



WARNER BROS.  
ENTERTAINMENT INC.

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

December 2, 2009

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

**Re: Iviewit**

Dear Mr. Hall:

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

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

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Wayne M. Smith', written over a printed name.

Wayne M. Smith

WMS:wb

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