



Tardigrades Copyright Lawsuit Gets off to Rocky Start

Federal Judge Grants November 6 Extension for CBS and Netflix to Answer Suit

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By  [Carlos Pedraza](#)

CBS and Netflix got a November 6, 2018, extension to reply to a [copyright infringement](#) lawsuit brought by indie game developer [Anas Abdin](#) alleging *Star Trek: Discovery* stole ideas from his unreleased videogame, Tardigrades.

Defendants' Delayed Answer

On October 1, U.S. District [Judge Naomi Reice Buchwald](#) granted the extension request filed by Abdin's attorney, [John Johnson](#), and CBS and Netflix's lawyer, Wook Hwang of [Loeb & Loeb](#). The defendants' answers had originally been due October 2 and 3, respectively.¹⁾

No reason for the request was given in the court filing, other than mentioning, "This is the first request for an extension of Defendants' time to answer, move or otherwise respond to the [lawsuit]."²⁾

Main story: [Indie Gamemaker Sues 'Discovery' for Stealing His Ideas](#)
See also: [Tardigrades Developer Raises Stakes in 'Discovery' Lawsuit](#)

Earlier, Abdin's attorneys had been admonished by the court for multiple errors resulting in CBS and Netflix only being served 23 days after the lawsuit was filed in the federal district court of Southern New York.

In the meantime, news of the lawsuit — even without CBS and Netflix being able to respond — had already become a lightning rod for some fans of traditional Star Trek who have rejected the newest show, *Star Trek: Discovery*, as well as others still smarting from CBS' copyright lawsuit against [Axanar](#) and OWC Studios head [Alec Peters](#).

Served

CBS was finally served its summons and copy of the legal complaint on September 11, 23 days after the lawsuit was filed. Netflix was served the following day. CBS' answer to the complaint was due October 2, and Netflix's by October 3.³⁾

Deficient Pleading

The suit was filed August 19 in the federal district court of Southern New York. The case docket for Abdin v. CBS Broadcasting, et al., had by August 29 cited no fewer than 15 errors in how important documents were filed for Abdin by New York attorney Johnson, one of Abdin's lawyers.

The court docket also noted the case had been assigned to federal Judge Buchwald.

« I have learned about the Axanar case. ... I can see the double standards and hypocrisy displayed. » — *Anas Abdin, suing CBS for copyright infringement*



WHICH CBS? In his first legal complaint, Anas Abdin's attorneys chose the wrong CBS corporate entity to sue. They had to amend the complaint.

Suing the Wrong Company

Chief among the problems was a "deficient pleading" (i.e., the original [legal complaint](#)) in which Abdin and his attorneys were suing the wrong company, CBS Broadcasting Inc., a subsidiary which primarily operates the CBS television network.

Easily accessible corporate information noted *Discovery* was produced by CBS Television Studios, a separate subsidiary of CBS Corporation, and part of the corporation's entertainment division.⁴⁾

The court advised attorney Johnson the original legal complaint was a "deficient pleading," requiring him to file an amended complaint correctly naming CBS Corporation as a defendant of the suit. Johnson appeared to explain the problem as a "typographical error."⁵⁾

The amended complaint, filed August 23, still names CBS Broadcasting Inc., as a defendant, merely adding "and/or CBS Corp."

Other Filing Errors

Among the other problems so far in the case:

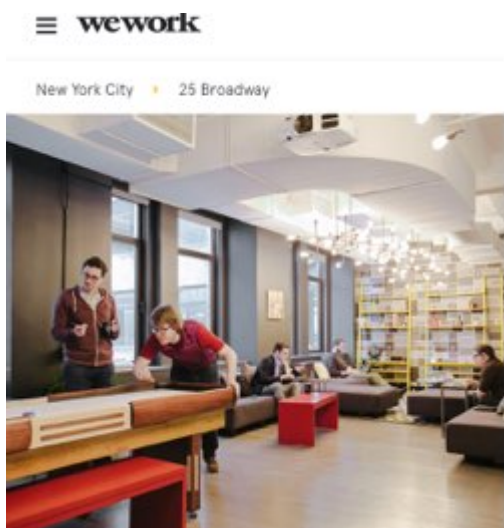
- Johnson had to be reminded by the court to file two documents required for copyright cases.
- A deficient request to issue a summons to the defendants.
- PDF errors in two versions of the electronic version of the summons.
- By August 29 — 10 days after the lawsuit was filed — the summons had still not been issued to the defendants because of still more errors in filling out the appropriate forms.⁶⁾

Without these documents being served to CBS and Netflix, the clock cannot start on the defendants to file an answer to the legal complaint, typically 20 days from filing. Meanwhile, the internet began its vitriolic churn against CBS, with many observers jumping to the conclusion key aspects of *Discovery* had been plagiarized from Abdin's as-yet-unreleased point-and-click videogame, [Tardigrades](#).

« I woke to tens of emails from different IP lawyers from NY and LA asking if I want to take legal actions against CBS. » — *Anas Abdin, suing CBS for copyright infringement*

Plaintiff's Attorneys

Not much is known about Abdin's attorneys, Allan Chan and Johnson. Johnson, a Fordham Law School graduate, has practiced law for 26 years. Chan has been practicing in New York for almost 17 years. Both have outdated websites and previously worked out of the same office in Manhattan. Neither attorney responded to requests for an interview.



OFFICE SPACE The Tardigrades attorney operates from this co-working space in a building located in Manhattan’s Financial District. *Image/WeWork*

Virtual Offices

Currently, both attorneys have firms without an actual office. Johnson operates out of a [co-working space](#) in Manhattan’s Financial District. Chan’s address on court documents is a virtual office on Wall Street, operated by [a company](#) that offers “the right to use our Wall Street address as your own. To place ‘30 Wall Street’ on your letterhead, business cards, website, advertising and social media postings ... to make it part of your brand.”

John Johnson

On his [website](#), John Johnson advertises himself as the “best trademark attorney in New York City!” He does not specifically cite copyright as among his expertise, except perhaps under the generic “intellectual property.” Copyright is not listed in his skills on his [LinkedIn profile](#), though entertainment law is listed under “other skills.”

Allan Chan

Meanwhile, [Chan](#), a graduate of the Touro College Law Center, was listed as “delinquent” since March 2017 in his required biennial [registration](#) with the state of New York’s courts system.⁷⁾ Since this article’s initial posting, Chan has since properly registered with the New York courts.⁸⁾

On his website, Chan touted his expertise in copyright law:

We regularly counsel our clients regarding the establishment and maintenance of their exclusive copyrights. We register copyrights; negotiate assignment, development and license agreements; investigate instances of copyright infringement and prosecute infringement actions. Our wide-ranging experience with copyrightable creations enables us to provide sound solutions to complex issues.⁹⁾

Of Abdin’s attorneys, Chan appears to have more specific experience in copyright issues, having assisted Abdin in registering his game’s copyright in June 2018.¹⁰⁾ However, it’s Johnson who so far

has handled court filings. His registration with the New York courts is up to date.

Lawsuit Origin

Though Abdin [first complained](#) in October 2017 about similarities between his unpublished game and *Discovery's* storyline and characters, he said in a purported email exchange with a YouTube personality who regularly criticizes *Discovery* that many lawyers approached him to pursue a lawsuit: "I woke to tens of emails from different IP lawyers from NY and LA asking if I want to take legal actions against CBS."¹¹⁾

Abdin chose Johnson and Chan.

Media Reaction

Abdin's allegations have not been covered by any mainstream media or even the leading Star Trek news sites, apart from **AxaMonitor** and TrekZone, which regularly cover the Axanar angle. Only fringe fan conspiracy theorists — mostly anonymous — have given the case much attention, mostly of the tabloid variety ("CBS SUED! COULD THIS BE THE FINAL NAIL IN THE STD COFFIN?" one YouTube title screams in all caps).¹²⁾

In his interview with one of those conspiracy theorists, Abdin was asked to draw a connection between his copyright case and Axanar's, which ended in a settlement and guidelines that [severely curtailed](#) the freedom from restrictions fan filmmakers had enjoyed until the Axanar suit. Abdin allegedly said:

I have learned about the Axanar case after what happened with me, as I told you, I'm not a dedicated follower. But yes, I can see the double standards and hypocrisy displayed.¹³⁾

Abdin has so far not replied to repeated requests by **AxaMonitor** for an interview. 



COMMENTS

Discuss this article in [fAxaMonitor's Facebook group](#).

Keywords

[copyright](#), [infringement](#), [Tardigrades lawsuit](#), [cbs](#), [Netflix](#), [Star Trek Discovery](#)

1)

[U.S. District Court Southern District of New York, civil docket for case # 1:18-cv-07543](#), Abdin v. CBS Broadcasting, Inc. et al., document 21, 10/1/18.

2)

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