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RE: Iviewit Holdings, Inc./SONY
- ATTY/CLIENT PRIVILEGED -
COMMON INTEREST
PRIVILEGED - JOINT DEFENSE
PRIVILEGED

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| Email-ID | 112480 |
| Date | 2014-08-14 00:44:49 UTC |

| | |
|-------------|--|
| From | jewell, india (law) |
| To | venger, leonard, higgins, tristan (law)weil, leah, przygoda, david (legal) |

[Email Body](#)[Raw Email](#)

Iviewit Holdings, Inc./SONY
Thank you Len.

India Jewell

Legal Director

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From: Venger, Leonard

Sent: Wednesday, August 13, 2014 5:44 PM

To: Higgins, Tristan (LAW); Jewell, India (LAW)

Cc: Weil, Leah; Przygoda, David (Legal)

Subject: FW: Iviewit Holdings, Inc./SONY - ATTY/CLIENT
PRIVILEGED - COMMON INTEREST PRIVILEGED - JOINT DEFENSE
PRIVILEGED

India/Tristan: Below is an email sent by David in 2012 concerning Iviewit. David sent it to me today so that I would have additional background (I deleted the names of the recipients). It tells us a lot

about the folks with whom we are dealing. This could help us decide on a course of action – or inaction. Len.

From: Przygoda, David (Legal)
Sent: Monday, April 30, 2012 7:13 PM
To:
Subject: RE: Iviewit Holdings, Inc./SONY

Privileged and Confidential

Sorry in advance for the long email, but I looked through Ken's files concerning the prior Iviewit matter and did some internet research on Iviewit and Stephen Lamont. The results are described below, and make clear that we're dealing with a crazy person who will likely sue us if we don't agree to his ridiculous demands by his May 27 deadline. However, it's also clear that his claims are frivolous, as he does not act for Iviewit, nor does Iviewit appear to have any patent rights at all.

1. 2007 Bernstein/Lamont Suit and Bernstein's Prior Negotiations with Sony

As Mark mentioned, in 2007, Eliot Bernstein and Lamont brought suit in the SDNY against almost 200 defendants (including Ken Rubenstein of Proskauer). In their 300-page complaint (which was filed pro se), they alleged that they and others at Iviewit invented video technologies that transformed the internet from a text-based medium to a medium filled with images and video. They asserted that the defendants engaged in a conspiracy to sabotage and steal this technology, and that the plot was covered up by scores of high level federal and state government officials, judges, lawyers, and law firms. Judge Scheindlin dismissed the complaint in 2008, and the Second Circuit later dismissed Lamont and Bernstein's appeal sua sponte in 2010, finding it lacked any basis in law or fact.

Around this time, in May 2009, Bernstein approached Sony and demanded \$10 million as a result of our alleged infringement of his intellectual property rights. Bernstein alleged that Sony learned of

his intellectual property when we were "under NDA and other agreements both signed and in the drafting phase . . . regarding using the technology in the MovieLink (seven studio download/streaming) project. . . ." Ken spoke with Proskauer about Bernstein, and they confirmed that he has no patent rights and has made himself a nuisance to the numerous defendants he has sued.

Proskauer's view was that Bernstein is irrational, and that he would continue to contact us no matter how we dealt with him. However, I don't believe that we ever formally responded to Bernstein's threats, and he eventually went away.

2. Lamont Splits with Bernstein and Starts Suing Other Companies Allegedly on Behalf of Iviewit

Interestingly, Bernstein is not the one who contacted us this time. Instead, Lamont reached out in his alleged capacity as "Chairman and Chief Executive Officer" of an Iviewit entity called "Iviewit Technologies, Inc." But according to an anti-Lamont website that Bernstein appears to have set up (<http://www.stephenlamont.com/>), Lamont no longer acts on behalf of Iviewit. The first posting on the Lamont blog claims that "Stephen Lamont Does NOT Speak for iViewit Technologies," and asks: "Who is P. Stephen Lamont Working For? Why Does P. Stephen Lamont Keep Stirring up the Iviewit Investors? Find your Facts!!!" (The anti-Lamont blog is not to be confused with Bernstein's own blog --

<http://www.eliotbernstein.com.>) And Iviewit's own website, which also seems to be run by Bernstein, states: "Warning, P. Stephen Lamont has been terminated from acting on behalf of Iviewit or Eliot Bernstein and has been reported for certain criminal misconduct to the State of New York and other authorities. If Lamont offers you shares of stock or any other inducement involving Eliot Bernstein or Iviewit[,] he is committing fraud." (See <http://iviewit.tv/>.) This debate over whether or not Lamont speaks for Iviewit is somewhat irrelevant, since Iviewit seems like it currently exists only as a vehicle for Bernstein and Lamont to bring frivolous lawsuits and air their delusional rantings. (For example, the <http://iviewit.tv/> site contains pictures that purportedly show being Bernstein's car "bombed Iraqi style.")

Despite Bernstein's warnings, Lamont has recently brought suit against other companies based on allegations similar to the ones in his letter to Nicole, purportedly on behalf of himself and Iviewit. First, he filed a pro se lawsuit in May 2011 in the D.C. federal district court against Proskauer, Ken Rubenstein and other defendants from the 2007 action. His complaint contains the same conspiracy-related allegations as the 2007 suit, but also names Time Warner as a

defendant. Lamont claims that Time Warner has utilized Iviewit's patents in violation of unspecified "strategic alliance contracts and NDA's" after Iviewit "introduced" its technologies to Time Warner in December 2000. He purports to sue in his individual capacity and, according to the caption of the complaint, as "nominee for 100% of the capital shares of Iviewit Holdings, Inc." Unsurprisingly, Proskauer has moved to dismiss the complaint based on Lamont's lack of standing to sue on behalf of anyone but himself, among other grounds.

Lamont also filed suit against Rovi in the D.C. federal district court last week after Rovi refused to cave to his demands by a date he specified. He also brought this suit pro se, again in his individual capacity "and as nominee for 100% of the capital shares of Iviewit Holdings, Inc." In the attached complaint, he alleges that "under a confidentiality agreement between Iviewit and CinemaNow [a Rovi predecessor] dated December 2, 1999, among others, there was a knowledge transfer and technology disclosures made by Plaintiff to CinemaNow and that CinemaNow then made use of the Iviewit techniques without Iviewit's authorization or payment of royalties." He claims that the "particular disclosures related to United States Patent No's: 09/630,939, 09/522,721, 09/587,734, 09/587,026, 09/587,730, among others." (I couldn't figure out how to get information about those particular patents using the U.S. Patent Office's website, but hopefully someone in the IPD group might be able to.) He brings claims against Rovi under 42 U.S.C. 1983 and breach of contract (but not patent infringement), and asserts that his damages are in excess of \$100 million.

3. Conclusion

In sum, we are clearly dealing with someone who is not playing with a full deck. (Take a look at his Twitter feed if you want more evidence of this, where he claims among other things that he has been "Hailed as Top War Time CEO in the History of Technology": <http://twitter.com/#!/pstephenlamont>.) But based on his pattern of behavior with Time Warner and Rovi, he likely will file suit against us if we don't meet his demands. It doesn't seem like he's someone with whom we could negotiate, even if we wanted to negotiate with him. So we'll probably have to accept the fact that we will be sued and hope that we can prevail on a quick motion to dismiss.

Please let me know if you have any questions about this.

Best regards,

David

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