

# Ain't Nothin' Like the Real Thing

By Reg P. Wydeven  
February 16, 2008

In 'Star Trek – The Next Generation,' Lt. Commander Data is the first science officer aboard the U.S.S. Enterprise. Among a crew consisting exclusively of organic beings, Data is the sole android on board. On his exterior, Data is an exact replica of a human being, except his skin and eyes have a yellowish tint. Where a human interior consists of blood vessels and organs, however, Data's is filled with circuits and computer chips.

Throughout the series, Data's sole aspiration is to become "more human." He closely observes and mimics human behavior, but he can never get things quite right. Eventually Data is equipped with an emotion chip, which allows him to experience joy, fear, anger and sadness.

But even with his emotion chip, Data still isn't human. While the Federation's scientists came extremely close to artificially duplicating a human being, as Trekkies would say, "close doesn't count except for horseshoes and photon torpedoes."

That's why Ted Moustakis recently filed a \$7 million lawsuit against CBS Paramount Television, producers of Star Trek – TNG, and Christie's auction house for selling him replicas of Star Trek memorabilia.

Last year, Moustakis was one of the winners of a lottery to attend a highly exclusive auction celebrating the 40th anniversary of the Star Trek franchise. The Enterprising restaurateur from New Jersey bought three items associated with Data, his favorite character. Moustakis bought Data's uniform from the show for \$6,000, a poker visor he wore in one episode for \$6,600 and the poker table for \$11,000.

Later that year, Moustakis attended a Star Trek convention in Las Vegas and paid \$200 to have his picture taken with Brent Spiner, the actor who portrayed Data. He brought along the visor and asked Spiner to autograph it. According to Moustakis, when Spiner saw the visor he said, "That's not my visor. You bought that at Christie's."

Spiner then informed Moustakis that he had sold off the visor himself on eBay and had warned Christie's that they had a replica. Concerned, Moustakis then researched his other items and discovered CBS had been selling numerous versions of Spiner's "one-of-a-kind" uniform and that the table he had bought was slightly different from the one seen on the show.

Moustakis' lawsuit alleges that CBS Paramount Television knowingly provided replica props for the auction and purported them to be authentic, and that Christie's then auctioned off these items knowing they were fake. Accordingly, Moustakis is seeking a refund for the items in addition to millions of dollars in punitive damages. According to Moustakis, Christie's is standing behind its experts who verified the goods as authentic.

So there are several lessons to be learned here. First, Star Trek fans tend to be nerds. Nerds are generally very smart, and therefore, have high-paying jobs. Hence, these highly paid nerds can afford to shell out nearly \$25,000 for Star Trek memorabilia.

Second, Trekkies take their hobby very seriously. For such devoted nerds, it clearly was just a matter of time before they discovered their props were fake. After grabbing their Klingon-to-English dictionary to look up the word for "revenge," a defrauded Trekkie would quickly seek retribution.

Finally, as highly paid nerds, disgruntled Trekkies can afford to bring huge lawsuits. If Moustakis' allegations are true, CBS Paramount and Christie's should have seen this lawsuit coming.

*This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2008 McCarty Law LLP. All rights reserved.*