

EDWARD PATRICK SWAN, JR., PARTNER  
DIRECT DIAL NUMBER 619.699.2415  
DIRECT FAX NUMBER 619.645.5321  
EMAIL ADDRESS pswan@luce.com

September 15, 2010

**VIA FEDERAL EXPRESS**

**PERSONAL AND CONFIDENTIAL**

Mr. Joseph D. Mansueto  
Chief Executive Officer  
Morningstar, Inc.  
225 W. Wacker Drive  
Chicago, IL 60606

Re: Brett Kingstone

This firm represents Mukesh Assomull, former Chairman of Advanced Display Technologies, Inc. ("ADTI"). In March of 1989, ADTI successfully obtained a Temporary Restraining Order ("TRO") issued by Judge Babcock against FiberView, a company owned by Brett Kingstone and his employees. In the subsequent hearing on the matter in May of 1989, the TRO was upheld in an Order Granting Preliminary Injunction, and Judge Babcock found Mr. Kingstone to be "100% incredible." Edward O. Welles later wrote an article based primarily on the conclusions of the Court and the assertions of certain ADTI executives, "Blind Ambition," that was published publicly in Inc. Magazine and appears still on the Internet to this day. I understand that the TRO and resulting Order rendered against FiberView effectively put it and Mr. Kingstone out of business.

During the past year I have been in contact with Mr. Kingstone about the facts of the ADTI case, the involvement of Mr. Assomull in the case and the subsequent unrelated case that resulted in my client's incarceration. Since my client has paid his debt to society he has been a model citizen in our community, he remarried and now has a wonderful family.

Mr. Assomull has reviewed the information submitted to by us by Mr. Kingstone over the past year, and he has signed the enclosed affidavit. As stated in the affidavit, Mr. Assomull is now completely convinced that the decision of the Court was obtained through fraud and deliberate misrepresentation by executives within ADTI. These same ADTI executives also convinced Mr. Assomull to have Corporate Partners, Inc. ("CPI") invest in their company, ultimately becoming ADTI's single largest controlling shareholder. The actions later taken by both the founders and

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executives of ADTI, even after what proved to be a devastating Court decision, speak for themselves.

Mr. Assomull is also now convinced that Mr. Sedlmayr not only committed fraud on the Court but also fraud on the United States Patent Office in his filing of claims in his own name that he learned from and were created by a third party, Dr. William Glenn. Mr. Assomull understands that Mr. Sedlmayr visited Dr. Glenn's laboratory and met with him more than a year prior to founding ADTI. Mr. Assomull also now believes that Mr. Kingstone legitimately licensed the patent from NYIT, Dr. Glenn's employer.

Mr. Assomull's enclosed affidavit with supporting documentation shows that Judge Babcock's decision was obtained through fraud, resulting in a travesty of justice. Inc. Magazine's article on Mr. Kingstone, based largely on the statements of individuals who are unworthy of belief, compounded the injustice that occurred.

I have had the opportunity to meet, talk and correspond with Mr. Kingstone at length over the course of the past year. I have thoroughly researched his background and found it consistent with my client's opinion that Mr. Kingstone is a remarkably honest, resilient and quite incredible man in the positive sense of the word. We are very impressed how he picked himself up after the destruction of his company and reputation by the decisions in Judge Babcock's Court and the article in Inc. Magazine, and started over again to create two very successful public and private companies that were later honored with many local, state and national awards. We also understand that Mr. Kingstone was chosen to receive the Dr. Judson W. King Innovation Award and the Greater Orlando Ethics Award by his peers in Central Florida.

We understand that Mr. Kingstone has contacted both Judge Babcock and Inc. Magazine on numerous occasions since the Court's decisions and the publication of the Inc. Magazine article, and we understand that he has never wavered in the past twenty years in his attempt to clear his name. I am writing this letter in the hope that this matter can be corrected, and Mr. Kingstone can finally clear his name and reputation. We understand that the case before Judge Babcock has long since been closed, but we believe that in the interests of justice, and absolute fairness, that the Court's decisions need to be vacated, and the negative statements about Mr. Kingstone's character need to be expunged by both the Court and in the subsequent article published by Inc. Magazine.

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If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Edward Patrick Swan, Jr.  
of  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

EPS/

cc: Mr. Brett Kingstone  
Mr. Mukesh Assomull  
Dr. William Glenn

**AFFIDAVIT OF MUKESH ASSOMULL**

I, Mukesh Assomull, being of lawful age and being first duly sworn upon oath, deposes and states the following:

1. I am currently self employed as a consultant, and specialize in real estate development. I live and work in San Diego, California.
2. I previously was a limited capital partner in Corporate Partners, Inc. ("CPI"), a single purpose investment company. I currently am not affiliated with this company or my previous partner Jeffrey Robinson.
3. From November 1989 through September 1990, I served as non-Executive Chairman of Advanced Display Technologies, Inc. ("ADTI"), a company in which CPI was a major investor.
4. At the time of CPI's investment in ADTI, I was convinced by others that this was a legitimate investment and that its founder Steven Sedlmayr was the legitimate inventor of a ground breaking fiber optic display technology that could rival all forms of existing flat screen television displays.
5. In order to encourage CPI's investment in ADTI, Steve Knudsen, Steve Sedlmayr, both then officers and directors of ADTI made several claims regarding both the potential market of this fiber optic display technology and the fact that ADTI was the sole owner of the patent rights due to the fact that Mr. Sedlmayr was the sole inventor of this technology.
6. Jeff Robinson, my partner then in CPI, lobbied very hard to convince me that ADTI was a sound investment and further saw potential for ADTI as a vehicle for immediate share appreciation since ADTI was also a publicly traded company at the time.



7. Soon after CPI's investment in ADTI, I learned of a lawsuit that ADTI's management decided to file against a company, FiberView, which ADTI management claimed was infringing on its patented technology. They also informed me that they were successful in receiving an *ex parte* injunction against the company that was issued by Justice Lewis T. Babcock that effectively "shut down" their competitor. This "Ex Parte Application for Temporary Restraining Order and an Order to Show Cause, and for a Supplemental Order of Expedited Discovery and Impoundment" was signed by Judge Lewis T. Babcock on March 22, 1989 in favor of the plaintiff ADTI. At no time during the discussions leading up to the filing of the above mentioned lawsuit was I ever informed of another inventor by the name of Dr. William Glenn who worked for the New York Institute of Technology (NYIT), a former Stanford entrepreneur Brett Kingstone who produced fiber optic screens ten years earlier at Gekee Fiber Optics, nor was I ever informed of the fact that Mr. Sedlmayr even met with, much less tried to negotiate a license from, Dr. William Glenn of NYIT.

8. At the preliminary injunction hearing in Denver, Colorado in May of 1989 where Justice Lewis T. Babcock presided, I testified that the technology was developed by Steve Sedlmayr and therefore owned by ADTI, which I believed to be true based on what I was told by Messrs. Knudsen, Sedlmayr, Robinson and Morrison. I am informed and believe that all other officers and directors of ADTI, including those mentioned above, testified under oath similarly claiming that the ADTI patents were the sole patents on the products produced by ADTI and invented by Sedlmayr and that the Glenn patents or teaching did not cover the process they employed. Furthermore, they made these same assertions to all the shareholders and the press that the Glenn patents possessed by FiberView were completely "irrelevant" to the process.



9. The resulting decision by the court issued on May 16, 1989 at the injunction hearing was, in my opinion, completely favorable to ADTI and devastating to FiberView. In my opinion, the decision effectively shut down our competitor and removed them from being able to compete with us in any way in the marketplace. Furthermore, Justice Lewis T. Babcock concluded of the founder of FiberView: "I find Mr. Kingstone 100% incredible. I don't believe a thing he says." On the other hand Justice Babcock found Mr. Sedlmayr to be "completely credible" See Page 8 of the Order Granting Preliminary Injunction attached as **Exhibit A**.

10. Soon after the injunction order was rendered, I was informed that Jeff Robinson, Steve Knudsen and Dell Morrison were in discussions to purchase or acquire the patents developed by Dr. William Glenn that only weeks earlier all company officers and directors that had testified before Justice Lewis T. Babcock under oath claimed were "irrelevant" and unimportant to the process that they were deploying to produce their product. I am informed and now believe that Mr. Robinson and Mr. Morrison made several visits to NYIT and even succeeded in getting NYIT to void the license to the Glenn patents that they had previously licensed to FiberView. I have recently become aware of correspondence between ADTI, NYIT and FiberView that confirms this, copies of which are attached as **EXHIBIT B**. Also included in **EXHIBIT B** are copies of patent infringement notifications issues by NYIT to both ADTI and Mitsubishi Corporation of Japan (an investor in ADTI who had previously unsuccessfully sought to invalidate the Glenn Patents in Japanese Court) which predates the court's initial Ex Parte TRO issued in favor of ADTI. When ADTI sought both the initial Ex Parte TRO and CPI's investment, none of this documents were submitted to either the court or myself. The first time I ever saw these documents was when I was provided them in July of 2010 by my attorney,



Edward Patrick Swan, Jr. of Luce, Forward, Hamilton & Scripps, LLP, who received them from Mr. Kingstone.

11. Attached as **EXHIBIT C** are copies of sworn admissions of these ongoing licensing negotiations between ADTI and NYIT that are contained in the court transcript of a hearing that took place before Justice Leonard B. Sand in the District Court of New York on August 9, 1989 (less than three months after obtaining a decision in Judge Babcock's court that the Glenn patents were irrelevant to the process). I further note that in the court hearing NYIT's lawyer Mr. Lieberman confirms: "ADTI is talking directly to us...and have had six separate discussions and two complete visits from ADTI..." It appears that the management of ADTI still found it necessary to attempt to acquire the Glenn patents even after they obtained a decision months earlier in Justice Babcock's court where the court found on Page 13 and 14 of its Order Granting Preliminary Injunction: "As a matter of fact, and I may be making a combined determination at this point of fact and law, I see no literal infringement; and in the terms of whether Dr. Glenn's process performs the same function in the same way to obtain the same result, as a matter of fact, I find that it doesn't..."

12. Based on these documents, I now believe that the ADTI executives believed that they were in fact infringing these patents, regardless of their ability to influence the court.

13. During the same time that ADTI executives were engaged in the above mentioned negotiations with NYIT to acquire the Glenn Patents, company management became convinced that Mr. Sedlmayr was incompetent to continue in his position as Chairman and CEO of ADTI. ADTI continued to hemorrhage cash and none of the products would be produced properly or on time. ADTI's management and employees had also by then become completely incredulous with Sedlmayr's stories that he created the invention of the fiber optic display not after a visit to

Dr. Glenn's laboratory but after he "drove his Corvette off a cliff in which in the process of the crash his head became severed from his body and then sewn back on by an Angel who infused him with divine creative fire." These claims were also confirmed by George Gilder in his article in Forbes Magazine published on June 26, 1989 after his interview of several ADTI employees, a copy of which is attached as **EXHIBIT D**.

14. Less than a few months after the above mentioned judicial decisions were rendered, I was informed that the management team had decided to "relieve Mr. Sedlmayr of his duties." It was at that point that the very same management team that had testified to the voracity of Mr. Sedlmayr as a brilliant inventor began to talk about him as being nothing more than an incompetent and a charlatan.

15. I have read the affidavit from Dr. William Glenn attached as **EXHIBIT E**. I am not an engineer, but it is now my opinion that Mr. Sedlmayr, who had no previous experience in fiber optics whatsoever prior to founding his firm, must have learned the entire process from Dr. William Glenn (who according to Business Week, the Wall Street Journal and the New York Times is one of our nation's leading inventors) during his visit to his laboratory prior to founding ADTI. I now believe that the processes that Mr. Sedlmayr learned and later patented were based on proprietary information that Dr. Glenn disclosed to Sedlmayr in the hopes of licensing his published patent on the resulting apparatus, a flat fiber optic display screen produced utilizing a winding process incorporating tools of the trade common to the fiber optic industry. Dr. Glenn's attached affidavit not only cites his own testimony in this matter but the testimony of our nation's leading fiber optic manufacturers whose executives submitted affidavits on FiberView's behalf including: American Optical, Schott Fiber Optics, Dolan-Jennar Fiber Optics, Matec Fiber



Optics, Applied Fiber Optics, Valtec Fiber Optics, Lazarus Lighting Design and Warner Lambert. Copies of these affidavits are attached herewith as **EXHIBIT F**.

16. During the months after the judicial decision it became clear that the ADTI management team and other major investors simply wanted to use ADTI as a vehicle for a “stock play” and had no concern or intention about legitimately producing and selling the technology. As long as they could maintain to the court and the public investors that Mr. Sedlmayr was the legitimate inventor to this promising technology they could run up the share price while dumping their own shares at significant profits. They began to focus their time on producing press releases rather than products. One member of the press they courted was Edward O. Welles of Inc. Magazine who published an article entitled “Blind Ambition” which completely supported the claims of ADTI. A copy of the article is attached as **EXHIBIT G**. At the time of Mr. Welles interviews of ADTI’s management, Jeff Robinson, Steve Knudsen and Dell Morrison told me that they convinced Mr. Welles “to hammer Brett Kingstone” and “when he gets finished with him in the press we are going to rip that patent right out from under him.”

17. According to an SEC filing attached as **EXHIBIT H**, Mr. Jeffrey Robinson was later sued by the subsequent owners of ADTI for fraud and had to pay \$175,0000 in damages plus return all his shares in the company in order to be released from a host of offenses relating to his misrepresentations of the company that could have qualified as felonies in a criminal proceeding. According to press reports, Mr. Steve Knudsen was subsequently involved in several scandals including one involved in defrauding investors including the prominent Magness family that built Colorado’s cable TV industry which is chronicled in the **EXHIBIT I** attached and also available online via the link <http://www.westword.com/2003-04-10/news/house-rules/>.



18. My attorney has been in contact with Mr. Kingstone for the past twelve months. Based on information supplied by Mr. Kingstone, I am now informed and believe that prior to ADTI he possessed and utilized the very “tools of the trade” that Justice Lewis T. Babcock had determined were trade secrets solely belonging to ADTI. Attached as **EXHIBIT J** is a copy of Mr. Kingstone’s patent application filed with the United States Patent Office on August 30, 1982 for a fiber optic company he started at Stanford University that pre-dates the founding of ADTI by more than six years. The patent filing on behalf of his company Gekee Fiber Optics details a winding wheel, ribbon alignments, clamps and other devices utilized by ADTI and claimed proprietary in both the ex parte TRO and the injunction hearing.

19. Mr. Kingstone also submitted press articles to me showing his production of fiber optic display screens similar to those produced by Mr. Sedlmayr in form and function but not utilizing the same automated production process taught by Dr. Glenn to Mr. Sedlmayr and Mr. Kingstone. These newspaper and industry trade journal articles which pre-date the founding of ADTI by more than six years and include photographs of Mr. Kingstone and fiber optic display screens are attached as **EXHIBIT K**.

20. Judge Babcock also ruled that the term FiberView, the name of the defendant company, and FiberVision, were proprietary names belonging to ADTI. I was aware at the time that the defendant claimed these names were commonly used in the industry during the defense of this case but not until recently I had not seen proof that this name was in fact commonly employed in the industry, even named as “Fiber Vision” by Mr. Kingstone’s former Stanford classmates more than a decade ago and appearing on the cover of an industry magazine which stated that the display was called “Fiber Vision.” The Signs of The Times October 1982 issue



volume 204 number 10, published more than six years prior to the court's ruling that the term was proprietary to ADTI is attached as **EXHIBIT L**.

21. It may be useful to examine the subsequent careers and actions of the parties to this litigation. I am informed and believe that Mr. Kingstone went on to build another fiber optic technology company that was chosen as the Top 50 Fastest Growing Companies in the State of Florida and Top 500 Fastest Growing Technology Companies in the USA, and a real estate company listed by the Orlando Business Journal as one of the Top 10 Commercial Real Estate Developers in Central Florida and honored as a Florida Top 100 Company by then Governor Jeb Bush. I am further informed and believe that in 1997 Mr. Kingstone was awarded the Dr. Judson W. King Innovation Award by the Central Florida Innovation Corporation. I am further informed and believe that in 2004 Mr. Kingstone was honored by his peers with the Greater Orlando Business Ethics Award, as his community's most ethical businessman. I am further informed and believe that Mr. Kingstone has also written several books that have been endorsed by Nobel Prize Winners and members of Congress and for the past two years he has been asked by the FBI to lecture on industrial espionage at FBI Domain conferences throughout the United States. I am further informed and believe that he donates all the proceeds from his lectures and book sales to the FBI Agents Association and the S.A. Samuel Hicks Memorial Fund for FBI Agent's families that have been killed in the line of duty. Finally, I am further informed and believe that Mr. Kingstone and his subsequent fiber optic company has received more than a dozen issued patents on fiber optic and LED lighting technology. I am also informed and believe that Mr. Sedlmayr, since leaving ADTI, has not been issued a single U.S. Patent in the field of fiber optic lighting technology.

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22. I now believe that any one who is able to take the time to read the facts of this case could not come to any other conclusion than Judge Babcock was deliberately misled.

23. On April 17, 1991, I plead guilty to one count of a violation of 18 U.S.C. §1956(a)(1), money laundering. The offense was related to savings and loan transactions at Caprock Savings and Loan, and did not involve laundering for purposes of drug trafficking or drug sales or anything of that nature. I was sentenced to 5 years and 3 months, but I was released from prison in less than 46 months based in part on the recommendations of the Assistant U.S. Attorney because my cooperation in her on-going investigation resulted in 17 convictions.

24. I hereby confirm that I am receiving no compensation whatsoever in attempting to set this matter straight for the court and public record on Mr. Kingstone's behalf. In fact, I have paid all my own attorney's fees required to assist Mr. Kingstone in preparing this affidavit. Mr. Kingstone has also assured me that he wants nothing from me, the court or the publishers of Inc. Magazine in any form of monetary compensation for righting this wrong against himself and his company. He has told me and my attorney that he simply wants his name cleared so the words of Justice Lewis T. Babcock published in both the court record and Inc. Magazine do not continue to haunt him throughout his career and do not further disgrace the family name of his two young children, Max 12 and Victoria 13.

25. I am sincerely sorry for the pain and suffering that through my actions and involvement with ADTI that I caused Mr. Kingstone and his employees at FiberView Corporation. It is for that reason that my conscience commands me to sign this affidavit below.



I hope that Justice Babcock and the founder of Morningstar, Inc., Joe Mansueto, current owner and publisher of Inc. Magazine, are able to find it within their conscience to act accordingly.

Dated this 14 day of September, 2010.



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Mukesh Assomull

