference herein, which can be found at the url;

<http://iviewit.tv/CompanyDocs/2004%2011%2009%20-%20New%20York%202nd%20Department%20Letter%20Kears.pdf>

664. That on information and belief, when no response was tendered by Kears, as to her conflicts, complaints were filed against Kears with the 2nd DDC of which Kears refused to docket the complaint against her, again blocking the right of citizens to complain against public officials caught violating public offices.



665. That on information and belief, Kearshe still persisted in maintaining her decision to "review" and not investigate, stating that she was not under the jurisdiction of the First Department Court, and thus not obligated to "investigate" as ordered by that court.

666. That on information and belief, the matter was escalated to the Chairman, Lawrence DiGiovanna ("DiGiovanna") of the 2nd DDC and for his refusal to docket the complaints against Kearshe and failure to force her to publicly disclose the conflicts she had admitted having, a complaint was filed against DiGiovanna that similarly Kearshe refused to formally docket according to proper procedure.

667. That on information and belief, where Krane and Kaye's influence and conflicts with the investigator were obvious at 2nd DDC now, Plaintiffs called defendant Pelzer, Clerk of the Second Department Court to find out what the next step was in elevating the matters.

668. That on information and belief, Plaintiffs demanded to have the 2nd DDC move the complaints due to conflicts and failure to docket formal written complaints against 2nd DDC members and to force the "investigation" ordered by First Department Court by non conflicted third party investigators.

669. That on information and belief, Pelzer took the matter to Chief Justice of the Second Department Court, defendant Prudenti, who made a grandstand effort to use her position of influence, similar to what Boggs had done in Florida to exculpate Triggs on disciplinary letterhead, to act as counsel for everyone involved from the 2nd DDC and all the Proskauer partners and deny due process and procedure to Plaintiffs and continue to ignore the First Department Court Order for "investigation".

670. That on information and belief, Prudenti attempted to justify the actions of the accused, applaud their work, state that a review is kind of like an investigation and attempted to get the complaints out of her court as having been resolved.

671. That on information and belief, Plaintiffs prior to these actions by Pelzer and Prudenti had formally requested that prior to their involvement, which had no basis in law or formal procedure in the disciplinary process, that they formally and publicly disclose any conflicts they might have, which they failed to do before taking actions to dismiss the complaints, again attempting to dismiss the court order for "investigation" by



confronting the Plaintiffs with their actions and not the First Department Court that ordered the investigations.

672. That on information and belief, it was learned prior to their involvement that Prudenti and Pelzer had conflict with Krane & Kaye and whereby their refusal to affirm or deny a formal written disclosure request stating if they were conflicted with any of the parties prior to having involvement, is taken by Plaintiffs that the source information regarding the conflicts is correct and they too acted in conflict and violated public offices to aid and abet the conspiracy.

673. That on information and belief, the reason this disclosure of any conflicts was so important prior to action in the court ordered "investigations" was that Plaintiffs were now weary of Pelzer who had turned the complaints over to Prudenti, as Plaintiffs and Pelzer had prior discussed the need for conflict waivers from all parties due to positions of prominence in the disciplinary department of those being accused and where Pelzer had assured Plaintiffs that he would make certain everyone disclosed any conflicts in advance of any determinative actions.

674. That on information and belief, Plaintiffs called Pelzer stating that Kears had admitted conflict with Krane and Kaye and Plaintiffs had thought he had screened for conflict prior to turning the matters over to an investigator and that from his failure to do so he was the direct cause of two formerly innocent people, Kears and DiGiovanna, now having complaints filed against them.

675. That on information and belief, Pelzer then assured Plaintiffs that he would talk to Prudenti to find out if Plaintiffs should petition the First Department Court to enforce the "investigation" ordered or if Plaintiffs should petition the Second Department Court for enforcement of the court order.

676. That on information and belief, instead of Pelzer checking where to file to enforce the court order, Plaintiffs received a letter from Prudenti authored by Pelzer, attempting to dismiss everything, to claim that "investigation" had been done, directly contradicting the former written statement in the Kears determination letter which explicitly stated no investigation was done in lieu of a "review".

677. That on information and belief, this attempt to claim that a "review" was equal to a formal investigation attempted to put a spin on the word investigation like



never before, claiming review equaled investigation and attempting to claim they now complied, although Kearsse had stated explicitly that no investigation was done and no investigation had been done since her written statement of such.

678. That on information and belief, what the Second Department Court and 2nd DDC attempted to do was get out of the court ordered investigations by telling Plaintiffs this nonsense that dismissed on review was tantamount to a formal investigation, directing their nonsense to Plaintiffs, when truly they should have had to sold such story to the First Department Court justices who ordered the "investigation".

679. That on information and belief, for Peltzer and Prudenti's acts to aid and abet there will be forthcoming complaints against them for their involvement and misuse of public office. Yet it is useless to file complaints when they control the department and refuse to process complaints against members of their department, until such controls are removed, hopefully by this Court.

THE KAYE CONNECTION TO THE ENTIRE NEW YORK COURT AND NEW YORK DISCIPLINARY

680. That on information and belief, one asks how this incestuous series of conflict could be happening, crimes ignored and violations of ethics so grotesque ignored at, crimes against the United States and foreign nations overlooked by members involved in the disciplinary processes, and, investigations of their members wholly derailed despite confirmed violations of public offices.

681. That on information and belief, the answers were unknown until where again through undisclosed third parties, information regarding how such blockage occurred surfaced, revealing that controls were so high up in the process, as to block Plaintiffs from access to the courts and disciplinary processes in the entire state of New York, especially if it involved the law firm of Proskauer and especially Krane and S. Kaye who had become an IP partner in the newly formed, after learning of the Iviewit Companies inventions IP department.

682. That on information and belief, this led to uncovering in New York, conflict that permeates directly from Krane, to J. Kaye whom Krane not only formerly clerked for but who is married to a Proskauer partner, S. Kaye, also strangely a member of the Proskauer newly formed IP department.



683. That on information and belief, J. Kaye has vested interest in Plaintiffs Iviewit Companies as a holder of founding shares of stock and a major conflict with the Proskauer firm vis a vis her marriage interests.

684. That on information and belief, a greater conflict is the fact that if Plaintiffs are successful in securing fair and impartial due process anywhere, including in New York, that S. Kaye, Krane and Proskauer, will face lengthy federal prison sentences and loss of property that would have direct impact financially on all of them and J. Kaye.

685. That on information and belief, there is also conflict in that Kaye is the most powerful figure in both the courts of New York and its disciplinary departments and wherein a published article she states that Proskauer is the "in firm" to work for in New York.

686. That on information and belief, after discovery of the initial Krane conflicts, Plaintiffs had contacted the court of appeals and J. Kaye's chambers, to gain Kaye's intervention as Chief Judge, not knowing at the time her marital interests in the matter or relation to Krane and Proskauer and she failed to intervene and further directed us back to conflicted First Department Court, all the while failing to disclose her conflicts with matters.

STATE OF NEW YORK COMMISSION OF INVESTIGATION,

687. That Plaintiffs wrote, referencing their letter of August 9, 2007, to request the COI's and for a revisiting of the Iviewit Companies formal complaint of July 23, 2007, advising the COI of the pattern of 1st DDC and 2nd DDC to "white wash" and otherwise "rubber stamp" the attorney discipline complaints against, including but not limited to, Rubenstein, Joao, Krane, Proskauer, MLG, Joao, DiGiovanna, Cahill and Kearse, and when in the words of Anthony Cartusciello, Deputy Commissioner/Chief Counsel to word smith that is a matter of "an alleged theft by [an] attorney," or words to these effects as specified in COI's August 9, 2007 letter that, through the doctrine of respondeat superior, the COI itself conspired with , including but not limited to, Rubenstein, Joao, Krane, Proskauer, MLG, Joao, DiGiovanna, Cahill and Kearse, and this constitutes 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.



LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK

688. That in or about Spring 2003 when Plaintiffs carbon copied LFCP and filed a form for relief as part of the attorney discipline complaints against Rubenstein, Proskauer, MLG and Joao, requesting relief for the damages Plaintiffs have suffered as a result of the actions of, among others, Rubenstein and Joao, LFCP never responds and Plaintiffs allege that LFCP conspired with, including but not limited to, Rubenstein, Joao, MLG and Proskauer that constitutes 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.

FORMER ATTORNEY GENERAL OF THE STATE OF NEW YORK & FORMER GOVERNOR OF THE STATE OF NEW YORK ELIOT SPITZER & OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

689. That in or about Spring 2004 when Plaintiffs forwarded Spitzer and NYAG's office the attorney discipline complaints and the problems uncovered at the various ethics departments and New York courts, including but not limited to, conflicts and violations of public offices, against, including but not limited to, Proskauer, Rubenstein, MLG, Krane, J. Kaye, Cahill and Joao requesting investigation, Spitzer never responds in his capacity as the Attorney General of NYAG and in or about the summer of 2007 when Plaintiffs bring similar claims on the advice of COI, Spitzer never responds in his capacity as Governor of the State of New York, wherein Plaintiffs allege that Spitzer conspired with, including but not limited to, Rubenstein, Proskauer, MLG, Joao, Proskauer, Krane, DiGiovanna, J. Kaye, Cahill and Kears that constitutes another instance of violations of state and federal law claims cited herein that resulted in patent sabotage, theft of IP, robbery, and other state and federal law claims cited herein. It is of note, that on information and belief, Spitzer's law firm is none other than Proskauer and that this may have been the reason for his failures to investigate.

STATE OF NEW YORK

690. That through the actions of public officers, including but not limited to, Cahill, Krane, Wigley, DiGiovanna, Kears, Prudenti, Curran, Gold, Wolfe, Mazzealli, Andrias, Saxe, Friedman, Gonzales, Peltzer, and J. Kaye, and, through the doctrine of respondeat superior, the NYS itself, and upon information and belief, conspired with,



including but not limited to, Cahill, Krane, Wigley, DiGiovanna, Kearse, Prudenti, Curran, Gold, Wolfe, Mazzairelli, Andrias, Saxe, Friedman, Gonzales, Peltzer, and J. Kaye to "white wash" and otherwise "rubber stamp" the attorney discipline complaints and other violations of public offices against, including but not limited to, Rubenstein, Joao, Krane, Proskauer, MLG, DiGiovanna, and Kearse that constituted another instance of violations of state and federal law claims cited herein that resulted in patent sabotage, theft of IP, robbery, and other state and federal law claims cited herein.

THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM

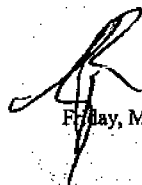
691. That through the actions of public officers, including but not limited to, Wolfe, Mazzairelli, Andrias, Saxe, Friedman, Gonzales, Peltzer, and J. Kaye, and, through the doctrine of respondeat superior, the OCA itself, and upon information and belief, conspired with, including but not limited to, Prudenti, Wolfe, Mazzairelli, Andrias, Saxe, Friedman, Gonzales, Peltzer, Cahill and J. Kaye to "white wash" and otherwise "rubber stamp" the attorney discipline complaints and violations of public offices against, including but not limited to, Rubenstein, Joao, Krane, Proskauer, MLG, DiGiovanna, Cahill and Kearse that constituted another instance of violations of state and federal law claims cited herein that resulted in patent sabotage, theft of IP, robbery, and other state and federal law claims cited herein.

THE VIRGINIA BAR CONSPIRACY

692. That on information and belief, the VSB refused to acknowledge that Dick has provided factually incorrect, false and misleading information in his response to a filed bar complaint against him and to investigate and/or reinvestigate the original bar complaint filed against Dick.

693. That on information and belief, VSB took an adversarial position toward Plaintiffs almost from the start, leading one to question if similar to New York and Florida conflicts and controls existed there that at the time which have not yet been discovered but further discovery in this case may reveal.

694. That on information and belief, again, since Krane has national recognition and influence in national ethics, VSB may already have conflicts with Krane which are unknown.



695. That on information and belief, Plaintiffs filed a complaint against Dick, for his part in theft of the IP and other ethical and criminal codes with the VSB. VSB Docket No. 04-052-1366 ("Dick Complaint"), hereby incorporated by reference in its entirety herein.

696. That on information and belief, based on recent calls with the State of Virginia Attorney General representing the VSB defendants, it was learned that the files were destroyed and that the AG did not know if record retention laws were followed in destroying such documents. The original Dick Complaint can therefore also be found at the Iviewit Companies homepage or at the direct url;

<http://iviewit.tv/CompanyDocs/2003%2009%2023%20VIRGINIA%20BAR%20COMPLAINT%20WILLIAM%20DICK.pdf>

and Dicks response at the url;

http://iviewit.tv/CompanyDocs/2003_10_30_Virginia%20Response_Version%205_Final_Executed.pdf

and Iviewit Companies response to Dick's response containing over a thousand pages of information and evidence (best viewed with Adobe bookmarks on and be patient as the adobe document is 53 Megabytes) at the url:

<http://iviewit.tv/CompanyDocs/2004%2003%2012%20William%20Dick%20Virginia%20Bar%20Complaint%20Response%20BOOKM.pdf>

697. That on information and belief, Plaintiffs state this matters outcome was tainted by the New York and Florida attorney ethics complaints that were found fraught with conflicts of interest.

698. That on information and belief, false and misleading information regarding TFB, the Proskauer Civil Billing Lawsuit and the 1st DDC outcomes was tendered to VSB by Dick in his defense, violating his ethics rules and possibly Virginia penal code regarding false statements made to investigatory bodies.

699. That on information and belief, further false statements were also submitted contained on a Foley IP portfolio submitted to the VSB in Dick's rebuttal to his complaint as Moatz has now instigated formal investigation based partially on the fraudulent information in the IP docket submitted to VSB by Dick. This information regarding Dick's false and misleading statements and evidence was transmitted to VSB



who wholly ignored these facts and refused to reopen the Dick complaints closed on review.

700. That on information and belief, VSB failed to investigate proof of false statements to a tribunal by Dick which at minimum warranted investigation of the bar complaint they had dismissed.

701. That on information and belief, VSB failed to investigate this new information that would have required instant investigation by beginning a pattern of evasion of Plaintiffs that further denied due process and procedure to the Iviewit Companies bar complaint against Dick and Foley.

702. That on information and belief, this new information regarding the IP docket is no small matters as the IP docket had misleading information on IP, including but not limited to, the Utley patent application for "Zoom and Pan on a Digital Camera" and the core imaging IP application "Zoom and Pan Imaging Design Tool", which are the core technologies of how digital zoom on a digital imaging devices works.

SUMMARY OF STATE BAR ACTIONS AND DISCIPLINARY ACTIONS

703. That on information and belief, this Court must find reason to intercede on behalf of Plaintiffs as the legal systems involvement in causing such loss from corrupted IP attorneys, to corrupted bar members acting in violation of public offices, to denial of Plaintiffs' rights to file complaints against members of the legal community acting as an obstruction of justice by justice are compelling in that they represent the single largest threat to the institution of law this country has ever witnessed. These factors make it impossible for Plaintiffs to assert claims, in any venue, to protect the intellectual properties and the constitutional rights granted to inventors, as long as at every level they are blocked through conflict after conflict and violation of public office after violation of public office.

704. That on information and belief, while the bad guys continue to control the courts and disciplinary processes, they appear bullet proof even when caught. Neither Triggs nor Krane has been forced to respond to violations of public offices they have been found violating and respond to the formal filed complaints against them for acting in conflict, they have evaded court ordered investigations and that takes some heavy controls coming from high places.



705. That on information and belief, not only do the accused attorneys not have to respond, we find the disciplinary agencies responding and defending them as if they were counsel for them. Plaintiffs thus comes before this Court battered and abused by the legal system, denied all of rights to the legal system and having no safe harbor to press claims free of conflicts of interest and looks to this Court to relegate fair and impartial due process in hearing these matters from Pro Se counsel, where all funds for counsel have been sucked dry by having to defend ones rights to the legal process instead of ones rights as assured by the Constitution.

706. That on information and belief, Plaintiffs assert that now that they are forced to take on the New York, Florida and Virginia courts, the disciplinary bodies in those states and the top actors in the courts, and they are almost assuredly never going to find representation willing to take on their brethren at this level without fear of losing their license to practice law, acting as yet another barrier to due process and procedure. That until such time that criminal investigators tear down the walls of corruption in the legal system, starting top down, the Plaintiffs civil rights have no chance, as the only rule left is the rule that allows all the rules to be broken to deny Plaintiffs due process and procedure to further deny their rights entirely, including their rights to their IP.

COMMONWEALTH OF VIRGINIA

707. That through the actions of public officers Goodman, Sengel, Martelino, and Miller, and, through the doctrine of respondeat superior, the Commonwealth of Virginia itself, and upon information and belief, conspired with, including but not limited to, C Goodman, Sengel, Martelino, and Miller, and Foley to “white wash” and otherwise “rubber stamp” the attorney discipline complaint against Dick 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.

BOCA RATON POLICE DEPARTMENT

708. That through the actions of Flechaus and Scott, and, through the doctrine of respondeat superior, the Boca PD itself, and upon information and belief, conspired to dismiss formal complaints filed and interfere with investigations inapposite his public office duties, including but not limited to, making false statements regarding



investigations and others involved in such investigations, to deny due process and procedure to formal complaints submitted to Boca PD by Iviewit Companies and Plaintiffs.

CITY OF BOCA RATON FLORIDA

709. That through the actions of the Boca PD and its agents, and, through the doctrine of respondeat superior, the City of itself is responsible and liable for the actions of the Boca PD.

EPO

710. It has been found similar to the fraud on the USPTO the scheme involved applying for IP, where false and misleading information was perpetrated to the EPO. Fraud again was committed by licensed representatives of the EPO, including but not limited to, Pompidou, Eijk and Dybdahl, working in conjunction with the law firms in the United States and abroad, and those attorneys involved in the EPO filings and aided and abetted in the filing of the applications with false inventor oaths, false information and wrong content and then covering up for the fraud once it was exposed. It appears again, as with the USPTO, the intent was to create two sets of IP, one for inclusion into the legitimate Iviewit companies and one for inclusion to the illegitimate Iviewit companies or patents falsified for other IP schemes defined herein, with fraudulent inventors' names, fraudulent owners and with fraudulent assignments.

YAMAKAWA

711. That in or about Spring 2004 when Plaintiffs advised MASAKI YAMAKAWA of fraud regarding the JPO patent filings of the Iviewit Companies, Yamakawa traverses to tall tales of no process or relief is found in Japanese patent laws regarding fraud, therefore, he will not pursue investigations and fails to respond to Plaintiffs further communication, wherein Plaintiffs allege that Yamakawa conspired with Utley, Dick, Boehm, Becker, Grebe, and Foley, among others that constitutes another instance of denial of due process and international law and patent treaty claims that resulted from patent sabotage, theft of IP, robbery, and other state, federal and international law claims cited herein and any others that may apply.



712. YAMAKAWA INTERNATIONAL PATENT OFFICE. That through the actions of Yamakawa and, through the doctrine of respondeat superior, YIPO itself, and upon information and belief, conspired with Utlely, Dick, Boehm, Becker, Grebe, and Foley, among others that constitutes another instance of denial of due process and international law and patent treaty claims that resulted from patent sabotage, theft of IP, robbery, and other state, federal and international law claims cited herein and others that may apply.

HOW HIGH DOES IT GO? THE POSSIBLE CONSPIRACY TO COMMIT TREASON AGAINST THE UNITED STATES - PATENTGATE

713. On information and belief, defendant Frazier failed to perform his duties as Inspector General of the U.S. Department of Commerce, when notified of corruptions at the USPTO by failing to respond to Plaintiffs requests for intervention.

PETITION 1 & 2 FEINSTEIN

714. That the Hon. Senator Dianne Feinstein (D-CA) has been petitioned to aid Iviewit Companies and Plaintiffs and on information and belief her offices are conducting an ongoing investigation into the matters.

NITA LOWEY TO JOHN DINGELL TO JUDICIARY COMMITTEE

715. That the Representative Nita M. Lowey (D-NY 18th) was forwarded information regarding the Iviewit Companies and forwarded that information to the Hon. Representative John D. Dingell (D-MI 15th) in his official capacity as Chairman of the Energy and Commerce Committee and whereby he forwarded the information to the House Judiciary Committee, chaired by the Hon. John Conyers Jr. (D-MI 14th) whose committee members have met and spoken with Plaintiff Lamont and spoken with Plaintiff Bernstein regarding their ongoing investigative efforts.

DOJ OIG, FBI, FBI OPR AND THE CASE OF THE MISSING FILES AND INVESTIGATORS

716. That the DOJ OIG, headed by Fine is currently investigating the Iviewit Companies matters and was referred the matters by the FBI and US Attorney of Florida after it was learned that the FBI and US Attorney files were missing and the case

investigators were missing after several years of ongoing investigations and with no information sent to Plaintiffs as a result of the ongoing investigations.

717. That Fine's office referred Plaintiffs to contact the FBI's Office of Professional Conduct which is currently reviewing the Iviewit Companies matters and whereby through the review process, Plaintiffs have now sent requests to Attorney General Michael Mukasey's office and the Program Analyst who is handling the matters, for further review and to evaluate if matters such as the terrorist styled car bombing of Plaintiff's Bernstein minivan have gone uninvestigated due to the loss of case files and the main investigator, Stephen Lucchesi. That Plaintiffs await both a return phone call from the Program Analyst charged with the matters and now Michael Mukasey as to the response to their initial review letter but where these matters include matters of life and death, this Court should seek to compel immediate answers from those involved in the matters.

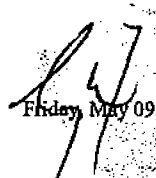
718. That on information and belief, the missing case files and investigator, at the FBI and the missing case files and investigators at the US Attorney General's offices were lost while those agencies were being directed by the former US Attorney General, defendant Gonzales. For the failures in the agencies directly under his control Gonzales has been charged as a defendant in these matters for failing to ensure the due process rights of Plaintiffs and possibly interfering with investigations.

LAWS VIOLATED

719. That to effectuate all of the above alleged acts, Plaintiffs state on information and belief, defendants both known and unknown, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other to act together or in separate acts, and with other co-conspirators whose names are both known and unknown, to participate in a conspiracy to steal the Iviewit Companies IP and/or deny due process rights and in so doing they all together through their various acts combined and/or separate did violate, including but not limited to, all of the following federal, state and international laws.

FEDERAL LAWS VIOLATED

720. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with

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each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate multiple federal laws in committing IP thefts. That Plaintiffs state on information and belief, defendants have violated constitutionally protected inventor rights under - Article I, Section 8, Clause 8 of the United States Constitution in so doing.

A. Acts, including but not limited to; patent theft, copyright theft, fraudulent patent applications, fraudulent trademark applications, international patent fraud, violations of federal patent bar laws, violations of patent law, forgery, antitrust violations, monopoly violations and other crimes described herein and any other crimes known and unknown in the commissioning of the patent crimes.

B. Main participants, including but not limited to, Proskauer, Joao, MLG, Foley, Dick, Boehm, Becker, BSTZ, Zafman, Weisberg, CW, Rubenstein, Utley, DiStream, O'Brien and any other defendants described herein and any other participants both known and unknown who aided and abetted in any way in the commissioning of the patent crimes and to be further learned with discovery.

C. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy and as an additional step in the coordinated conspiracy of the defendants, including but not limited to, Proskauer, Foley, MLG, Rubenstein, Wheeler, Utley, Joao, Dick, Boehm, Becker and BSTZ, with such intent, they directed that certain patent rights be put in the name of Utley and/or Joao and other patent rights were modified or negligently pursued on behalf of the Iviewit Companies, so as to cause them to fail to provide protection of the Iviewit Companies IP to the detriment of the Iviewit Companies. Failing to secure proper ownership of the inventions for the investors of Iviewit Companies, resulting in the ability of defendants to make use of such technologies without being liable to Iviewit Companies for royalties which normally arise from such use.

721. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with

each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate 15 U.S.C.

A. Acts, including but not limited to; patent theft, copyright theft, fraudulent patent applications, fraudulent trademark applications, international patent fraud, violations of federal patent bar laws, violations of patent law, forgery, antitrust violations, monopoly violations and other crimes described herein and any other crimes known and unknown in the commissioning of the patent crimes.

B. Main participants, including but not limited to, Proskauer, Joao, MLG, Foley, Dick, Boehm, Becker, BSTZ, Zafman, Coester, Weisberg, CW, Rubenstein, Utlely and any other defendants described herein and any other participants both known and unknown who aided and abetted in any way in the commissioning of the antitrust crimes and to be further learned with discovery.

722. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate 15 U.S.C. Section 1 & 2.

723. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate Antitrust Procedures and Penalties Act ("Tunney Act"), 15 U.S.C. 16 and the Sherman and Clayton Acts under 15 U.S.C Sections 1 to Section and 15 U.S.C. Sections 12 to 27.

724. That Plaintiffs state on information and belief, the IP pools described herein act as an anticompetitive mechanism to block Iviewit Companies inventions from market, to allow the further proliferation of the IP pools patents to the detriment of Plaintiffs, Iviewit Companies shareholders and inventors by cutting them out of the market through bundling with other patents in the pools while delaying their patents and sabotaging them to keep them from market, in classic antitrust pattern.

725. That Plaintiffs state on information and belief, Rubenstein, MLG, Joao and Proskauer has conflict of interest in representation of MPEGLA LLC, other pools, NDA violators, other inventors and other contract violators with their representation of

Iviewit Companies. Inventors' inventions represented a competitive threat to the IP pools and that defendants conspired to steal Iviewit Companies technologies while simultaneously proliferating and monopolizing them through the patenting pooling scheme designed for their benefit, a form of anti-competitive behavior to the detriment of Iviewit Companies and inventors.

A. Under *Walker Process Equip. Inc. v. FMC Corp.*, 382 U.S. 172 (1965) there is an antitrust claim for fraud on the USPTO, analogous to the Iviewit Companies allegations of fraud as evidenced herein.

B. Under *City of Columbia v. Omni Outdoor Advertising, Inc.*, 499 U.S. 365 (1991) and *California Motor Transport v. Trucking Unlimited*, 404 U.S. 508 (1972), the court upheld the "sham" exception to Noerr-Pennington immunity, when the defendants' activities were a direct effort to impair a competitor's activity in the marketplace through the use of government processes as opposed to the outcome of the process, analogous to Iviewit Companies allegations of impairment of the inventions chances of success to the marketplace as described herein.

C. Under *PrimeTime 24 Joint Venture v. National Broadcasting Co.*, 219 F.3d 92 (2d Cir. 2000), the court upheld allegations of antitrust liability under "sham" exception to Noerr-Pennington immunity where the defendants' filings were frivolous and intended solely to impose expense and delay on the entry of an emergent competitor, analogous to the Iviewit Companies allegations of intentions to impose expense and delay on the inventions delaying entry to market as evidenced herein to deprive inventors' their inventions while defendants instead profited from them.

726. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to restrain competition, according to the allegations described herein. Competition was restrained by conspiratorial activity under 15 U.S.C. Sherman Antitrust Act Section 1 and in which monopoly power was sought in an attempt to monopolize and conspire to monopolize under 15 U.S.C. Sherman Antitrust Act Section 2, and sought to achieve monopolization under 15 U.S.C. Sherman Antitrust Act Section 2.

727. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate Section 2 of the Sherman Act: through a course of anticompetitive conduct that maintained patent IP pools and other schemes to effectuate a monopolization of markets for the stolen IP.

A. That Plaintiffs state on information and belief, this case involves the application of familiar and fundamental tenets of antitrust law. Defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy recognizing that Iviewit Companies validated technologies posed a threat to patent pools created and overseen by Rubenstein and Proskauer and concluded that competition on the merits would not defeat that threat. Defendants then mounted a campaign to maintain its monopoly power through anticompetitive means described herein and in fact steal Iviewit Companies technologies in an elaborate scheme of controlling the inventions of the Iviewit Companies inventors and then blocking the inventors' inventions from the inclusion to the IP pools they controlled. These pools combined with other schemes and artifices to defraud the inventions, now unlawfully maintain a monopoly in violation of the Sherman Act, 15 U.S.C. 2 of the markets' inventors inventions apply too.

728. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy violate the Offense of Monopolization. The offense of monopolization is;

- (1) the willful acquisition or maintenance of monopoly power
- (2) by the use of anticompetitive conduct "to foreclose competition, to gain a competitive advantage, or to destroy a competitor." Eastman Kodak Co. v. Image Technical Servs., Inc., 504 U.S. 451, 482-83 (1992), quoting United States v. Griffith, 334 U.S. 100, 107 (1948); see also United States v. Alcoa, 148 F.2d 416,

432 (2d Cir. 1945). Such conduct is labeled "exclusionary" or "predatory." *Aspen Skiing Co. v. Aspen Highlands Skiing Corp.*, 472 U.S. 585, 602 (1985).

- (3) The Supreme Court has described exclusionary conduct as conduct that "not only (1) tends to impair the opportunities of rivals, but also (2) either does not further competition on the merits or does so in an unnecessarily restrictive way." *Aspen*, 472 U.S. at 605 n.32, quoting 3 Phillip Areeda & Donald F. Turner, *Antitrust Law* 626b, at 78 (1978). If "valid business reasons" do not justify conduct that tends to impair the opportunities of a monopolist's rivals, that conduct is exclusionary. See *Eastman Kodak*, 504 U.S. at 483; *Aspen*, 472 U.S. at 605. The courts assess the legality of the defendants conduct in light of, among other things, the defendants' proffered justifications, and the consistency of those justifications with the defendants' actions and assertions, and the sufficiency of those justifications to explain the full extent of conduct. *Eastman Kodak*, 504 U.S. at 483-85.

729. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to use tactics which involves aggression against business rivals through the use of business practices that would not be considered profit maximizing except for the expectation that (1) actual rivals will be driven from the market, or the entry of potential rivals blocked or delayed, so that the predator will gain or retain a market share sufficient to command monopoly profits, or (2) rivals will be chastened sufficiently to abandon competitive behavior the predator finds threatening to its realization of monopoly profits.

A. *Neumann v. Reinforced Earth Co.*, 786 F.2d 424, 427 (D.C. Cir. 1986) (Bork, J.); accord Robert H. Bork, *The Antitrust Paradox* 144-45 (1993) (noting that, in any realistic theory of predation, the predator views its costs of predation as "an investment in future monopoly profits"). Predatory conduct is, of course, exclusionary. Such conduct, "by definition as well as by nature, lacks procompetitive business motivation." CL at 38 (JA 2418).

B. The Supreme Court's decisions in *Eastman Kodak* and *Aspen*, and this Court's decision in *Neumann*, state settled antitrust law. Courts routinely define exclusionary

or predatory conduct as conduct that would not make economic sense unless it eliminated or softened competition and thus permitted the costs of the conduct to be recouped through higher profits resulting from the lack of competition.

730. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to engage In A Multifaceted Campaign Of Exclusionary Conduct That Maintained Its Monopoly Power and violated Section 1 of the Sherman Act by Bundling through the anticompetitive IP pools and other schemes, the result that Iviewit Companies IP is sold in combination or in multitude with other products.

A. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy, including but not limited to, Proskauer, Rubenstein, MPEGLA, Intel, Real, RYJO, Foley, MLG, BSTZ, Dick, Joao, Boehm, Coester, Becker, NDA violators, other contract violators and any/all IP pools related to any of the defendants, are liable under The Supreme Court's Tying and Bundling Decisions. For purposes of tying analysis, the Supreme Court has consistently ruled "that the answer to the question whether one or two products is involved turns not on the functional relation between them, but rather on the character of the demand for the two items." Jefferson Parish, 466 U.S. at 19. The Court has focused on whether there is separate demand for the two items because the prohibition on tying is concerned with foreclosure of competition on the merits in the tied product, which can occur only if there can be such competition separate from competition in the tying product. Id. at 12-14, 19-22. The Supreme Court has accordingly condemned tying arrangements that link distinct markets that are "distinguishable in the eyes of buyers." Id. at 19, citing Times-Picayune Publ'g Co. v. United States, 345 U.S. 594 (1953).

B. The Jefferson Parish test inquires whether "there is a sufficient demand for the purchase of [the tied product] separate from [the tying product] to identify a distinct product market in which it is efficient to offer" the two products "separately." 466

U.S. at 21-22; accord *Eastman Kodak*, 504 U.S. at 462 ("sufficient consumer demand so that it is efficient for a firm to provide" them separately). This test requires the court to ask whether a supplier in a competitive market would provide the products separately, thus distinguishing situations in which the refusal to supply them separately is efficient from situations in which the refusal might be profitable only because of its adverse effect on competition. See, e.g., *Eastman Kodak*, 504 U.S. at 462-63; *Jefferson Parish*, 466 U.S. at 21-22.

C. First, the *Jefferson Parish* test reflects the Supreme Court's authoritative guidance on how to apply Section 1 to tying arrangements. The Supreme Court spoke clearly in *Jefferson Parish*, and the district court "was bound to follow its guidance," CL at 51 (JA 2431), unless and until that Court concludes that a different standard is more appropriate in particular circumstances. See, e.g., *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989). This Court, sitting en banc, is also obligated to follow *Jefferson Parish*, but it is not obligated to follow *Microsoft II*. See, e.g., *LaShawn v. Barry*, 87 F.3d 1389, 1395 (D.C. Cir. 1996) (en banc).

731. That Plaintiffs state on information and belief, defendants Tying and Bundling Had Significant Competitive Consequences

A. Standard-Setting Activities - In a related area, issues may arise in connection with standard-setting activities by members of an industry. Standard-setting issues are virtually inherent in e-business, since Internet communication is impossible unless participants have agreed to follow a universal set of protocols. Because the standards-setting process may be abused to provide a competitive advantage to a subset of competitors in the industry, standard setting should be undertaken in a structured manner that (a) ensures all key industry constituency groups an opportunity for meaningful participation, and (b) relies on objective data. Problems may also arise where, in the course of standard-setting proceedings, one participant fails to disclose to the standard-setting body IP rights held by the participant that may be infringed by a proposed standard. By failing to disclose IP rights relating to the standard, the participant may set the stage for infringement claims against all of the firms that design to the standard following its adoption.

B. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to maintain Exclusionary Agreements and control of the IP pools to block Iviewit Companies technologies from being monetized by Iviewit Companies and these agreements instead inured money to defendants directly or indirectly to further the criminal activities and cover up crimes of the criminal enterprises, described herein further.

732. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (RICO).

A. Acts, including but not limited to; patent theft, copyright theft, fraudulent patent applications, fraudulent trademark applications, international patent fraud, violations of federal patent bar laws, violations of patent law, forgery, antitrust violations, extortion through threats, conspiracy, monopoly violations, extortion through threats and destruction of personal property, robbery, conspiracy, embezzlement, arson, and other crimes described herein and any other crimes known and unknown in the commissioning of the criminal enterprises, as further described herein, crimes and cover up crimes.

B. Main participants, including but not limited to, Proskauer, Joao, MLG, Foley, Dick, Boehm, Becker, BSTZ, Zafman, Weisberg, CW, Rubenstein and Utley and all other defendants described herein, in that all acts combined and separate constitute the actions of the criminal enterprises Proskauer and Foley, as further defined herein, who directed the activities of the defendants in various criminal acts, and any other participants both known and unknown who aided and abetted in the commissioning of any criminal acts to further the conspiratorial enterprises, to be further learned with further discovery who directed and controlled what actions of the defendants and which defendants participated in the various acts of the criminal enterprises.

C. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy and that as an additional step in the coordinated conspiracy of the defendants, including but not limited to, Proskauer, Foley, Rubenstein, Wheeler, Utley, Joao, Dick, Boehm, Becker, BSTZ undertook a knowing and willful series of introductions of the inventions to proliferate the inventions to potential licensees of the Iviewit Companies inventions, including but not limited to; Intel, Real, Silicon Graphics, Inc., Lockheed Martin, MPEGLA, AOL, WB, SONY Corporation, Metro-Goldwyn-Mayer Inc., Paramount Pictures, Deutsche Telecom, Compaq Computer Corporation, Eastman Kodak, Universal Pictures, Hewlett Packard, and hundreds of others under non-disclosure agreements ("NDA's") and other strategic alliances and license agreements. That a list of NDA violators can be found at the urls;

- i. <http://iviewit.tv/CompanyDocs/Patents/Confidentialities/20010612%20-%20Book%20One.tif>
- ii. <http://iviewit.tv/CompanyDocs/Patents/Confidentialities/20010612%20-%20Book%20Two.tif>
- iii. <http://iviewit.tv/CompanyDocs/Patents/Confidentialities/20010702%20-%20Book%20Three.tif> and
- iv. [http://iviewit.tv/CompanyDocs/Patents/Confidentialities/20010612%20-%20List%20of%](http://iviewit.tv/CompanyDocs/Patents/Confidentialities/20010612%20-%20List%20of%20)

and whereby such NDA's are further incorporated herein by reference. Once the IP was proliferated by defendants in defiance of such agreements, defendants then avoided enforcement of said NDA's and profits were directly realized by defendants and not Iviewit Companies through this scheme and artifice to defraud thus funding the criminal enterprises criminal activities.

733. That Plaintiffs state definitions are met for RICO under TITLE 18 PART I CH 96 Sec 1961 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ("RICO"). Definitions are met and a classic RICO complaint meeting all criteria of an organized crime enterprise have been fulfilled, and, that defendants met the definitions

whereby the racketeering activities have involved acts and threats involving robbery and extortion., and further have involved the following acts which are indictable under the following provisions of Title 18:

A. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy violate section 1341 (relating to mail fraud). That defendants, including but not limited to, Proskauer, Foley, Rubenstein, Wheeler, Utley, Joao, Dick, Boehm, Becker, BSTZ Foley, Proskauer, MLG, Joao, and BSTZ, and others who aided and abetted in the commissioning of these crimes, committed mail violations that effectuated all of the following crimes, bank fraud, fraud on the USPTO, fraud on foreign nations through trade treatises, fraud on a Bankruptcy Court, fraud on securities firms, fraudulent state corporate transactions involving securities and other mail frauds known and unknown, where further discovery will needed to evaluate the multitudes of mail fraud that aided and abetted the crimes.

B. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1343 (relating to wire fraud). That defendants, including but not limited to, Proskauer, Foley, Rubenstein, Wheeler, Utley, Joao, Dick, Boehm, Becker, BSTZ Foley, Proskauer, MLG, Joao, and BSTZ, and others who aided and abetted in the commissioning of these crimes, committed wire violations that effectuated all of the following, bank fraud, fraud on the USPTO, fraud on foreign nations through trade treatises, fraud on a Bankruptcy Court, fraud on securities firms, fraudulent state corporate transactions involving securities and other wire frauds known and unknown, where further discovery will needed to evaluate the multitudes of wire fraud that aided and abetted

C. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1503 (relating to obstruction

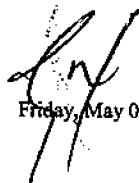
of justice). That defendants, including but not limited to, Proskauer, Labarga, TFB, Foley, Dick, FSC, 1st DDC, 2nd DDC, Krane, Triggs, Flechaus, VSB, Johnson, Cahill, Dick, Turner and Hoffman conspired to obstruct justice in multiple venues of law and justice in order deny due process and procedure rights to Plaintiffs. That *Anderson* further supports the charge of obstruction of justice.

D. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1510 (relating to obstruction of criminal investigations) as further defined herein.

E. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy, including but not limited to, Proskauer, Foley, Dick, Labarga, TFB, FSC, 1st DDC, 2nd DDC, Krane, Triggs, Flechaus, VSB, Johnson, Cahill, Dick, Turner, Kears and Hoffman to obstruct justice in multiple venues of law and justice in order deny due process and procedure rights to Plaintiffs, as described herein. That *Anderson* further supports the charge of obstruction of criminal investigations.

F. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1511 (relating to the obstruction of State or local law enforcement). That defendants, including but not limited to, Proskauer, Labarga, Foley, TFB, FSC, 1st DDC, 2nd DDC, Krane, Triggs, Flechaus, VSB, Johnson, Cahill, Dick, Turner, Kears and Hoffman, obstructed state and local law enforcement in several states as defined herein,

G. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1951 (relating to interference



with commerce, robbery, or extortion). That Plaintiffs state on information and belief, defendants have interfered with commerce, committed robbery and committed extortion as described herein.

H. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to, including but not limited to, Utley, Reale and Tiedemann commit robbery as defined further herein.

I. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1952 (relating to racketeering), see Racketeering charges herein.

J. That Plaintiffs state on information and belief, all defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity). That Plaintiffs state on information and belief, defendants defined herein engaged in monetary transactions in property derived from specified unlawful activity, as defined herein.

K. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate 2315 (relating to interstate transportation of stolen property). That defendants, including but not limited to, Utley, Reale and Tiedemann violated interstate transportation of stolen property in taking stolen equipment over state lines to effectuate part of the conspiracy to steal IP. That defendants transported stolen IP and other properties, including but not limited to, highly proprietary computers across state borders and international borders.

L. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works).

M. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section 2319 (relating to criminal infringement of a copyright). That defendants, including but not limited to, Proskauer, Rubenstein, Joao, Foley, Dick, BSTZ, MLG, Weisberg, Boehm and Becker failed to file copyright protections for source codes and other IP. Where Proskauer billed for Copyright protections but failed to seek protection.

N. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit arson with the probable intent of murder when analyzed in relation to the threats made on Plaintiff Bernstein by Utley to commit murder.

O. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit embezzlement as described herein. That defendants Utley and Reale were charged with embezzlement with the Boca PD and where equipment and other properties were recovered, as further described herein.

P. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and

unknown, participate in a conspiracy to commit multiple acts of fraud, including but not limited to, fraud against; the Iviewit Companies and inventors, agencies of the United States, state agencies, disciplinary agencies, a federal bankruptcy court, state courts, the SBA, investment banks, investors and international agencies in violation of trade treatises and international laws, as described herein.

Q. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit bankruptcy fraud as described herein.


R. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit securities fraud as defined herein.

S. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit Murder-for-Hire as described herein.

T. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit extortion as described herein.

U. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit blackmail as described herein.

734. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 18 PART I CH 96 Sec 1962 (a) - RICO Prohibited activities.


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A. That Plaintiffs state on information and belief, prohibited activities have taken place and defendants have received income derived, directly and/or indirectly, from a pattern of racketeering activity in which such defendants have participated as principals to use and invest directly and or indirectly any part of such income and proceeds of such of income in acquisition of any interest in, or the establishment and operation of, enterprise which is engaged in and the activities which effect, interstate and foreign commerce, and defendants pattern of racketeering activity acquired and maintained, directly and indirectly, an interest in and control of enterprises engaged in and the activities of which effect interstate and foreign commerce, and defendants are employed by and associated with enterprises engaged in and the activities which affect interstate and foreign, and have conducted and participated, directly and indirectly in the conduct of such enterprise's affairs through a pattern of racketeering as described herein.

735. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate TITLE 18 PART I CH 96 SEC 1962 (a) RICO. That defendants have used and invested the proceeds of income derived from a pattern of racketeering, in which they participated as a principal, to establish, operate or acquire any interest in any enterprise engaged in or affecting interstate commerce.

A. That Plaintiffs state on information and belief, defendants did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with co-conspirators and others whose names are both known and unknown, to benefit and use proceeds from defendants pattern of racketeering activity for the furtherance of the legitimate aspects of the organizations, as stockholder dividends, employee and executive salaries, bonuses and operating expenses, to purchase and acquire goods and services, direct the proceeds of the racketeering activity into the general funds of these defendant organizations, their employees, their executives, their stockholders, their subcontractors and others.

B. This violation was in concert with lax and/or corrupt regulatory and law enforcement agencies and officials, constituting an association in fact for the purpose

of racketeering activity. After being apprized of the illegal activities by Iviewit Companies, none of these regulatory and law enforcement agencies or individuals made adequate, if any, effort to investigate, report or remedy the illegal activities, although they are legally obligated by statute and fiduciary duty to do so.

736. That That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate TITLE 18 PART I CH 96 SEC 1962 (B) RICO. Acquiring an interest in or control of an enterprise through a pattern of racketeering activity.

A. That Plaintiffs state on information and belief, defendants did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to acquire and to maintain markets in the Iviewit Companies technologies markets through a fraudulent series of events to acquire ownership interest and/or control of inventors inventions, companies and other business enterprises; to unfairly compete with other vendors through the IP pools and violations of contracts, including but not limited to, NDA's and other schemes to gain market advantage through a pattern of racketeering activity; and to affect interstate and foreign commerce through a pattern of racketeering activity.

B. This violation was in concert with corrupt and/or inept regulatory and law enforcement officials, constituting an association in fact for the purpose of racketeering activity. After being apprized of the illegal activities by Iviewit Companies, these persons in regulatory and law enforcement made little, if any, effort to investigate report or remedy the illegal activities, although they are legally obligated by statute and fiduciary duty to do so as described herein.

737. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate TITLE 18 PART I CH 96 SEC 1962 (C) RICO. Conducting the affairs of an enterprise through a pattern of racketeering.

A. That Plaintiffs state on information and belief, defendants in concert with all other defendants and each of them, did knowingly, unlawfully and intentionally combine, confederate, conspire, and agree together with each other, with named co-conspirators and with others whose names are both known and unknown, to conduct the affairs of an enterprise through a pattern of racketeering activity to promote the affairs of the enterprise.

B. This violation was in concert with corrupt and/or inept regulatory officers or law enforcement who after being apprized of the illegal activities by Iviewit Companies, none of the defendants who hold regulatory or law enforcement titles made reasonable effort to investigate report or remedy the illegal activities, therefore condoning the activities as described herein.

738. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate TITLE 18 PART I CH 19 SEC 1962 (D) RICO. Unlawful for any person to conspire to violate Sections 1962 (a), 1962 (b), and 1962 (c).

A. That Plaintiffs state on information and belief, defendants in concert with all other defendants and each of them, did knowingly, unlawfully and intentionally combine, confederate, conspire, and agree together with each other, with named co-conspirators and with others whose names are both known and unknown, commit violations of the Racketeer Influenced and Corrupt Organizations Act, and to prevent the conspiracy from becoming known to the public.

B. This violation was in concert with corrupt and/or inept regulatory agents and law enforcement who after being apprized of the illegal activities by Iviewit Companies, none of the defendants who hold regulatory or law enforcement positions made reasonable effort to investigate report or remedy the illegal activities, therefore engaging in a conspiracy by condoning the activities through their inactions.

RICO STATEMENT FORM QUESTIONS AND ANSWERS

739. That Plaintiffs state on information and belief, this case contains a Civil RICO claim, filed in this Court pursuant to 18 U.S.C. Sections 1961-1968. The Order designed to establish a uniform and efficient procedure for deciding RICO cases. The

Plaintiffs are filing within 20 days of the entry of this order, by incorporating a RICO case statement within this Amended Complaint (an original and one (1) copy) attached. The statement includes the facts Plaintiffs rely upon to initiate this RICO complaint as a result of the "reasonable inquiry" required by Federal Rule of Civil Procedure II. In particular, the statement is in a form which both uses the numbers and letters set forth below, and it is also filed as part of an amended and restated complaint in which the allegations of the amended and restated complaint reasonably follow the organization set out below in the form and whereby Plaintiffs state in detail and with specificity the following information for the numbered form:

RICO STATEMENT FORM

i. State whether the alleged unlawful conduct is in violation of 18 U.S.C. Sections 1962(a), (b), (c), and/or (d). If you allege violations of more than one Section 1962 subsections, treat each as a separate RICO claim.

Answer: Violations of 18 U.S.C. Sections 1962(a), (b), (c), and/or (d) as defined herein

ii. List each defendant and state the alleged misconduct and basis of liability of each defendant.

Answer: Defined herein.

iii. List the alleged wrongdoers, and state the alleged misconduct of each wrongdoer.

Answer: Defined herein.

iv. List the alleged victims and state how each victim allegedly was injured.


Answer: Iviewit Companies shareholders, Patent Interest Holders and Plaintiffs. Each was injured by the theft of IP by the enterprise and its agents described herein. Economic are estimated if all IP were lost due to the actions of the Enterprise at One Trillion Dollars.

v. Described in detail the pattern of racketeering activity or collection of an unlawful debt alleged for each RICO claim. A description of the pattern of racketeering activity shall include the following information:

Answer: Defined herein.

vi. List the alleged predicate acts and the specific statutes allegedly violated;

Answer: Defined herein.

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vii. Provide the dates of the predicate acts, the participants in the predicate acts and a description of the facts surrounding each predicate act;

Answer: Defined herein.

viii. If the RICO claim is based upon the predicated offenses of wire fraud, mail fraud, fraud in the sale of securities, or fraud in connection with a case under U.S.C. Title II, the "circumstances constituting fraud or mistake shall be state with particularity," Fed. R. Civ. P. 9(b). Identify the time, place and contents of the alleged misrepresentation or omissions, and the identity of persons to whom and by whom the alleged misrepresentations or omissions were made;

Answer: Defined herein.

ix. Describe whether the alleged predicate acts relate to the enterprise as part of a common plan. If so, describe in detail.

Answer: The predicate acts of the enterprise were part of a common plan to commit theft of IP and deny due process to evade prosecution for the crimes committed by the enterprise and all of its agents defined herein.

x. Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise shall include the following information:

Answer: The enterprise for each RICO claim is presumed to be through the law firms of Proskauer and Foley. That all agents of Proskauer and Foley that were commissioned to commit any of the other criminal and civil violations are assumed to be through the direction of either/or Proskauer and/or Foley.

xi. State the names of the individuals, partnerships, corporations, associations or other entities allegedly constituting the enterprise;

Answer: The names of the individuals who are known to have participated are defined herein and acted through the commissioning of the enterprises Proskauer and Foley. These other entities would include, but are not limited to, the named defendants in their entirety as all together they have acted to further the crimes for the main enterprises of Proskauer and Foley.

xii. Describe the structure, purpose, roles, function and course of conduct of the enterprise;

Answer: The structure of the enterprises is mainly law firms using their legal acumen to commit fraud upon inventors and the USPTO to enable IP theft via violations of attorney client privileges' or other methods. Described herein is the function and course of conduct of the enterprises. The enterprise also is capable of using its legal acumen to circumvent prosecution when necessary by infiltrating the legal and judicial systems to deny due process to its victims.

xiii. State whether any defendants are employees, officers or directors of the alleged enterprise;

Answer: Certain defendants are direct employees, officers, directors, partners, legal counsel to the alleged enterprises.

xiv. State whether any defendants are associated with the alleged enterprise, and if so, how;

Answer: Described herein.

xv. State whether you allege that the defendants are individuals or entities separate from the alleged enterprise, or that the defendants are the enterprise itself, or members of the enterprise;

Answer: Described herein.

xvi. If you allege any defendants to be the enterprise itself, or members of the enterprise, explain whether such defendants are perpetrators, passive instruments, or victims of the alleged racketeering activity.

Answer: It is believed that the enterprises members described herein are perpetrators.

xvii. State whether you allege and describe in detail how the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

Answer: That the enterprises have remained separate although sharing common goals.

xviii. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how the racketeering activity differs from the usual and daily activities of the enterprise, if at all.

Answer: The racketeering element of the enterprises differs from their day to day business in that their day to day business is the offering of legal services to protect

client interests. The racketeering element is in the activities of the law firms to instead of protecting clients, violating their legal rights.

xix. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering activity.

Answer: The benefits received are rights to IP property of inventors' inventions and royalties.

xx. Describe the effect of the activities of the enterprise on interstate or foreign commerce.

Answer: Described herein.

xxi. If the complaint alleges a violation of 18 U.S.C. Section 1962(a), provide the following information:

xxii. State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and,

Answer: The income was received by various agents of the enterprise, including but not limited to the enterprises Proskauer and Foley, and, all of the defendants named herein and possibly other unknowns at this time.

xxiii. Describe the use of investment of such income.

Answer: The use of investment of the illegally gained royalties is not wholly known although parts of the income are believed to grow the enterprises named herein and to further effectuate more IP crimes and to bribe cover up participants.

That further, the income is used to further monopolize markets gained from the stolen IP in hosts of other income producing schemes.

xxiv. If the complaint alleges a violation of 18 U.S.C. Section 1962(b), provide the following information:

1. Describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise; and,

Answer: Unknown at this time and further discovery would provide more information regarding any acquisition or maintenance of any interest in or control of the alleged enterprises Foley and Proskauer and their agents who aided and abetted in the criminal activities of the enterprises.

2. State whether the same entity is both the liable "person" and the "enterprise" under Section 1962(b).

Answer: Yes, the same entity is both the liable "persons" and the "enterprises" and all of the agents who aided and abetted in the criminal activities of the enterprises.

xxv. If the complaint alleges a violation of 18 U.S.C. Section 1962(c), provide the following information:

1. State who is employed by or associated with the enterprise;

Answer: The enterprises employ and associate with all of the named defendants herein as direct employees or partners, etc. or as agents who aided and abetted in the criminal activities of the enterprises as further described herein.

2. State whether the same entity is both the liable "person and the "enterprise" under Section 1962(c).

Answer: Described herein and above.

xxvi. If the complaint alleges a violation of 18 U.S.C. Section 1962(d), describe in detail the alleged conspiracy;

1. Describe the alleged injury to business or property;

Answer: Described herein and above.

2. Describe the relationship between the alleged injury and violation of the RICO statute.

Answer: Described herein and above.

3. List the damages sustained by reason of the violation of Section 1962, indicating the amount for which each defendant allegedly is liable.

Answer: The enterprises and all of the defendants together are liable for approximately One Trillion Dollars if the IP rights have been wholly lost, inapposite the Constitution regarding inventors' rights.

4. List all other federal causes of action, if any, and provide the relevant statute numbers.

Answer: Described herein.

5. List all pendant state claims, if any.

Answer: Described herein for the states of Florida, New York and Delaware. Other state crimes may have been committed in various other states to effectuate the crimes and will take further discovery to correctly asses such.

6. Provide any additional information you feel would be helpful to the Court in processing your RICO claim.

Answer: Plaintiffs feel that due to the complexity of the RICO charges federally and in the states of Florida and New York this case would be better prosecuted by criminal investigators and prosecutors. Plaintiffs feel that this Court should grant immediate Pro Counsel studied in all genres of complex civil and criminal law that the RICO and other federal, state and international laws violated will require.

This order was adopted by the court en banc at its meeting of June 3, 1987. The court has further directed it be entered in each RICO case at the time of filing.

End of generic RICO statement.

740. LIST OF DAMAGES SUSTAINED: BY REASON OF THE VIOLATION OF 1962, INDICATING THE AMOUNT FOR WHICH EACH DEFENDANT IS ALLEGEDLY LIABLE.

A. That Plaintiffs state on information and belief, Iviewit Companies shows damages already at a minimum value to be estimated at a low estimate to date of several hundred billion dollars plus ten years of unearned royalties due to the conversions by the enterprises to an estimate of one trillion dollars to date and over the twenty year life of the IP, trillions of dollars.

B. That Plaintiffs state on information and belief, the aforesaid outrageous conduct by defendants, and each of them, conspiratorially, was done intentionally for the purpose of depriving Iviewit Companies of their royalties.

741. DESCRIPTION OF THE DIRECT CAUSAL RELATIONSHIP BETWEEN THE ALLEGED INJURY AND THE VIOLATION OF THE RICO STATUTE.

A. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with

each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy which caused loss of IP rights to the Iviewit Companies and inventors and was done by two or more parties committing a host of the predicate acts RICO defines.

742. DESCRIPTION OF THE ALLEGED INJURY TO BUSINESS OR PROPERTY

A. That Plaintiffs state on information and belief, as a direct and proximate result of defendants and all of them, inclusive, that the Iviewit Companies and shareholders have suffered total loss of rights to their IP for almost 10 years and other damages to the business described herein.

B. That Plaintiffs state on information and belief, Iviewit Companies has incurred expenses to investigate and litigate fraudulent actions against fraudulent companies, fraudulent federal Bankruptcies, fraud on the USPTO, the EPO, the JPO and bar complaints and ethics complaints in several states where violations of ethics and bar agencies rules and procedures were so grossly violated by public officers, so much so as to cause Plaintiff Bernstein personal loss so extreme as to force his family into destitute and financially impoverished and caused financial loss to all shareholders.

C. That Plaintiffs state on information and belief, defendants, and all of them, and each of them, by their extreme and outrageous conduct intended to cause severe emotional distress to another, the possibility of bodily harm resulting as a result of threats and a car bombing of the main inventor, as a means to silence Iviewit Companies from disclosing information about defendants illegal and corrupt conduct.

D. That Plaintiffs state on information and belief, defendants knew, or should have known being attorneys at law (there should further be no excuse of ignorance and no relief in penalty), that their intentional conduct as described herein is outrageous, illegal and beyond all bounds of decency and civilized behavior, utterly intolerable in a civilized community, unconscionable, extremely malicious and would cause Plaintiff Bernstein to suffer the highest levels of emotional distress, shock, horror, fear, grief, anger, mental humiliation, distress of mind, alarm, disappointment, despair, worry, physical injury and illness. Defendants were well aware that their

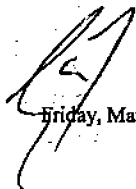
conduct would cause distress so severe and of such a nature that no reasonable person could be expected to endure it and, it is asserted herein that this was all with scienter.

E. That Plaintiffs state on information and belief, emotional distress was a foreseeable and direct result of the defendants' acts and were meant to cause intentional infliction of emotional distress on inventor Plaintiff Bernstein and others.

F. That the Iviewit Companies have been destroyed and forced to struggle with Iviewit Companies investors worried about stolen and lost monies and their rights to IP they invested in. Defendants actions have caused a lack of ability to raise capital based on the patent suspensions and other investor worries, rightfully so, as the ownership of the US and foreign patents is uncertain.

G. That Plaintiffs state on information and belief, Krane and Triggs through conflicted responses to Florida and New York Supreme Court State Bar Associations tried to cast a spell of insanity on inventor Plaintiff Bernstein, so as to create a false belief that Plaintiff Bernstein was a conspiracy theorist, a person looking for someone to blame for a failed dot com and that their clients knew nothing and handled nothing to do with IP. Yet concealed was the fact that these responses by both Krane and Triggs were done tainted in conflict of interests and in violation of their public office positions with the state bars and state disciplinary agencies investigating the matters against their partners. The only way to cover up such crimes and hide from the volumes of damning evidence was to use the influence of the most conflicted partners at Proskauer and buy and/or derail justice and usurp Plaintiffs legal options through denial of due process.

H. Once recruited, Krane and Triggs violated their state bar office positions and prepared a smear campaign of ridicule against Plaintiff Bernstein, while denying due process of the complaints against their partners. This happened almost identically in two state bar associations indicating no coincidence and conveying an appearance of impropriety in all matters related. Evidence that these are real actions of defendants and not paranoia of inventor Plaintiff Bernstein are further corroborated in the filing of the fraud upon the USPTO charges signed by Crossbow CEO Warner supporting the claims herein. The fact that patent applications are being suspended and information preliminarily obtained indicates fraud both on the USPTO and Iviewit



Companies, also gives cause to believe that the inventor is not mad and it is those who attempted to steal such inventions that are mad. In their desperation defendants have attempted to cover up and have in fact become delusional in their attempts to alter the truth and the timeline of history attempting to erase the truth to the inventions from history. In addition, Iviewit Companies has a multitude of witnesses that confound defendants' surrealistic phantasmagorical account of history. Inventor Plaintiff Bernstein most has suffered in the denial of time, discovering and preparing for this action and delays of time caused by denial of due process through conflicts, in the ability to love his wife and see his three children, ages six, four and one grow, and the pain and suffering it has brought to their lives.

743. DESCRIPTION OF THE FACTS SHOWING THE EXISTENCE OF THE ALLEGED CONSPIRACY IN VIOLATION OF U.S.C. 1962(d) defendants, in concert with all other defendants and each of them, did knowingly, unlawfully and intentionally combine, confederate, conspire, and agree together with each other, with named co-conspirators and with others whose names are both known and unknown, commit violations of the Racketeer Influenced and Corrupt Organizations Act, and to prevent the conspiracy from becoming known to the public violated hosts of public offices all described further herein.

A. After being apprized of the illegal activities by Iviewit Companies, none of the defendants in public office positions charged with investigating as defined herein made reasonable effort to investigate report or remedy the illegal activities, therefore engaging in a conspiracy by condoning the activities through their inactions.

744. STATEMENT OF WHO IS EMPLOYED BY OR ASSOCIATED WITH THE ALLEGED ENTERPRISE, AND WHETHER THE SAME ENTITY IS BOTH THE LIABLE PERSON AND THE ENTERPRISE UNDER U.S.C. 1962(c)

A. That Plaintiffs state on information and belief, defendants, in concert with all other defendants and each of them, did knowingly, unlawfully and intentionally combine, confederate, conspire, and agree together with each other, with named co-conspirators and with others whose names are both known and unknown, to conduct the affairs of an enterprise through a pattern of racketeering activity to promote the affairs of the enterprises. That Proskauer and Foley are the main enterprises and have

through affiliation with many of those named herein conspired together through IP pools and violations of other contracts with the Iviewit Companies, for the benefit of various agents of the enterprise to profit from the stolen IP. The same entities are the same liable "persons" and the "enterprise".

745. DESCRIPTION OF THE ACQUISITION OR MAINTENANCE OF ANY INTEREST IN OR CONTROL OF THE ALLEGED ENTERPRISE IN VIOLATION OF U.S.C. 1962(b)

A. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to maintain and acquire markets to gain market advantage through a pattern of racketeering activity; and affected interstate and foreign commerce through a pattern of racketeering activity.

B. This violation was in concert with corrupt and/or inept, and at times and in certain instances successful at manipulating regulatory and law enforcement officials to deny due process to Iviewit Companies, constituting an association in fact for the purpose of racketeering activity. After being apprized of the illegal activities by Iviewit Companies, these persons made little, if any, effort to investigate report or remedy the illegal activities, although they are legally obligated by statute and fiduciary duty to do so.

C. That the main enterprise Proskauer has gained an interest in the MPEGLA IP pools through their representation of them and that the profits derived from the illegal activities are thought to be funneled through the Proskauer IP department to partners of that group that was formed immediately after learning of the inventions and that their may be other ways interests are acquired for other defendants that are unknown and where further discovery will reveal such.

746. DESCRIPTION OF BENEFITS, THE ALLEGED ENTERPRISE RECEIVES FROM THE ALLEGED PATTERN OF RACKETEERING

A. That Plaintiffs state on information and belief, defendants' motives was at all times financial. Iviewit Companies believes through the discovery process and the production of documents a preponderance of evidence to support this allegation will

be presented to this Court. Defendants benefited financially from the inventions stolen from Iviewit Companies and benefit financially from not paying Iviewit Companies royalties in a variety of illegal schemes to convert the technologies and royalties for themselves.

747. DESCRIPTION OF ALLEGED RELATIONSHIP BETWEEN THE ACTIVITIES OF THE ENTERPRISE AND THE PATTERN OF RACKETEERING ACTIVITY.

A. That Plaintiffs state on information and belief, defendants' schemes are multitudinous. Viewed from an "outsider's" perspective, they may appear random but viewed from an "insider's" perspective and with insider knowledge and experience with many similar claims handled by these defendant enterprises, an obvious and predictable pattern emerges: That Plaintiffs state on information and belief, there was collusion among the defendants, the purpose of which is to increase their profits through exclusion of Iviewit Companies to the inventions by means of, thefts, frauds, relentless economic and psychological harassment including threats and a car bombing; deceptions, delays, and falsification of documents, forcing claimants to give up, accept less, or sue; and then further using the legal system to evade prosecution for their crimes through denying due process through conflicts and violations of public offices

B. The schemes and tactics involve lies, violations of attorney client privileges', fraud, distortions, delays, deceit, and misrepresentations, among other things; the end result being extortion, including extortion by color of official right, of money, property and benefits rightfully owed the Plaintiffs.

748. STATEMENT AND DESCRIPTION OF WHETHER IVIEWIT COMPANIES IS ALLEGING THAT THE PATTERN OF RACKETEERING ACTIVITY AND THE ENTERPRISE ARE SEPARATE OR HAVE MERGED INTO ONE ENTITY.

A. That Plaintiffs state on information and belief, that Proskauer and Foley are the main enterprises and have commissioned other agents to facilitate various acts to benefit the main enterprises and themselves, in aiding and abetting with the various criminal acts and cover up acts herein described.

749. DESCRIPTION OF THE ALLEGED "ENTERPRISE".

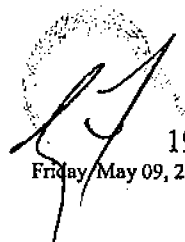
A. That Plaintiffs state on information and belief, at all times material to this complaint, defendants Proskauer and Foley are the main "enterprises," as that term is defined in Title 18, U.S. Code, Section 1961 (4), which enterprises were engaged in, and the activities of which affected interstate and foreign commerce. These "enterprises" conduct their affairs against legitimate Plaintiffs and the Iviewit Companies by fraud, deceit, violations of antitrust laws, theft, arson, deception, harassment, delays, intimidation, implicit and explicit threats, violations of due process rights through violations of public offices; the goal of which is to induce fear, despair, and economic hardship in Plaintiffs so they will drop their claims to their IP or settle for less than they are rightfully owed. There is every indication these "enterprises" will continue indefinitely, and continue to spread to other companies through mergers, acquisitions, and corrupt influence.

B. That Plaintiffs state on information and belief, these "enterprises" fall under the definition of a RICO "enterprise" as a group of persons associated together for a common purpose of engaging in a course of conduct, and as an ongoing organization, formal or informal [with] . . . various associates function[ing] as a continuing unit. That the enterprises, law firms, operate to steal inventions from inventors and create anticompetitive monopolistic IP pools to monetize such inventions as their own and they also operate together to infiltrate government agencies to commit crimes or derail justice to protect from prosecution if caught, in classic RICO organizational behavior. IP pools have traditionally been broken up by Justice as being anticompetitive.

C. The enterprises may conduct other forms of legal crimes in other genres of law that are unknown at this time.

750. That Plaintiffs state on information and belief, defendants have violated: TITLE 18 PART I CH 19 CONSPIRACY.

751. That Plaintiffs state on information and belief, defendants have violated: Sec 371 CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD UNITED STATES.



A. That Plaintiffs state on information and belief, In addition, defendants have committed offenses to defraud United States in a multitude of acts against the following agencies, including but not limited to:

- i. USPTO
- ii. UNITED STATES COPYRIGHT OFFICES
- iii. FEDERALLY BACKED SMALL BUSINESS
ADMINISTRATION
- iv. FEDERAL BANKRUPTCY COURT
- v. STATE SUPREME COURTS
- vi. FLORIDA - THE TFB
- vii. FLORIDA SUPREME COURT
- viii. NEW YORK - First Department Court, Second Department Court,
1st DDC DDC & 2nd DDC
- ix. VIRGINIA STATE BAR
- x. PENNSYLVANIA BAR
- xi. FIFTEENTH JUDICIAL CIRCUIT COURT
- xii. SECRETARY OF STATES IN FLORIDA AND DELAWARE
- xiii. FLORIDA DEPARTMENT OF Corporations
- xiv. DELAWARE DEPARTMENT Corporations
- xv. INTERNAL REVENUE SERVICE

752. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy and two or more defendants have conspired and further conspire to commit offenses against the United States, and to defraud the United States, and agencies thereof in manner and purpose, and one or more of such persons did acts to effect the object of the conspiracy.

A. That Plaintiffs state on information and belief, defendants have violated Sec. 2071. - Concealment, removal, or mutilation generally.

B. That Plaintiffs state on information and belief, defendants have violated Sec. 2073. - False entries and reports of moneys or securities.

C. That Plaintiffs state on information and belief, defendants have violated Sec. 2112. - Personal property of United States.

D. That Plaintiffs state on information and belief, defendants have violated Sec. 2114. - Mail, money, or other property of United States.

(b) Receipt, Possession, Concealment, or Disposal of Property.

E. That Plaintiffs state on information and belief, defendants have violated Sec. 2314. - Transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting

F. That Plaintiffs state on information and belief, defendants have violated Sec. 2319. - Criminal infringement of a copyright

753. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate RACKETEERING.

754. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 18 PART I CH 95 RACKETEERING Sec 1951 - INTERFERENCE WITH COMMERCE BY THREATS OR VIOLENCE.

A. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy with defendant Utley to threaten the life of Plaintiff Bernstein and his family using the Proskauer and Foley law firms as the source of fear for the threat. That unknown defendants or John Doe's through arson also placed a car bomb in Plaintiff Bernstein's family minivan that blew up three cars adjacent to Plaintiff Bernstein's minivan in what appears an attempted contracted murder plot.

B. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and

unknown, participate in a conspiracy to interfere with commerce by threats and obstructed, delayed, and affected commerce and the movement of articles and commodity in commerce, by robbery and extortion and further conspired so to do, and committed and threatened physical violence to Plaintiff Bernstein in furtherance of a plan with the intended purpose to violate this section.

C. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit robbery in the unlawful taking and obtaining of personal property and IP from inventors and Iviewit Companies.

D. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit extortion in the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. Conspiracy involves commerce within the District of Columbia and Territories and Possessions of the United States; involving commerce between points in a State, Territory, Possession, or the District of Columbia and points outside thereof; and commerce between points within the same State through any place outside such State; and other commerce over which the United States has jurisdiction.

755. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 18 PART I CH 95 RACKETEERING SEC 1952 Interstate and foreign travel or transportation in aid of racketeering enterprises

A. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participated in a conspiracy through Interstate and foreign travel and transportation in aid of racketeering enterprises. Conspirators have through interstate

and foreign commerce used the mail facilities in interstate or foreign commerce, with intent; distributing the proceeds of unlawful activities; and otherwise promoted, managed, established, carry on, facilitate the promotion, management, establishment, or carrying on, unlawful activities.

756. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to participate in a conspiracy to violate and commit unlawful activities in business enterprises involving extortion and bribery in violation of the laws of the States in which committed and the Federal Code, and acts which are indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title.

757. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 18 PART I CH 95 RACKETEERING SEC 1956 Laundering of monetary instruments.

758. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 18 PART I CH 95 RACKETEERING SEC 1957 Engaging in monetary transactions in property derived from specified unlawful activity as described herein and to be further learned through discovery.

759. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 18 PART I CHAPTER 103 SEC. 2112 - Personal property of United States.

A. That Plaintiffs state on information and belief, defendants have robbed and attempted to rob personal property of United States from the Ivievit Companies and inventors belonging to the United States. That Plaintiffs state on information and

belief, SBA Monies were secured through fraud and misrepresentation and then stolen. SBA loans were collateralized with the patents which gives the United States a vested interest in the IP. Plaintiffs believe the Iviewit patent, copyrights and Trademark rights' to also be property of the United States as well as the SBA funds.

760. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate COMMERCE AND TRADE. That Plaintiffs state on information and belief defendants have violated every contract, combination in the form of trust our otherwise, have conspired, in the restraint of trade and commerce among the States and with foreign nations, and defendants have further monopolized, and combined to conspire with a multitude of persons, to monopolize trade of the commerce among the States and foreign nations which is therefore declared to be illegal.

761. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 15 CHAPTER 1 RELATING TO MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE Sec. 1 - Trusts, etc., in restraint of trade illegally.

A. That Plaintiffs state on information and belief, defendants have used Trusts, etc., in the restraint of trade; and penalty that every contract, combination in the form of trust and otherwise has been used in conspiracy, in restraint of trade and commerce among the several States, and with foreign nations, and defendants made contracts and or engaged in combinations and conspiracy declared to be illegal.

762. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate TITLE 15 CHAPTER 1 Sec. 6 - Forfeiture of property in transit.

A. That Plaintiffs state on information and belief, concerning the forfeiture of property in transit. Property owned under contract and/or by any combination, and

A handwritten signature in black ink is written over a circular stamp. The stamp contains a date and time stamp.

pursuant to conspiracy (and being the subject thereof) mentioned in section 1 of this title, and in the course of transportation from one State to another, and to foreign countries, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

763. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 15 CHAPTER 1 Sec. 14 - Sale, etc., on agreement not to use goods of competitor.

764. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 15 CHAPTER 1 Sec. 18 - Acquisition by one corporation of stock of another, as described herein.

765. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 15 CH 1 Sec 19 Interlocking directorates and officers, as described herein.

A. That Plaintiffs state on information and belief, the following defendants, including but not limited to, Proskauer, Hersch, Crossbow, Utley, Wheeler, Rubenstein, Foley, Kane, in order to perfect the corporate schemes and artifices to defraud violated Title 15 CH 1 Sec 19.

B. That Plaintiffs state on information and belief, defendants have violated as a criminal enterprise the penal provisions of the antitrust laws, and such violation is deemed to be also of the individual directors, officers, and agents of such criminal enterprises described herein, who shall have authorized, ordered, and done any of the acts constituting in whole or in part such violation.

766. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with



each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; VIOLATIONS OF FEDERAL TRADE COMMISSION; VIOLATION OF PROMOTION OF EXPORT TRADE AND UNFAIR METHODS OF COMPETITION.

767. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 15 CH 2 SUBCH II SEC 62 - Export trade and antitrust legislation.

768. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 15 CH 2 SUBCH II Sec 64 - Unfair methods of competition in export trade.

A. That Plaintiffs state on information and belief, defendants acted in the pursuit of unfair methods of competition in export trade The prohibition against "unfair methods of competition" and the remedies provided for enforcing said prohibition contained in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) shall be construed as extending to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States

769. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate VIOLATIONS OF THE DEPARTMENT OF COMMERCE, as described herein.

770. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 17 CH 5 Sec 501 Infringement of copyright.



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771. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to commit fraud upon the USPTO and the United States Copyright Offices as defined herein.

772. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 35 PART I CH 2 Sec 25 Declaration in lieu of oath.

A. That Plaintiffs state on information and belief, in falsifying declarations in lieu of oaths such written declarations were used fraudulently and defendants made willful false statements to the USPTO, and similarly The World IP Organization ("WIPO"), the European Patent Office, the Japanese Patent Office and the Korean Patent Office.

773. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 35 PART II CH 11 Sec 115 Oath of applicant.

A. That Plaintiffs state on information and belief, defendants have violated Regarding Oaths of applicants. The applicants made false oaths on patent applications, intentionally claiming the wrong individuals to be the original and first inventors of Iviewit Companies processes, before a diplomatic or consular officer of the United States authorized to administer oaths and before officers having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States, and such oath is invalid as it does not comply with the laws of the state and country where made. For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221)



774. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 35 PART II CH 11 Sec 116 Inventors.

A. That Plaintiffs state on information and belief, and the laws regarding proper Inventors. Inventions were made by two or more persons jointly, and they did not apply for the patent jointly and each did not make the required oaths, due to intentional actions caused by defendants.

775. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 35 PART III CH 261 Ownership; assignment.

A. That Plaintiffs state on information and belief, regarding ownership and assignments of patents and since inventors are wrong, assignments and ownerships are also incorrect and have caused damages to Iviewit Companies. Loss of rights invested in the patents to investors, and in some instances possible loss of patent rights entirely in inventions. Patents have all the attributes of personal property.

776. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; TITLE 35 PART IV PATENT COOPERATION TREATY CH 35 Sec 351.

777. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate and caused damage under; TITLE 35 PART IV CH 37 Sec 373 Improper applicant.

A. That Plaintiffs state on information and belief, by improper application for international patent applications. An international application designating the United States, shall not be accepted by the Patent and Trademark Office for the national



stage if it was filed by anyone not qualified under chapter 11 of this title to be an applicant for the purpose of filing a national application in the United States.

778. That Plaintiffs state on information and belief, defendants, mainly those licensed with the USPTO OED did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; 1.56 Duty to disclose information material to patentability.

That Plaintiffs state on information and belief, defendants with license to practice before the USPTO have failed to include all material pertinent to inventor inventions and this was done knowingly, with malice and intent.

779. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; 1.63 regarding Oaths and declarations.

A. That Plaintiffs state on information and belief, whereby, (a) An oath or declaration filed under § 1.51(b) (2) as a part of a non-provisional application must:

- (1) Be executed, i.e., signed, in accordance with either §1.66 or §1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document the person is signing.

780. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; CONSOLIDATED PATENT RULES § 1.63.

A. That Plaintiffs state on information and belief, by knowingly and with intent and malice failing to;

- (2) Identify each inventor by full name;
- (3) Identify the country of citizenship of each inventor; and

by knowingly and with intent and malice falsely stating;

- (4) the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

By knowingly and with intent and malice failing to;

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed;

by knowingly and with intent and malice falsely stating;

(2) the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and by failing in their duties as attorney agents of the Iviewit Companies and failing to disclose pertinent information to the patent applications to a tribunal under section;

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

(c) Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:


(1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor; and by failing to secure new oaths and declarations that were proper and correct with corrected information upon filing of nonprovisional applications at the one year filing from provisional status to nonprovisional, even after being fully apprised of the corrections necessary, and further continuing said fraud upon USPTO and Iviewit Companies, as new oaths and declarations were required by section;

(d)(1) A newly executed oath or declaration is not required under § 1.51(b) (2) and § 1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and

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(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and

(5) A newly executed oath or declaration must be filed in a continuation or divisional application naming an inventor not named in the prior application.

(e) A newly executed oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.

781. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; 1.64 regarding person making false oaths and Declarations

A. That Plaintiffs state on information and belief, the actual inventors were not included in applications for inventions they created and were substituted knowingly, with malice and intent with false inventors who took false oath and without consent or knowledge of the actual inventors and Iviewit Companies.

(a) The oath or declaration (§ 1.63), including any supplemental oath or declaration (§ 1.67), must be made by all of the actual inventors except as provided for in § 1.42, 1.43, 1.47, or § 1.67.

(b) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§ 1.42, 1.43, 1.47, or § 1.67), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor is required to state.

782. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with

each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; § 1.71 regarding detailed description and specification of the invention.

A. That Plaintiffs state on information and belief, defendants knowingly and with malice and intent failed to include an adequate written description of the invention or discovery and of the manner and process of making and using the same, and it was not in full, clear, concise, and in exact terms, so as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification did not set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

B. Iviewit Companies has had to petition the Commissioner due to defendants' actions under; § 1.137 for Revival of abandoned application, terminated reexamination proceeding, or lapsed patent.

C. The Commissioner has revived abandoned patents to then place them into a six month suspension pending the outcome of certain investigations into the problems created by defendants.

783. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; LAWS NOT IN TITLE 35, UNITED STATES CODE 18 U.S.C. 1001.



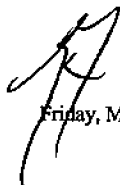
A. That Plaintiffs state on information and belief, through statements and entries generally, patent attorneys for the Iviewit Companies, acting as licensed patent attorneys before the USPTO whom may qualify as part of the judicial branch of government and have falsified, concealed and cover up by trick, scheme and device, material facts and have made materially false, fictitious and fraudulent statements and representations. Further, defendants have made and used false writings and documents knowing the same to contain materially false, fictitious, and fraudulent statements and entries.

784. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; LAWS NOT IN TITLE 35, UNITED STATES CODE 18 U.S.C. 2071.

A. That Plaintiffs state on information and belief, through Concealment, removal, or mutilation generally. It is alleged certain patent applications, signed by the inventors and sent to the USPTO directly, were intercepted or removed from the patent office, either by defendants, or defendants working with USPTO personnel to remove such records. A records search for the missing documents has been formally requested by Iviewit Companies to OED Director, Moatz and requests for the File Wrappers of the patent filings, trademark filings and PCT filings have gone ignored by the USPTO, perhaps outside the law in not fulfilling such requests.

785. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate Section 10 of; Title 37 - Code of Federal Regulations Patents, Trademarks, and Copyrights - MANUAL OF PATENT EXAMINING PROCEDURE PATENT RULES Part 10 - PRACTICE BEFORE THE PATENT AND TRADEMARK OFFICE PART 10 - REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK

A. That Plaintiffs state on information and belief, defendants have violated 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office



B. That Plaintiffs state on information and belief, defendants filed in the USPTO in patent, trademark, and other non-patent matters correspondences filed by Ivievit Companies practitioners in the Patent and Trademark Office which contained false certifications that;

(1) All statements made therein of the party's own knowledge were true, all statements made therein on information and belief were believed to be true, and all statements made therein were made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and (2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that (i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office; (ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; (iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief. (c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's



designee, which may include, but are not limited to, any combination of (1) Holding certain facts to have been established; (2) Returning papers; (3) Precluding a party from filing a paper, or presenting or contesting an issue; (4) Imposing a monetary sanction; (5) Requiring a terminal disclaimer for the period of the delay; or (6) Terminating the proceedings in the Patent and Trademark Office. (d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c) (15).

786. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate § 10.20 Canons and Disciplinary Rules

787. That Plaintiffs state on information and belief, defendants licensed to practice before the USPTO have failed in their duties and violated; § 10.21 Canon 1

A. That Plaintiffs state on information and belief, defendant attorney practitioners failed to assist in maintaining the integrity and competence of the legal profession, and in fact have so abused such privileges so as to cause a potential lapse in faith of the patent office by the general public, which jeopardizes the very fabric of our democracy and country.

788. That Plaintiffs state on information and belief, defendants licensed to practice before the USPTO have failed in their duties and violated; § 10.23 Misconduct

A. That Plaintiffs state on information and belief, and have engaged in disreputable and gross misconduct. They have violated a multiplicity of Disciplinary Rules; Circumvented Disciplinary Rules through actions of another; engaged in illegal conduct involving moral turpitude; engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; engaged in conduct that is prejudicial to the administration of justice; engaged in other conduct that adversely reflects on the practitioner's fitness to practice before the USPTO; engaged in conduct which constitutes a violation of paragraphs (a) and (b) of this section including, but not limited to: (2) Knowingly giving false or misleading information or knowingly participating in a material way in giving false or misleading information, to: (i) A client in connection with any immediate, prospective, or pending business before the

Office. (ii) The Office or any employee of the Office. (4) Directly or indirectly improperly influencing, attempting to improperly influence, offering or agreeing to improperly influence, or attempting to offer or agree to improperly influence an official action of any employee of the Office by: (i) Use of threats, false accusations, duress, or coercion, (ii) An offer of any special inducement or promise of advantage, or (iii) Improperly bestowing of any gift, favor, or thing of value. (7) Knowingly withholding from the Office information identifying a patent or patent application of another from which one or more claims have been copied. See § 1.604(b) and 1.607(c) of this subchapter. (8) Failing to inform a client or former client or failing to timely notify the Office of an inability to notify a client or former client of correspondence received from the Office or the client's or former client's opponent in an inter partes proceeding before § 10.23 the Office when the correspondence (i) could have a significant effect on a matter pending before the Office, (ii) is received by the practitioner on behalf of a client or former client and (iii) is correspondence of which a reasonable practitioner would believe under the circumstances the client or former client should be notified. (9) Knowingly misusing a Certificate of Mailing or Transmission under § 1.8 of this chapter. (10) Knowingly violating or causing to be violated the requirements of § 1.56 or § 1.555 of this subchapter. (11) Except as permitted by § 1.52(c) of this chapter, knowingly filing or causing to be filed an application containing any material alteration made in the application papers after the signing of the accompanying oath or declaration without identifying the alteration at the time of filing the application papers. (13) Knowingly preparing or prosecuting or providing assistance in the preparation or prosecution of a patent application in violation of an undertaking signed under § 10.10(b). (14) Knowingly failing to advise the Director in writing of any change which would preclude continued registration under § 10.6. (15) Signing a paper filed in the Office in violation of the provisions of § 10.18 or making a scandalous or indecent statement in a paper filed in the Office. (16) Willfully refusing to reveal or report knowledge or evidence to the Director contrary to § 10.24 or paragraph (b) of § 10.131. (18) In the absence of information sufficient to establish a reasonable belief that fraud or inequitable conduct has occurred, alleging before a tribunal that anyone has

committed a fraud on the Office or engaged in inequitable conduct in a proceeding before the Office. (20) Knowing practice by a Government employee contrary to applicable Federal conflict of interest laws, or regulations of the Department, agency, or commission employing said individual. (d) A practitioner who acts with reckless indifference to whether a representation is true or false is chargeable with knowledge of its falsity. Deceitful statements of half-truths or concealment of material facts shall be deemed actual fraud within the meaning of this part.

B. That Plaintiffs state on information and belief, defendants licensed with the USPTO OED have all known and conspired to cause deceit upon the USPTO by knowingly and with malice and intent, failing to disclose improper behavior by other practitioners, through a series of frauds on the USPTO and Iviewit Companies. Certain defendants, had full knowledge of the fraud being committed and in fact were charged with correcting such fraud, and although such changes were conveyed to Iviewit Companies, such changes were knowingly and with malice and intent withheld from the USPTO.

C. That Plaintiffs state on information and belief, defendants representing Iviewit Companies before the USPTO have failed to provide legal counsel and in the case of Proskauer, MLG, Foley, Weisberg, Dick, Boehm, Becker, Joao, Rubenstein and BSTZ, it is alleged with malice and intent counsel has been usurped at critical times essential to patent prosecution before the USPTO with the intent of causing the patents to lapse or go abandoned. The attorney defendants were retained through binding contractual legal obligations to provide legal representation before the USPTO for Iviewit Companies and with malice and intent have failed to perform under the binding agreements, including the SB LOU, which serves also as a legal retainer for services before the USPTO. This sabotaging of patent counsel, led to OED Director, Moatz, releasing all prior counsel from access to the patents and has allowed the patent applications to be suspended while investigations continue. Iviewit Companies sought to retain new counsel, which under the SB binding LOU was to be provided upon signing of the LOU and which had a leading patent law firm, Greenberg Traurig, P.A.'s September 22, 2002 Patent Evaluation as a basis for SB funding such counsel based on discovery of the alleged patent crimes and which

failure to perform by SB upon signing, along with breaches on every other contract clause damaging the Iviewit Companies into the billions of dollars of loss and opportunities, has caused permanent and fatal damages to Iviewit Companies on patent rights to inventions with annual royalties estimated into the trillions of dollars. Iviewit Companies has demanded specific performances and/or damages from SB by serving upon them an August 13, 2003 SB Demand Letter.

789. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section; § 10.25 - 10.29 [Reserved] § 10.30 Canon 2

A. That Plaintiffs state on information and belief, defendant practitioners should have assisted the legal profession in fulfilling its duty to make legal counsel available to Iviewit and in fact acted in diametric opposition in an attempt to deny counsel.

790. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; § 10.31 Communications concerning a practitioner's services

A. Whereby: (a) No practitioner shall with respect to any prospective business before the Office, by word, circular, letter, or advertising, with intent to defraud in any manner, deceive, mislead, or threaten any prospective applicant or other person having immediate or prospective business before the Office.

791. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; § 10.33 Direct contact with prospective clients

A. That Plaintiffs state on information and belief, a practitioner may not solicit professional employment from a prospective client with whom the practitioner has no family or prior professional relationship, by mail, in-person, or otherwise, when a significant motive for the practitioner's doing so is the practitioner's pecuniary gain under circumstances evidencing undue influence, intimidation, or overreaching. The



term "solicit" includes contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient.

792. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section; § 10.40 Withdrawal from employment.

A. That Plaintiffs state on information and belief, Iviewit practitioners withdrew from employment in a proceeding before the Office without permission, or permission gained on false information relating to their release from the Office (see § 1.36 and 2.19 of this subchapter) and in any event, Iviewit Companies practitioners withdrew from employment without taking reasonable steps to avoid foreseeable prejudice to the rights of the Iviewit Companies, including failing to give due notice to Iviewit Companies to allow time for employment of another practitioner, failing to deliver to Iviewit Companies all papers and property to which Iviewit Companies is entitled, and failing to comply with applicable laws and rules, in fact in regards to BSTZ it is alleged that a coordinated effort was made by BSTZ to destroy Iviewit Companies patent records, including records forwarded directly to them by Proskauer, Foley, and MLG to BSTZ, whereby BSTZ upon learning Moatz and foreign patent offices had been notified of fraud began to obstruct justice through document destruction and loss.

793. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate section; § 10.50 - 10.55 [Reserved] § 10.56 Canon 4

A. That Plaintiffs state on information and belief, Iviewit Companies' practitioners failed to preserve the confidences and secrets of Iviewit Companies, leading to a mass proliferation of Iviewit Companies' inventions by defendants, whereby Iviewit Companies' attorneys have proliferated such inventions to their advantage to the detriment of Iviewit Companies and inventors.

794. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with



each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; § 10.57 Preservation of confidences and secrets of a client

A. That Plaintiffs state on information and belief, where "Confidence" refers to information protected by the attorney-client or agent-client privilege under applicable law. "Secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client and defendant practitioners knowingly:

- i. (1) Revealed confidences and secrets of Iviewit Companies and inventors.
- ii. (2) Used confidences and secrets of Iviewit Companies to the disadvantage of the Iviewit Companies and inventors,
- iii. (3) Used confidences and secrets of Iviewit Companies and inventors for the advantage of the practitioner and of third parties without client consent or even disclosure. Defendants in fact violated multiple conflicts of interest whereby Iviewit Companies patent counsel charged with the confidentiality of certain patent inventions of Iviewit Companies maintained conflicts with, including but not limited to, IP pools and NDA holders they were direct counsel for, transcending attorney-client privileges and confidences to thousands of patent pool members and NDA infringers who now all utilize Iviewit Companies inventions due to the failure to maintain such confidences with malice and intent and to inure profits for the enterprise corruption scheme.

795. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; § 10.58 - 10.60 [Reserved] §10.61 Canon 5

A. That Plaintiffs state on information and belief, Iviewit Companies patent practitioners failed to exercise independent professional judgment on behalf of a

client and instead had personal financial interests motivating their actions inapposite to their clients.

B. That Plaintiffs state on information and belief, defendant Rubenstein and Proskauer accepted stock in patent companies which according to statements under deposition of Proskauer partners, the acquisition was a gift, and not tied to fees or services, inapposite to section;

796. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate § 10.64 Avoiding acquisition of interest in litigation or proceeding before the Office.

A. That Plaintiffs state on information and belief, Iviewit Companies patent practitioners acquired a proprietary interest in the subject matter of a proceeding before the Office which the practitioner was conducting for a client. It was not acquired as a lien granted by law to secure the practitioner's fee or expenses; or by contract with a client for a reasonable contingent fee; and further it is alleged the interest was directly in the patent. Further, such stock was accepted after thorough review and analysis by Rubenstein on behalf of Proskauer, while acting as patent counsel for Iviewit Companies with promises of royalties from the patents being adopted by Rubenstein's IP pools he was counsel for, stated as Proskauer's motive for taking such stock for consideration.

B. Proskauer opined in a Proskauer Opinion to Hassan Miah, again in opinion to H. Wayne Huizenga, Jr. the seed investor in Iviewit Companies and other investors, in, including but not limited to, a Proskauer Opinion Letter Dated, on or about, July 23, 1999, where such documents can be found at the urls;

- i. <http://iviewit.tv/CompanyDocs/1999%2004%2026%20Wheeler%20Letter%20to%20Rosman%20re%20Rubenstein%20opinion.pdf>
- ii. <http://iviewit.tv/CompanyDocs/1999%2005%2030%20Miah%20Letter%20ASKING%20TO%20EMAIL%20RUBENSTEIN.pdf>
- iii. <http://iviewit.tv/CompanyDocs/1999%2006%2001%20HASSAN%20LETTER%20FORWARDED%20TO%20RUBENSTEIN.pdf>



- iv. <http://iviewit.tv/CompanyDocs/1999%2006%2009%20-%20Epstein%20letter%20to%20Wheeler%20confirm%20PR%20review%20of.pdf>
- v. <http://iviewit.tv/CompanyDocs/Real%203D%20and%20Huizenga%20info.pdf>
- vi. <http://iviewit.tv/CompanyDocs/1999%2007%2023%20Wheeler%20Branden%20Opinion%20on%20technology%20Huizenga.pdf>

All documents at the urls above are hereby incorporated herein by reference in their entirety. That these documents were used by Iviewit Companies for investment. Based on these opinions of the novel aspects of the inventions by Proskauer, investments were made and in a series of sworn statements, investors and prior board members attest to Proskauer and Rubenstein as a pivotal factor in their investment. That the shareholder statements can be found at the url;

<http://iviewit.tv/CompanyDocs/SHAREHOLDER%20STATEMENTS%20BOOKMARKED.pdf> and are incorporated by reference herein in their entirety. Such documents illustrated above were transmitted by Proskauer to prospective investors, investors including the Federal Small Business Administration loan documents whereby the SBA has financial interest in Iviewit Companies and the IP through investment generated by Crossbow. In contrast to all current denials of Proskauer and Rubenstein regarding having no involvement with the patents, investment documents were transmitted naming Rubenstein and his IP department as patent counsel for Iviewit Companies in a management section and Board of Director listing in a Wachovia Securities Private Placement Memorandum. The Wachovia PPM information can be found at the url; <http://iviewit.tv/CompanyDocs/Rubenstein%20bio%20in%20Wachovia%20PPM%20and%20as%20Iviewit%20Counsel.pdf>

and,

<http://iviewit.tv/CompanyDocs/Wachovia%20Private%20Placement%20Memorandum%20-%20with%20bookmarks%20in%20col.pdf>

and are incorporated in entirety by reference herein.

The Wachovia PPM was a document reviewed, billed for and disseminated by Proskauer and further disseminated to investor Crossbow for compliance with an SBA Loan, in a



Small Business Administration Form for securing such Federal funds. If Proskauer's current claims of non-involvement hold true than these documents contain materially false and misleading information to Wachovia Securities and the SBA, as well as, many other investors, constituting additional crimes as further described herein.

C. That Plaintiffs state on information and belief, Proskauer took stock and such stock taken by Proskauer was to further to postpone payment of fees until such royalties were realized or investment funds were raised.

D. That Plaintiffs state on information and belief, Rubenstein, Proskauer and Joao have entered into business transactions with Iviewit Companies while having multitudes of conflicting personal and professional conflicts of interest and none of these were ever waived or disclosed. Rubenstein and Proskauer now claim to control IP pools through representation and have created such IP pools, which all stand with direct differing interests. Further Joao in written statements to a tribunal, the 1st DDC states, Iviewit Companies is infringing upon his inventions and Joao has taken a series of patents, approximately 80 per his own admissions, all in violation of section; § 10.65 Limiting business relations with a client

E. That Plaintiffs state on information and belief, Iviewit Companies patent practitioners entered into business transactions with Iviewit Companies while they had differing interests therein and Iviewit Companies never consented and defendants failed to disclose such conflicts or seek waiver. In fact, it is unclear by either the deposition of Wheeler or Rubenstein if a conflicts check was ever done before accepting Iviewit Companies and inventors as clients and Rubenstein and Wheeler have provided no evidence of such check ever being performed or any waivers secured in fact, Wheeler and Rubenstein state a conflict check may never have been done in deposition.

F. That Plaintiffs state on information and belief, this failure to secure protection of Iviewit Companies and inventors and coupled with Proskauer now perjured statements regarding their non-involvement with the Iviewit Companies patent work, in opposition to masses of evidence contrary and sworn statements by multitudes of witnesses to the contrary, which is an attempt to deny culpability as to how IP pools

now controlled by a former real-estate firm, are all in violation of Iviewit Companies IP rights.

G. That Plaintiffs state on information and belief, whether Proskauer now attempts to distance themselves in their defense from patent work, despite evidence to the contrary, fails to deal with the fact Proskauer and the IP department of Proskauer preformed all the Trademark and Copyright work for the company and billed excessively for such services. These services provided Proskauer and Rubenstein who oversights such department entire source codes for the Iviewit Companies inventions and all disclosures of all patent materials and inventions for the prosecution of these matters and still Rubenstein has no distance between himself and Iviewit Companies. In fact, as evidenced by an interoffice correspondence that turned up in the Proskauer Civil Billing Lawsuit months after production and after Rubenstein's deposition, it is clear Rubenstein was directly in receipt of the entire patent portfolio as illustrated in an August 25, 2000 Wheeler letter whereby he is found transferring the entire IP binders to Rubenstein that such document may be found at the url <http://iviewit.tv/CompanyDocs/2000%2008%2025%20Wheeler%20to%20Rubenstein%20PATENT%20BINDER.pdf> and is hereby by reference herein.

797. That Plaintiffs state on information and belief, Rubenstein in representing both Iviewit Companies and the IP pools violated section; §10.66 Refusing to accept or continue employment if the interests of another client may impair the independent professional judgment of the practitioner

A. That Plaintiffs state on information and belief, Iviewit Companies patent practitioners, including but not limited, MLG, Joao, Rubenstein and Proskauer should have declined proffered employment where the exercise of independent professional judgment on behalf of Iviewit Companies was likely to be adversely affected by the acceptance of the proffered employment, and were it likely involved the practitioner in representing differing interests.

B. That Plaintiffs state on information and belief, including but not limited to, Rubenstein, MLG, Joao and Proskauer should not have continued multiple employments since the exercise of the practitioner's independent professional

judgment on behalf of Iviewit Companies was adversely affected by the practitioners' representations other clients, the IP pools, NDA infringers and others, and it clearly involved the practitioner in representing differing interests.

C. That Plaintiffs state on information and belief, as to Joao's possible 90+ patents in his name Joao stood wholly conflicted with Iviewit Companies as their attorney in the grossest way in violation of all practitioner codes defined herein and other possibly.


798. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; §10.68 Avoiding influence by others than the client.

A. Whereby: (a) Except with the consent of the practitioner's client after full disclosure, a practitioner shall not: (1) Accept compensation from one other than the practitioner's client for the practitioner's legal services to or for the client. (2) Accept from one other than the practitioner's client any thing of value related to the practitioner's representation of or the practitioner's employment by the client. (b) A practitioner shall not permit a person who recommends, employs, or pays the practitioner to render legal services for another, to direct or regulate the practitioner's professional judgment in rendering such legal services. (c) A practitioner shall not practice law for a profit, if a non-practitioner has the right to direct or control the professional judgment of a practitioner.

799. That Plaintiffs state on information and belief, defendants licensed to practice before the USPTO, all failed their duties to protect client IP under section; § 10.69 - 10.75 [Reserved] § 10.76 Canon 6.

A. That Plaintiffs state on information and belief, each and every patent counselor for the Iviewit Companies failed to represent Iviewit Companies and inventors competently.

800. That Plaintiffs state on information and belief, defendants, did knowingly, unlawfully, and intentionally combine, confederate, conspire and agree together with each other, and with other co-conspirators whose names are both known and unknown, participate in a conspiracy to violate; §10.77 Failing to act competently

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