

1 NEW YORK STATE SENATE  
2 STANDING COMMITTEE ON JUDICIARY

3 -----  
4 PUBLIC HEARING IN THE MATTER OF  
5 AN EXAMINATION OF THE JUDICIAL DISCIPLINARY PROCESS  
6 -----

7 Senate Hearing Room  
8 250 Broadway  
9 19th Floor  
10 New York, N.Y.

11 September 24, 2009  
12 Thursday  
13 10 a.m.

14 BEFORE: Senator John Sampson  
15 Chair  
16 Judiciary Committee

17 Senator Bill Perkins  
18 Chair  
19 Corporations, Authorities & Commissions

20 Senator George D. Maziarz

21 Senator Eric Adams

22 Senator Ruben Diaz

23 OTHER STAFF MEMBERS:

24 Shelly Mayer  
Majority Counsel

Lisa Lashley  
Counsel

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1 Eliot Bernstein. At this point in  
2 time, Mr. Bernstein. Hello Mr. Bernstein.

3 MR. BERNSTEIN: Yes, sir.

4 SENATOR SAMPSON: The last witness  
5 after that is Susan McCormack.

6 Mr. Bernstein.

7 MR. BERNSTEIN: Good afternoon, and  
8 thank you for allowing me time to tell my  
9 story today.

10 Before we start I did notice that Allen  
11 Friedberg was here from the disciplinary  
12 committee, I filed some complaints against  
13 him several months ago.

14 SENATOR SAMPSON: Mr. Friedberg, you  
15 are still here or you left?

16 MR. FRIEDBERG: Yes, I am here. Glad  
17 to meet you Senator.

18 MR. BERNSTEIN: I would like to see  
19 where the missing complaints against him and  
20 Mr. Reardon are, they were filled several  
21 months ago, there were procedures to this  
22 and they are not following those, so if you  
23 could maybe find out where the complaints  
24 are at this time that would be great.

1                   SENATOR SAMPSON:        You will take care  
2                   of that for me?

3                   MR. FRIEDBERG:        I didn't catch his  
4                   first name.

5                   MR. BERNSTEIN:        Elliot Bernstein. My  
6                   story involves widespread corruption in the  
7                   New York courts and New York investigatory  
8                   bodies that have utterly failed in their  
9                   civic duties to protect my rights and, in  
10                  fact, have become the actual nemesis that  
11                  blocks my rights.

12                  My name is Elliott Bernstein, I reside  
13                  in Boca Raton, Florida and I flew here to  
14                  New York for the first hearings on June 8th  
15                  and was prepared to testify when the coup  
16                  occurred.

17                  I have traveled here under medical  
18                  treatment programs to tell you about the  
19                  saga of my company as I view it and what has  
20                  earned the moniker patent-gate and its  
21                  relation to the Whistle Blower case of  
22                  Christine Anderson involving the New York  
23                  courts and the disciplinary.

24                  I remind all of you of the conflict of

1 interest disclosure forms I sent to this  
2 body and request that any and all conflicts  
3 be appropriately disclosed during the  
4 hearings or immediately hereafter.

5 I am a husband and a father of three  
6 beautiful children, boys, and I'm also an  
7 inventor of the iView technologies which  
8 involve video and image compression commonly  
9 referred to as mathematical scaling  
10 formulas, which are used on virtually all  
11 digital imaging and video devices.

12 For example the Hubbel space telescope,  
13 my personal favorite, providing views into  
14 the universe and time like never seen before  
15 using a technology that allows you to zoom  
16 on images without pixilation as it was  
17 commonly referred to prior to my solving for  
18 that.

19 The technologies are used by every  
20 internet service provider in the world that  
21 hosts a video, every computer that's playing  
22 a video, all digital television service  
23 providers use it.

24 A mass of defense applications such as

1 space and flight simulators use the  
2 technologies, medical imaging devices use  
3 the technologies, mapping programs, such as  
4 Google Earth, Google Maps, Google Street  
5 View all use my technologies; of course I'm  
6 not getting paid for any of this, by the  
7 way, and the reason for that is because I  
8 hired patent lawyers, and we will get into  
9 that.

10 My technologies are now the subject of  
11 a trillion dollar, yes, trillion dollar  
12 lawsuit in federal court here in New York  
13 State as a result of theft, fraud and other  
14 wrongful actions against my companies and  
15 myself including death threats and an  
16 attempted murder.

17 Yes, an attempted murder against my  
18 family by way of a car bombing of our family  
19 minivan in Boynton Beach, Florida, as my --  
20 not Iraq, mind you -- as my wife Candace and  
21 I were preparing to file papers against  
22 these same folks.

23 Thus please note the seriousness of my  
24 claims here, as attempted murder is a very

1           serious charge.

2           Full pictorial evidence of the car  
3           bombing which was so strong it took out  
4           three cars next to it can be found at  
5           www.iviewtv.com.

6           It should be noted that the crimes to  
7           steal my intellectual properties were  
8           committed by my trusted lawyers and  
9           accountants, whom were retained to protect  
10          my inventions and instead fraudulently filed  
11          my inventions in other's names, including  
12          the patent attorney's own name.

13          One patent attorney putting 90 plus  
14          patents into his own name here in Yonkers,  
15          while retained by my company. During the  
16          time he was retained by my company.

17          Yes, a patent attorney patenting his  
18          client's inventions in his own name would  
19          appear became more inventive than Edison  
20          after meeting me.

21          You may think after hearing about a car  
22          bombing that safety is my number one  
23          concern, but it's not, bringing down the  
24          corruption that is infested --

1           SENATOR SAMPSON:     Mr. Galishaw, we  
2           are here, we don't need the cameras.

3           I know you are videotaping everything,  
4           but I don't think you need to have that  
5           camera on those two gentleman, so.

6           MR. GALLISON:        I am making a  
7           documentary.

8           SENATOR SAMPSON:     I know you are  
9           making a documentary, but this is a hearing,  
10          although it's open to the public, but we  
11          want to continue with these hearings, all  
12          right, Mr. Galishaw?

13          MR. GALLISON:       Gallison. I do think  
14          it's my right.

15          SENATOR SAMPSON:     I know that, but I  
16          have allowed you to do that for many, many  
17          times.

18          MR. GALLISON:        It's my right and you  
19          have to allow me to do that.

20          SENATOR SAMPSON:     I can understand  
21          that.

22          MR. GALLISON:        Exercising my rights.

23          SENATOR SAMPSON:     I understand. I  
24          don't want it to become a nuisance to the



1 people.

2 MR. GALLISON: They don't feel it,  
3 it's not a camera that shoots beams or  
4 anything, it just takes a picture and I am  
5 not capturing their souls.

6 THE AUDIENCE: If you would allow the  
7 man to continue documenting this hearing,  
8 he's not distracting anything he's quite --

9 SENATOR SAMPSON: Let me make it  
10 clear, there is no problem documenting  
11 because we are having it documented, but if  
12 you are documenting this hearing, yes, but  
13 if you are singling out individuals, I have  
14 a problem with you.

15 Okay? So that's my problem. So if you  
16 want me to.

17 MR. GALLISON: I am filming lots of  
18 people, Senator.

19 SENATOR SAMPSON: If you want me to  
20 continue having hearings and keep this  
21 matter open to the public, I will, but I  
22 won't settle for --

23 MR. GALLISON: Sir, with all respect,  
24 if I film these two gentlemen you will stop

1           having hearings, if I don't film the  
2           gentlemen you will continue having hearings?

3           SENATOR SAMPSON:       Yes.

4           MR. GALLISON:       Does anybody else find  
5           that strange and perhaps illegal?

6           I am allowing this, he should allow me  
7           my right.

8           MR. BERNSTEIN:       I have a limited time  
9           here.

10          MR. GALLISON:       I have enough of them,  
11          anyway.

12          SENATOR SAMPSON:     Thank you.   Go  
13          ahead Mr. Bernstein.

14          MR. BERNSTEIN:       Again, I was saying  
15          you think a car bombing is the important  
16          thing to me in protecting my children, but  
17          it's not, what's really important is  
18          bringing down this disgusting corruption in  
19          the courts by lawyers, by judges and it's  
20          out of control at this point.

21          So my first priority is to pave the way  
22          for my children so that they don't have to  
23          pick up the battle and fight these, and I  
24          had a few words that just came to my head,

1 I'm glad I didn't say, but if we don't stop  
2 them it's going to be our kids stopping  
3 them.

4 THE AUDIENCE: It's going to get  
5 worse.

6 MR. BERNSTEIN: That's right, so let  
7 me continue on.

8 It should be noted here that  
9 information has surfaced from another  
10 Florida businessman, one of Florida's  
11 wealthiest individuals, a 70 year old, 70  
12 plus year old Monty Friedkin that these very  
13 same criminals disguised as lawyers from  
14 Proskauer and Foley Lardner had, in fact,  
15 pulled a similar attempted heist of his  
16 intellectual properties immediately prior to  
17 preying upon me and my companies, exhibiting  
18 an alleged criminal enterprise cloaked as  
19 law firms and lawyers stealing inventions  
20 from inventors.

21 This was the basis for my filing a RICO  
22 action against the entities comprising the  
23 criminal enterprise, as it was learned that  
24 several law firms and lawyers involved in

1 the Friedkin attempted theft and my own were  
2 working together.

3 Later it was learned that these  
4 powerfully connected law firms and lawyers  
5 had penetrated deep within the United States  
6 Patent Office and other government agencies  
7 and that part of the criminal enterprise  
8 operates to block due process of any victims  
9 that may challenge them infiltrating courts  
10 or investigatory agencies to block  
11 complaints against them, similar to what the  
12 Whistle Blower Christine Anderson has  
13 previously testified about regarding  
14 obstruction of justice for favored lawyers  
15 within the department, destruction of  
16 documents, threats, coercion, et cetera.

17 In fact, Anderson, my hero, in her  
18 original complaints mentions the Iviewit  
19 companies in her original lawsuit filing as  
20 one of the reasons leading to physical abuse  
21 and other crimes against her.

22 In fact, my federal trillion dollar  
23 lawsuit was marked legally related by  
24 federal -- federal whistle blower case

1 Anderson who worked as the principal  
2 attorney at the Departmental Disciplinary  
3 Committee, as you should be aware the  
4 Anderson whistle blower case has been slated  
5 for a public trial currently slated for  
6 October 13th.

7 Multiple attorneys regulated by the  
8 courts of New York and specifically the New  
9 York First Department have been involved in  
10 the Iviewit matters for nearly 10 years.

11 Going back to 1998 when my technologies  
12 were first being tested, used and in the  
13 process of securing patents and related  
14 intellectual property rights to protect  
15 them, the technologies were tested and used  
16 at Real 3D labs located on Lockheed Martin  
17 property in Orlando, Florida, Real 3D at the  
18 time was owned by Lockheed, the Intel  
19 Corporation and Silicon Graphics, it should  
20 be noted here that Lockheed is the largest  
21 purveyor of digital imaging and video  
22 technologies on the planet earth.

23 Leading engineers in Real 3D who tested  
24 and used my technologies deemed them

1           priceless, while other experts in the  
2           industry called them the Holy Grail of the  
3           internet, including favorable comments from  
4           Hassan Mia, an industry recognized expert at  
5           the CAA Intel Multimedia Labs, which took  
6           the internet from a text based medium to one  
7           with rich multimedia where previously --  
8           which previously was only banner adds and  
9           very small grainy images.

10           Video really didn't exist in any usable  
11           form for internet applications, due to the  
12           bandwidth limitations.

13           The inventions were backbone in nature  
14           by providing the mathematical formula that  
15           permitted scaling and compression of video  
16           and solving for pixel distortion, and also  
17           simultaneously reduced bandwidth usages by  
18           75 percent.

19           Now, please just think for a moment  
20           that 10 years ago the technologies created a  
21           75 percent increase in available bandwidth  
22           for transmission across the internet and  
23           television, which allowed the video to be  
24           streamed or downloaded at full stream full

1 frame rate capabilities commonly found today  
2 on every website and due to the ability to  
3 transmit using the technologies at much  
4 lower bandwidths, the technologies opened the  
5 door for markets entirely new such as  
6 internet video, cell phone videos and video  
7 conferences systems through the internet  
8 prior thought impossible.

9 As for the effect the technology has  
10 had on television, for example, the  
11 bandwidth savings from scaling video from  
12 the prior interlacing methods used since the  
13 invention of television, essentially  
14 permitted 75 percent more channels for  
15 content distribution on television, and I'm  
16 sure all of you can remember about 10 years  
17 ago your channel bandwidth went up and your  
18 cable channels increased dramatically.

19 That was due to the inventions.  
20 Therefore you have more Yankee games, more  
21 DVD channels.

22 SENATOR SAMPSON: So you are the man  
23 responsible for all of that?

24 MR. BERNSTEIN: I am. I am the man

1 responsible, but not getting paid yet, but  
2 that -- we are working on that here.

3 Let me skip, I know you guys are in a  
4 time frame, the technology is used on  
5 everything, we already went through all of  
6 that. Enter Proskauer Rose, the law firm.

7 SENATOR SAMPSON: Used to work for  
8 them, disclaimer. I used to work for them.

9 MR. BERNSTEIN: Yes, I understand,  
10 and I appreciate your up front honesty and  
11 disclosure with that by the way, that's a  
12 sign that's missing in the legal profession  
13 today.

14 The conflicts of interest that are  
15 rampant in my case will blow you away here.

16 This is some stuff, we find the head of  
17 the New York State Bar at one point, former,  
18 Stephen Crane, handling complaints against  
19 himself at the first department DDC while  
20 he's an officer in the DDC.

21 With Tom Cahill covering it up and  
22 thank God for another hero in this world,  
23 well Catherine O'Hagan Wolfe, she exposed  
24 it.



1           She told me when she caught them lying  
2           and playing these games to go file a  
3           complaint with the First Department. I'll  
4           get that out in a moment.

5           Let me get back to Proskauer, quickly  
6           on the scene in Boca at the invention time  
7           was Proskauer Rose to patent the  
8           technologies.

9           Now, they didn't have a patent division  
10          at the time, but they didn't tell me that.

11          They told me they were going back to  
12          New York to check with their, you know, New  
13          York offices if they could secure patents  
14          for me.

15          What they did, for example, it was  
16          represented to the Iviewit company initially  
17          that attorney Kenneth Rubinstein was a  
18          Proskauer partner.

19          To the contrary, reports showed  
20          Rubinstein was at the law firm Meltzer Lippe  
21          on Long Island at the time, one of the many  
22          named Defendants in my trillion dollar RICO  
23          antitrust suit.

24                    SENATOR SAMPSON:           What's the status

1 of that RICO case?

2 MR. BERNSTEIN: It's at the Second  
3 Circuit.

4 SENATOR SAMPSON: So just -- Mr.  
5 Nieves, this is light we don't want to be in  
6 darkness.

7 So what I want to find out, just  
8 getting what you said is the misconduct that  
9 was initiated by your attorneys, and since  
10 that period of time you have made complaints  
11 to the disciplinary committee with respect  
12 to these attorneys?

13 MR. BERNSTEIN: Oh, absolutely.

14 SENATOR SAMPSON: What has happened?

15 MR. BERNSTEIN: Depends on what  
16 you're talking about, at the Federal Patent  
17 Bar they are under investigation.

18 In the New York courts they got letters  
19 of recommendation.

20 I don't know if that explains the  
21 difference of what's going on here, but  
22 under the same information that was  
23 presented to Harian Moats, who is the  
24 director of the Office of Enrollment and

1           Discipline, which oversights Patent Bar  
2           attorneys, when he looked at the damning  
3           information such as patents in wrong  
4           people's names and the lawyers hang out  
5           intellectual property dockets to Wachovia  
6           Bank and a host of other investors, that  
7           were patently false and didn't match up with  
8           the documents on file at the patent office,  
9           in fact on some patents that they had listed  
10          as my patents I can't even get access to the  
11          information right now on those patents  
12          because they weren't filed in my name, I'm  
13          not the owner, I'm not the inventor and I'm  
14          not the assignee.

15                 So Mr. Moats has directed me to take up  
16          action with Diane Feinstein, which I have,  
17          and to get those patents released to me so  
18          we can change the inventors, but because of  
19          privacy laws I'm blocked right now, so we  
20          need an Act of Congress to change that, and  
21          hopefully you can help me get that, Diane  
22          Feinstein has been working on it and has  
23          contacted several of the federal  
24          authorities.

1           Federal authorities, the FBI, well the  
2 case investigator appears missing at this  
3 time with my files, according to the FBI,  
4 I'm only allowed to talk to the OPR of the  
5 NBI, Glenn Fein has referred me, are you  
6 familiar with Mr. Fein? The Inspector  
7 General of the Department of Justice.

8           SENATOR SAMPSON:       Yes.

9           MR. BERNSTEIN:       So other agencies are  
10 -- other than he's missing, which seems a  
11 little hokey to me, I don't think he  
12 actually is missing with car bombing  
13 filings, and it was my understanding that he  
14 was going to Washington to work with Mr.  
15 Moats, who confirmed that the FBI was  
16 joining him on an investigation of lawyers  
17 who are committing fraud upon the United  
18 States patent office.

19           That's a heavy crime, it's not just  
20 fraud against Eliot Bernstein and his family  
21 and shareholders, it's a crime against the  
22 United States by these lawyers.

23           And penetrating the Patent Office is  
24 the end of free commerce in America if they

1           are successful at it.

2           In fact, the attorney that we were  
3           talking about from Proskauer, Kenneth  
4           Rubinstein, has created a patent pool, an  
5           anti-competitive monopolistic patent pool  
6           which has stolen my technologies commonly  
7           referred to as MPEG.

8           Mr. Rubinstein, while acting as my  
9           counsel, first he was mis- -- let me get  
10          back to my statement, because it will help  
11          right here.

12          It turns out Kenneth Rubinstein was an  
13          attorney admitted and regulated by the New  
14          York First Department, he was simultaneously  
15          involved with MPEG's patent pool that he was  
16          acting as in-house counsel for and was one  
17          of the founders of, while advising Iviewit  
18          companies on their intellectual properties  
19          as retained patent counsel which posed a  
20          competitive threat to his pools.

21          My technologies, in fact, it might have  
22          extincted the MPEGLA technologies, and so  
23          Rubenstein, Proskauer and Meltzer failed to  
24          put up any Chinese wall to protect me and

1           instead did the exact opposite and allowed  
2           MPEG to use my IP for their benefit while  
3           using anti-competitive monopolistic  
4           practices to eliminate the inventors, like  
5           myself.

6                        No wonder the Justice Department has  
7           historically broken up patent pooling  
8           schemes using antitrust regulations, as this  
9           form of pooling works to deny ma and pa  
10          inventors of their rights and in the past  
11          there have even been allegations that  
12          pooling schemes actually are in the business  
13          of murdering inventors, to steal their  
14          inventions or other such heinous crimes.

15                      Rubinstein, though, was initially  
16          misrepresented as a Proskauer partner, once  
17          we discovered through investors I believe  
18          from Goldman Sachs that he was with Meltzer  
19          instead, Proskauer quickly purchased or  
20          acquired Rubinstein and the entire Meltzer  
21          department except Rayjoa, the guy who put  
22          the 90 patents in his name and when they  
23          acquired Rubinstein, they acquired control  
24          of the MPEG patent pool.

1                   So now my lawyers are controlling a  
2                   patent pool that is stealing my technology  
3                   and they are profiting from it.

4                   SENATOR SAMPSON:        Just to wrap it up,  
5                   Mr. Bernstein --

6                   MR. BERNSTEIN:        This year?

7                   SENATOR SAMPSON:        No, right now. The  
8                   impending litigation, you have made  
9                   complaints, rest assured you don't think the  
10                  complaints have been thoroughly followed  
11                  through.

12                  MR. BERNSTEIN:        No, I think Christine  
13                  Anderson is right, threw them in the  
14                  garbage, threatened her, then beat her up to  
15                  shut up about it.

16                  That's what I really think, but if you  
17                  want to get into how this relates to the  
18                  Bernard Madoff scandal, the Mark Dreier  
19                  scandal and all of these massive financial  
20                  scandals you should let me continue, because  
21                  it also -- what these guys at the First  
22                  Department are doing by -- I'm now suing the  
23                  First Department, you know, 4,700 lawyers, a  
24                  few judges a few Supreme Courts, a whole lot

1 of people involved in it, but what these  
2 clowns back here are doing to you is they  
3 are putting this state at a \$1 trillion plus  
4 liability, and I don't think any of them are  
5 properly reporting the liabilities to state  
6 auditors and regulators and you are going to  
7 have a Madoff times 10,000 occur as  
8 liability to the State of New York, all  
9 because these guys are failing their duties.

10 I mean the bar should be a drinking  
11 establishment, that's fine. You wanted a  
12 suggestion, I'm going to make a suggestion.

13 I don't know what in God's name these  
14 lawyers and you are a lawyer so I think you  
15 will understand what I'm about to say,  
16 blowup the Bar Association in the literal  
17 sense.

18 Destroy it and then make every single  
19 violation of an attorney ethic or a judicial  
20 canon, or whatever you want to call these,  
21 violations of law, then send in some  
22 investigator who hates lawyers to  
23 investigate the lawyers.

24 And then prosecute them to the fullest



1 extent of the law, because I don't know who  
2 these people think they are, but they are --  
3 I pay their salaries and in situations like  
4 this I would fire them.

5 They all should be fired and imprisoned  
6 for the nonsense they have been pulling.

7 I will let you go, I'll submit the  
8 rest.

9 SENATOR SAMPSON: Thank you very  
10 much, Mr. Bernstein. All right. Ladies and  
11 gentlemen, ladies and gentlemen, let's have  
12 some sense of decorum in here, please,  
13 please, please.

14 Please. Last person, Susan McCormick,  
15 Ms. McCormick, you are the last person for  
16 the day.

17 Thank you very much. Squeezed you in,  
18 you have five minutes thank you very much  
19 Ms. McCormick.

20 MS. MCCORMICK: Thank you Senator.

21 I have my assistant with me, Patrick  
22 Handley, he's done a lot of research on this  
23 case, I will try to make it very brief.

24 This is a tragedy that has involved my