

INTELLECTUAL PROPERTY

A dark literary comedy

by
Richard Lyons Conlon

INTELLECTUAL PROPERTY

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INTELLECTUAL PROPERTY

CAST OF CHARACTERS

VICTOR PAGÁN – A published novelist but with almost no books sold. A confirmed misanthrope. Late 40s to mid 50s.

GUY – A blogger and fanboy of Vivien's. Earnest, somewhat fanatical – likable in spite of that. 25-35.

RICHONDA BAINES – Victor's agent, for probably too long. Getting ready to cut ties. (Pronounced: Ri-Shonda.) 40-50.

VIVIEN LANGFORD – Quite possibly the biggest movie star working today. A successful writer before her acting success. Sophisticated, intelligent with a cutting wit, takes no shit. 30 to mid 50s.

CLAIRE SHEPHARD – Founder and publisher of Pauper Publishing. Keeps her struggling niche publishing house going out of a pure love of literature. 45-65.

SETTING

There are 5 settings in this play, all of which are suggested with minimal props and furnishing. There should be almost no time between scenes.

INTELLECTUAL PROPERTY

INTELLECTUAL PROPERTY was a Finalist in the **HRC Showcase Theatre New Play Contest** in NYC, as well as **Southwest Theatre Production's** Playwriting Competition for "Plays with a Strong Female Lead" in Austin, TX. It was also a Finalist for the **McNerney Playwriting Award**, College of Charleston SC, and the **Free Spirit Theatre** New Play Competition, Solihull, UK. It has received staged readings and development at the following: **Chicago Dramatists, Ubiquitous Players** and **Naked Angels** in Chicago, The **Kennedy Center Playwriting Intensive** in Washington DC, **Santa Fe Playhouse's** Different Festival, the **Rufus Rockwell Theatre** Festival in NYC and Los Angeles, and **The Greenhouse Ensemble** in NYC. Excerpts have been published in the Smith & Kraus anthology: Best Women's Monologues of 2021.

INTELLECTUAL PROPERTY

INTELLECTUAL PROPERTY

SCENE I

The suggestion of a small, quaint bookstore. VICTOR sits behind a table with a stack of his books. A sign behind him displays the book – "When You Open the Door" – with the headline "An Evening With The Author". A few folding chairs face him, only one is occupied. The other person is GUY, who sits with his large bulky winter coat and scarf hanging precariously off the back.

VICTOR. I guess I should probably thank you. Right?

GUY. You kidding? No way I was gonna miss this.

VICTOR. Well, especially with the weather and everything . . .

GUY. Soon as I heard, I said: oh man, I gotta be there. (*Victor is puzzled by his enthusiasm.*) So, you're him? You're the author? Victor Pagan?

VICTOR. Actually, it's Pagán, accent on the "gán".

GUY. Really? Cause Pagan is really cool. For a writer. Don't you think? (*Victor shrugs.*) I'm really looking forward to this.

VICTOR. I hope I don't disappoint you.

GUY. (*Holding up the book.*) Bought my copy.

VICTOR. Congratulations. You may be the first one.

GUY. Really? You serious? Maybe you can write that. When you sign it.

VICTOR. Oh, right. This is supposed to be a book signing. Isn't it.

GUY. Can't wait to read it.

VICTOR. Hope you like it.

GUY. No problem there. Anything with . . . hey, how about now? Is this a good time?

VICTOR. A good time for what?

GUY. To sign my book. I mean, no one else is around, so . . .

VICTOR. Right – "no one else". Sure, why not? Bring it here.

INTELLECTUAL PROPERTY

GUY. (*Goes to Victor, hands book to him.*) I'm Guy, by the way. I mean, I am a guy, but that's also my name – Guy.

VICTOR. Gotcha, Guy. Okay, let's see . . . (*Thinks a bit, then signs. Hands it back to Guy, who reads:*)

GUY. "To Guy, the first guy to buy. Hope you're not high. Victor Pagan." Sorry – "Pagán". Hey, that's pretty . . . good? Thanks, man. This is really one of a kind. I mean, I'm gonna treasure this forever.

VICTOR. Your happiness is my only desire, Guy.

GUY. Really? Can I ask you a question? I know there's a Q&A, but maybe . . .

VICTOR. (*Gestures to empty chairs.*) Why not?
(*RICHONDA enters busily.*)

RICHONDA. Victor, I've just been reprimanded by the store owner. She wants to close early. You know – the storm.

VICTOR. Oh. Sorry, looks like I've got to . . . save that question, though.

GUY. Oh, I will. No problem.

RICHONDA. Just us, huh? Hello, I'm Richonda Baines, Victor's agent. Apparently, this is the lightest turnout they've ever had.

VICTOR. Well, isn't that just super.

RICHONDA. She's almost certain it's because of the blizzard.

VICTOR. Almost?

GUY. Hey, it may be selfish, but I'm kinda glad it's just us.

VICTOR. Look, Guy, can we just . . . talk? I mean, it seems silly to have a formal Q&A, right? You said you had a question.

GUY. Oh God, yeah. I have a million questions.

VICTOR. Wow, and you haven't even read it yet.

RICHONDA. You've probably read Victor's other two books?

VICTOR. Yes, are you the one?

GUY. You wrote two other books?

VICTOR. And neither one generated this much interest.

GUY. That's cool. No, I mean –

VICTOR. Well, go ahead, young man – hit me.

GUY. Okay, I'll just get right to the big one. I mean, I just have to know. (*Pauses dramatically.*) What was it like – spending time with her? Really talking to her?

INTELLECTUAL PROPERTY

VICTOR. Talking to who?

GUY. Vivien! I mean, breathing the same air as the most breathtaking woman to ever walk on the face of the planet.

VICTOR. I think you've got the wrong idea –

GUY. How were you even able to function? I was totally tongue-tied when

–

VICTOR. Um, sorry, but I've never met Vivien Langford.

GUY. (*Crestfallen.*) I don't – . You never –? But you wrote a book about her.

VICTOR. No. I didn't. She's not in the book. (*Guy's not getting it.*) First of all, Guy, it's a work of fiction. Secondly, the woman in the book is not Vivien Langford, the "movie star". The character is Temple Drake, "regular person". And she's – well, she's Vivien's doppelganger. People constantly think she's Vivien Langford. But she's not. The actual movie star – the actress – never actually appears in the book. (*Guy sadly types on his tablet.*)

RICHONDA. Are you with the press, by any chance?

GUY. Yeah. I am. Oh hey, I'm a writer, too. Just like you.

VICTOR. Well, maybe not just like me.

GUY. I've got a really strong following.

RICHONDA. Oh. A blog.

GUY. And a podcast.

VICTOR. I thought you said you're a writer.

GUY. Well . . .

VICTOR. Kidding.

GUY. More than three thousand subscribers.

RICHONDA. Really. What's it called?

GUY. "All Things Vivien."

VICTOR. Sorry, but you understand now, right? My book isn't –

GUY. But, didn't you think she's more beautiful than she is on-screen?

VICTOR. (*Gritted teeth.*) As I said –

GUY. Oh, right. Didn't you want to, though? Talk to her? Spend time with her? Feel yourself getting lost in those luminous eyes?

VICTOR. Well, for the purposes of the book, that simply wasn't called for.

INTELLECTUAL PROPERTY

GUY. God, I'd give anything to spend time with Vivien Langford.
(*Lights out.*)

SCENE 2

The suggestion of a Hollywood press junket. The poster from a big-budget action movie, "Time Models 3", hangs behind VIVIEN LANGFORD, who is taking questions.

REPORTER VOICE 1. Vivien, what was the main difference between making this Time Models and the first two?

VIVIEN. (*Cringing, but trying to be positive: this is her job, after all.*)

Well, there are definitely more explosions. And, uh, my character does get to kill more bad guys than in the first two combined.

REPORTER VOICE 2. You once said you make movies like Time Models so you can bankroll the smaller, more personal films you started out doing.

VIVIEN. That's not the only reason. We all need escapism, right? And I just love the process of making movies – all kinds of movies. I'd be bored making just one type of film.

REPORTER VOICE 3. Bored and a lot less rich.

VIVIEN. (*Irritated.*) Let's just stick with bored.

REPORTER VOICE 1. It's been seven years since your electrifying debut in the art-house film: "The Most Hidden Thing". Anything like that on the horizon?

VIVIEN. "Art-house film" . . . No, I've been . . . a bit busy.

REPORTER VOICE 2. What about this new book that just came out? Anything to say about "When You Open the Door"?

VIVIEN. Never heard of it. Why?

REPORTER VOICE 3. Seriously? You don't know – ?

REPORTER VOICE 1. You have nothing to say about it?

VIVIEN. Should I?

REPORTER VOICE 2. Well, apparently, you are in the book.

VIVIEN. I don't understand. What does that even mean – I'm in the book?

REPORTER VOICE 3. It's a novel. And you're a character – a primary

INTELLECTUAL PROPERTY

character.

VIVIEN. Really.

REPORTER VOICE 3. This is from the press release: "Horace Benbow leads a simple life as a small-town mechanic until the day the world's sexiest movie star, Vivien Langford" – that's you – "shows up on his doorstep. Her startling appearance leads them both on a passionate exploration of the meaning of love, beauty, and celebrity in our modern world." (*A beat; Vivien's absorbing.*) Vivien?

VIVIEN. (*Picking up her tablet.*) What's this book called?

REPORTER VOICE 3. "When You Open the Door". Go to "AllThingsVivien.com".

(*Vivien taps on her tablet, reads, completely absorbed.*)

VIVIEN. Well, this is news to me. Sounds like something . . . we'll have to look into. It's . . . interesting, though. Isn't it?

REPORTER VOICE 3. How does that make you feel, Vivien? After playing so many fictional characters, being made into a fictional character yourself?

VIVIEN. I'm really . . . not . . . I'm going to have to absorb this. Anyway, let's get back to Time Models, shall we?

REPORTER VOICE 1. Would you consider playing yourself in a film version?

VIVIEN. (*A beat; rising to leave, distracted.*) Excuse me a minute. I'm going to have to – excuse me. (*Lights out.*)

SCENE 3

The bookstore: Richonda trying to wrap things up.

RICHONDA. Thank you so much for coming.

GUY. Wait, what about the reading?

VICTOR. Come on, dude. It's just you and me. I'm not going to read to you.

GUY. And Richonda. Don't forget her, Victor. I don't mind. Really. There's nothing to be nervous about.

VICTOR. I'm not – . Look, we all just want to get home while we still

INTELLECTUAL PROPERTY

can.

GUY. It said there was going to be a reading.

VICTOR. Come on, Guy.

RICHONDA. Victor, I'm sorry but –

VICTOR. What?

RICHONDA. You have to. It's in the agreement, honey.

GUY. Come on. It'll be fun.

VICTOR. Okay, great. I'll read the opening paragraph and that's it.

GUY. Awesome! Thank you.

VICTOR. (*Resignedly, pissedly. Opens his book and reads.*) "The carburetor of the '83 Custom Cruiser glared at Horace Benbow defiantly, even insolently, like a spoiled child, fully aware of how difficult it was being, almost daring to be disciplined."

GUY. Wait. Is Vivien in this part?

VICTOR. No. Temple doesn't appear until page seven.

GUY. Can you read that instead?

VICTOR. (*Scowls, flips a few pages, continues:*) "Horace pulled back the towel from the window – not quite an inch – to see who was pounding with such fervor. A woman. His quick, furtive glance told him she might be attractive, but he was in too much pain to be sure. He had just re-shut his bloodshot eyes when the pounding started again. Reflexively, Horace yanked the door open." (*He pauses; Guy is eager for more. Sighs:*) "A woman's gloved hand stopped mid-pound. It was then he really saw the face, the unmistakable face. The face he had seen thirty feet tall in theatres. Inches small, privately, on his computer, his phone. There was no mistaking that face – it belonged to Vivien Langford, the world's sexiest movie star. But how was that possible? Vivien Langford was standing at Horace's front door! Even more unbelievable, she was about to speak."

GUY. That was really great! Totally awesome.

VICTOR. Well, thanks.

GUY. What happens next?

VICTOR. You'll have to find that out for yourself.

GUY. Oh come on, just a little more.

VICTOR. I said one paragraph. That was actually two.

INTELLECTUAL PROPERTY

RICHONDA. Thank you so much for coming. Tell your friends about the book.

VICTOR. Unless you hate it. In which case, just keep it to yourself.

GUY. Oh no, I know I'm gonna love it. Anything with Vivien in it.

(Looking at his tablet.) Holy shit, you two. You aren't going to believe this.

VICTOR. What?

GUY. I just got a Vivien Alert.

RICHONDA. A "Vivien Alert"?

GUY. Looks like she heard about your book, man. Vivien Langford just mentioned your book!

VICTOR. Are you serious?

GUY. Yeah, I'm serious. At a press junket for Time Models 3.

RICHONDA. Oh my God, Victor. This could mean some honest-to-goodness sales.

GUY. Oh-oh.

VICTOR. Oh-oh?

GUY. Doesn't sound like she's too happy about it.

RICHONDA. What do you mean?

GUY. No, kinda sounds like she's pissed.

VICTOR. Pissed? Why would she be pissed?

GUY. Wow, I think you guys are gonna get sued. *(Lights out.)*

SCENE 4

Vivien on her phone, backstage at the junket.

VIVIEN. I'm sick of this fan fiction shit . . . Okay, then what is it? . . . So that makes it okay – because he's a quote "serious writer"? I don't give a fuck if he won a Whitehead Prize thirty years ago, whatever the fuck that is . . . so, how come you didn't know about this? . . . nothing's "off-the-radar" . . . Pauper Publishing? Pauper?! That's hilarious . . . so what if nobody buys his books? Have any of his books been connected with a \$200 million movie? . . . I'm the one who told you to sue . . . now, just lawyer up and kill this thing. *(Lights out.)*

INTELLECTUAL PROPERTY

SCENE 5

A day later. Victor's on a radio talk show with headset & microphone.

DJ (voice only). What were you trying to say with this book?

VICTOR. It's a sort of a study on today's obsession with physical beauty and celebrity – how it's made finding real happiness an impossibility.

DJ (voice only). How is that depicted?

VICTOR. Well, Temple Drake is treated in this extraordinarily deferential way because of who she looks like. But all the time, she simply wants to be loved for herself – not for who people think she is. And that leads to . . . unpleasant consequences.

DJ (voice only). No spoilers, please. Now, the real-life Vivien Langford has said she's going to sue you over the book. How does that make you feel?

VICTOR. Frankly, baffled. I chose her because, to many people today, she is the ideal of feminine beauty. It's actually quite a tribute to her.

DJ (voice only). Apparently, she doesn't see it that way.

VICTOR. No, and I – I wish she would read it. I think she'd feel differently. Matter-of-fact, I always kind of imagined she'd want to sit down – artist to artist – have a drink, and talk about it.

DJ (voice only). And, of course, star in a movie version of it.

VICTOR. Honestly, I never allowed myself to imagine that.

DJ (voice only). Really? Who else could possibly play the role?

VICTOR. Well, I guess Malkovich played a fictional version of himself. And one of the "Friends" actors does, too. I'd say she'd do a really good job.

DJ (voice only). Maybe you'd like to ask her? Right now? On the air?

VICTOR. Well, I really doubt she'd be listening to some podunk public radio station in the middle of nowhere – no offense – but, what the hell. What do you say, Vivien? It's a role only you can play. You interested?
(Lights out.)

INTELLECTUAL PROPERTY

SCENE 6

Two days later. Victor's place. An old manual typewriter sits on a desk in the center, surrounded by papers, books, cups, etc. Victor stands holding the door open. Richonda enters, with a bottle in a brown paper bag.

VICTOR. So, what's in the bag?

RICHONDA. Jamesons.

VICTOR. Because . . . we're celebrating?

RICHONDA. Nope.

VICTOR. Fuck.

RICHONDA. Yep.

VICTOR. *(A beat.)* So, it's more for the drowning of the sorrows.

RICHONDA. *(A pause. She takes a breath.)* Claire met with the intellectual property attorneys. *(A beat.)* The good news is we do still have a First Amendment.

VICTOR. Damn right.

RICHONDA. The bad new is, it probably doesn't apply in this case.

VICTOR. Did you mention the precedents?

RICHONDA. Well, in most of those cases, permission was actually given

—
VICTOR. But in our case, we didn't need it, right? Because she is never represented in the book. You remembered that, right?

RICHONDA. Jesus, I remembered that. Okay?

VICTOR. Okay.

RICHONDA. However, there have also been cases where an author was sued successfully even when they'd created a fictional version of the —

VICTOR. Alright, so where does that leave us?

RICHONDA. Well, she has the best attorneys in the world. And they have more time and money than Moses.

VICTOR. So, they . . .

RICHONDA. At best, they can only hold up "When You Open the Door" a couple of years.

VICTOR. At best. Wait, that's not true. It's already in the bookstores.

RICHONDA. They're already back from the bookstores.

INTELLECTUAL PROPERTY

VICTOR. What?

RICHONDA. Court order. Pauper Publishing had to immediately contact each bookstore and have them shipped back. At Pauper's expense.

VICTOR. Already?

RICHONDA. Got the injunction the morning after the book signing.

VICTOR. Amazon?

RICHONDA. Never even went live.

VICTOR. Shit.

RICHONDA. Basically, they stopped everything. Vivien Langford killed your book.

VICTOR. And this is with a First Amendment.

RICHONDA. At least until a judge looks at the case.

VICTOR. How long –

RICHONDA. Dammit, Victor, it's bad, okay? They're going to push Pauper Publishing out of business under a mountain of legal fees.

VICTOR. Shit.

RICHONDA. Yeah, shit. Your book is, for all intents and purposes, dead.

VICTOR. No. No, it's not. We can still get the word out – grassroots – social media and – how the giant movie star and her mega-monster studio are oppressing a poor, working class writer. Censoring him. Making a mockery of the First Amendment. We'll start a boycott of her movies.

RICHONDA. The movie-going public doesn't give a shit, Victor. They just want to go see Vivien blow away bad guys.

VICTOR. I'll put a pdf online. Anyone can read it for free.

RICHONDA. You want to go to jail? That would go totally against the judge's order. Victor?

VICTOR. I'm feeling a little sick.

RICHONDA. Claire suggested we offer a revised version. Change all Vivien mentions into some fictional name. Make it completely fiction.

VICTOR. What! Why the hell should I do that?

RICHONDA. Why?!

VICTOR. It's perfect the way it is. Nothing can change. Not one damn . . . I've got to go lie down.

RICHONDA. She didn't think they could afford a re-print, anyway.

(Getting ready to leave.) Yeah, try not to think about it for a while. Have a

INTELLECTUAL PROPERTY

drink. Have a few.

VICTOR. Shit. Wait. Where are you going?

RICHONDA. Not everybody took the week off.

VICTOR. Richonda, don't you think we should be together? At a time like this?

RICHONDA. A time like what?

VICTOR. (*Puts his hands on her arms.*) This is like when parents have a sick child. Richonda, our baby's in trouble. We need to support each other. Comfort each other. Come on, have a drink with me. Hold me. Comfort me.

RICHONDA. Jesus. Stop it.

VICTOR. We need each other, now of all times. Our baby is . . .

RICHONDA. You're the only sick child I see. (*He seems stung by this.*) Just breathe. Okay? Maybe this will all turn out okay.

VICTOR. How?

RICHONDA. I don't know, Victor. Just try to relax. (*She kisses him chastely and exits. He pours himself a sensible drink, looks, then pours a less sensible one. His phone rings. He doesn't recognize the number. Shrugs. Tosses it on a chair. Next: a text message ping. He looks again, completely puzzled. He reads the text aloud:*)

VICTOR. "Can we talk?" (*Pauses, then speaks as he types.*) Who . . . is . . . this? (*A beat, a ping.*) "Vivien Langford"? (*Thinks a second; reads aloud as he types.*) L-O-fucking L. How did you get this number? (*A beat, a ping.*) "Can we just Facetime? So much easier." (*Reading aloud as he types:*) Who are you . . . really? (*A beat, a ping.*) "I told you. Turn on your Facetime." (*Speaking aloud as he types:*) I don't know how to Facetime. (*A beat, a ping.*) "Kidding, right?" (*Speaking aloud as he types:*) Nope. (*A beat, a ping.*) "Tap the Facetime icon and fill out your info. Takes two seconds." (*He looks puzzled. A beat, another ping.*) "It's green. Looks like a camera." (*He does so. A few moments and nothing. Finally, he puts his phone down and sits at the typewriter, getting ready to type. His phone rings. He jumps. Stares at it, unnerved by what he sees.*)

VICTOR. Jesus! Are you fucking kidding me? (*It rings again. He's not sure if he wants to answer it or not. Finally, he does. Lights come up on*

INTELLECTUAL PROPERTY

Vivien on the far side of the stage, in a chair, presumably in her home in California. She's looking into a tablet. He stares at his phone, sitting.)

VIVIEN. Hello, Victor. *(No answer.)* Victor?

VICTOR. Jesus. It really is you.

VIVIEN. Yes, Victor, in the flesh. Well, sort of.

VICTOR. I can't believe – I've never done Facetime before.

VIVIEN. Obviously.

VICTOR. Where are you?

VIVIEN. We should talk, don't you think?

VICTOR. *(Reflexively puts the phone to his ear.)* Don't you have lawyers for that?

VIVIEN. Hold the phone in front of your face! *(Realizes his mistake, does so.)* Good. I want to see the man's face who stole my identity.

VICTOR. That's pretty dramatic. You must be an actress.

VIVIEN. Actor.

VICTOR. Sorry, I'm not up on my P.C.

VIVIEN. You really thought I'd be okay with this?

VICTOR. Look, you are not in my book. Not once.

VIVIEN. Yeah, I know. It's a "normal" person who happens to look like me.

VICTOR. That's always made clear.

VIVIEN. And sounds like me. And impersonates me.

VICTOR. Nothing says it's you.

VIVIEN. It says I made a sex tape.

VICTOR. Temple says that. While posing as you. The reader gets that.

VIVIEN. That's how falsehoods become truth. Pretty soon, people believe them as fact.

VICTOR. Again – it's fiction. Temple Drake is fiction every time she tells a story about herself as Vivien. It's a fictional work about a fictional character, telling fictional stories about her fictional self.

VIVIEN. Who happens to be the non-fictional me.

VICTOR. If you'd just read it –

VIVIEN. Oh, I read it.

VICTOR. *(A beat. He's taken aback. Incredulous:)* You . . . read my book.

INTELLECTUAL PROPERTY

VIVIEN. First edition. But then there's only ever going to be one edition, right? It's even signed by the author.

VICTOR. What are you talking about?

VIVIEN. (*Reading the inscription:*) "To Guy, the first guy to buy. Hope you're not high. Victor Pagan."

VICTOR. How the hell did you get that?

VIVIEN. I have resources. You couldn't do better than that?

VICTOR. Did you really read it or have one of your assistants do it for you?

VIVIEN. I wanted to see if I was making a mistake.

VICTOR. And, are you? Making a mistake?

VIVIEN. I'm not in it, huh?

VICTOR. No.

VIVIEN. For the first forty-seven pages, Horace the mechanic thinks it's me. And the reader is not told any different.

VICTOR. Look, Miss Langford, what do you want me to say? You're already suing me. Why the fuck are you calling?

VIVIEN. I want you to explain yourself.

VICTOR. Explain – ?

VIVIEN. Why did you think this would be okay?

VICTOR. If I do, you'll let the book come out?

VIVIEN. Probably not.

VICTOR. This has got to be the most surreal thing I've ever – but if there's no purpose, I think I'm just going to have to hang up.

VIVIEN. Wow, have you always been this passive/aggressive?

VICTOR. I don't like wasting my time. That makes me passive/aggressive?

VIVIEN. Your book, too. You want the world to know you're obsessed with me, but you can't even come right out and say it. You go roundabout with some lookalike.

VICTOR. I never said I was – I said there were people in the world who thought you were the feminine ideal.

VIVIEN. Passive. Aggressive.

VICTOR. And I'm sorry, but I don't think of you as my ideal woman.

VIVIEN. Don't lash out. That's not helping your case.

INTELLECTUAL PROPERTY

VICTOR. My "case" is in the courts. Not on . . . Facetime.

VIVIEN. You don't think I could be convinced to call off the dogs?

VICTOR. *(A beat.)* I have no idea.

VIVIEN. You really had no right to use me like you did.

VICTOR. You never heard of the First Amendment?

VIVIEN. Don't wrap yourself up in that. Don't forget, I'm a writer, too.

VICTOR. *(Scoffingly.)* You're a writer.

VIVIEN. Yeah.

VICTOR. What of – children's books? Cookbooks? Children's cookbooks?

VIVIEN. *(Pissed, stares for a beat.)* Goodbye, Victor. This has been more illuminating than you know. *(Reaches for her tablet; lights out on Vivien.)*

VICTOR. Dammit! Damn, damn, damn. Dammit. *(He pours another drink and puts a sheet of paper in the typewriter. He is about to type when his phone rings again. He looks. He taps. Lights come up again on Vivien.)*

VIVIEN. And where do you get off using "Temple Drake"? *(He starts to speak, but:)* You can't even come up with original names? You have to steal from Mr. William Faulkner, too?

VICTOR. You . . . read Faulkner.

VIVIEN. Don't be even more of an asshole.

VICTOR. I'm just surprised.

VIVIEN. Fuck you.

VICTOR. *(Condescendingly.)* No, that's great. Good for you. Brava.

VIVIEN. Look, the last thing I need is some sort of patronizing sexist approval from a two-bit loser who can't even write original characters or come up with original character names.

VICTOR. Wow, that's very –

VIVIEN. So, tell me something. Why did you have to use a real person in the first place? A real actress? Why me?

VICTOR. Uh, well, for dramatic effect . . .

VIVIEN. Why not an honest-to-god make-believe movie star?

VICTOR. It wouldn't have the same impact, the same instant recognition

–

VIVIEN. You mean you'd have to work a little harder?

VICTOR. What?

INTELLECTUAL PROPERTY

VIVIEN. Truly. This was easy, wasn't it? I exist. Use me. Whether I want to be used or not. People know Vivien Langford. That's easier than actually using your powers of description, right?

VICTOR. No. No! I – you're getting it all wrong. I created Temple first. She's fiction. Got that? And it's Temple who's creating a fictional version of you.

VIVIEN. You start with the knowledge – the public's knowledge – of the real me. You could have created a totally fictional movie star, if you'd had the talent. But you stole my persona. My image. My name. You took the easy way out.

VICTOR. I'm sorry you think what I do is easy.

VIVIEN. On the contrary, what you do seems to be too hard for you.

VICTOR. Look, I have two other books. Neither of them has –

VIVIEN. Yes, I also read your two other attempts at literature.

VICTOR. You did? How did you – ? (*Feeling overmatched.*) Listen, I think I need to go.

VIVIEN. Passive/aggressive. Both were adequate imitations of Richard Russo, by the way – but hey, do we need another Richard Russo? When are you going to be original as Victor Pagan?

(*He taps his phone quickly. Lights out on Vivien.*)

VICTOR. Jesus. (*He is feeling her words. Reaches for the bottle, pours a big drink and takes a couple gulps.*) Fuck. (*Lights out.*)

SCENE 7

Suggestion of an office – Pauper Publishing. CLAIRE at her desk. Victor and Richonda opposite.

CLAIRE. Invasion of privacy aside, they contend you used her image – her brand – for commercial purposes without permission.

VICTOR. Commercial purposes? This is literature.

CLAIRE. Yeah, they're saying it's not.

RICHONDA. Not? Not what?

CLAIRE. Literature.

VICTOR. Have they seen the sales of my books? There's nothing

INTELLECTUAL PROPERTY

remotely commercial about them.

RICHONDA. Jesus, all he's got is that he's a literary author.

VICTOR. Wait. What's that supposed to mean?

CLAIRE. Right. Commercially, you've never been a success. So, you tie in with a successful, well-known brand to help sell your product.

VICTOR. "Product"? This is not – this is heart and soul. Guts and bile.

CLAIRE. Please. Unfortunately, you didn't get the legal rights to tie in with said brand. So, now you're an intellectual property pirate.

VICTOR. Whose side are you on here?

CLAIRE. I'm telling you their view. Pauper Publishing is being sued, too, you know.

RICHONDA. What are they asking for?

CLAIRE. They want Pauper to make restitution of \$250,000 and Victor personally – well, \$500,000.

VICTOR. Jesus, good luck on that. I got zip.

RICHONDA. They can't really do this, can they?

CLAIRE. They'll say he's a thief – that he used her for his own profit.

VICTOR. Profit? I've sold 200 books in my whole career.

CLAIRE. Yeah, nobody knows that better than I do. Believe me.

VICTOR. Okay, so when does it stop being art and become commercial?

Andy Warhol used Campbell Soup cans. Should Campbell's have sued?

CLAIRE. All I know is . . . this book might have been just as good if you'd created a fictional version of Vivien. But you used . . . her. Is that art? Or trying to leverage celebrity to garner more sales?

VICTOR. Jesus. Why'd you publish it if you feel that way?

CLAIRE. In hindsight, I shouldn't have. That's my bad.

RICHONDA. But you did publish it.

CLAIRE. Look, I started Pauper to give writers like Victor a chance. I never thought anything like this . . . and now, we may all have to pay.

RICHONDA. You can't be serious.

CLAIRE. He used her brand without permission. Okay, we used her brand.

RICHONDA. You're forgetting the most important thing. Vivien Langford never appears in the novel. This whole argument is moot.

CLAIRE. Doesn't matter. He still makes claims about her.

INTELLECTUAL PROPERTY

VICTOR. Within the fictional conceit.

RICHONDA. Victor never says any of it is true.

CLAIRE. It still does damage to "the brand".

RICHONDA. Oh, come on. Tabloids do more damage –

CLAIRE. And, if it goes to a jury, I'd recommend you don't use terms like "fictional conceit". Wouldn't play well.

VICTOR. With a jury of her peers?

CLAIRE. It would be a jury of your peers, but you get my point.

VICTOR. Well, we're going to fight this, right? I'm talking the Supreme Court.

CLAIRE. We can't win. Victor, you can't win. (*End of Scene.*)

SCENE 8

Victor's place. No one is there. Victor's phone is on the desk. It starts ringing. He has given Vivien her own ring tone: Cliff Richard's "Devil Woman" at 50 seconds in.

RICHONDA (off-stage). What the hell is that?

VICTOR (off-stage). My phone. Shit! Hold on. (*He hurries out in just his underwear, and maybe socks.*) I can't believe she's calling back.

RICHONDA (offstage). You can't believe who's calling back?
(*Victor taps the phone. Vivien appears on side of stage.*)

VICTOR. Vivien, I was just thinking about you.

VIVIEN. Got a question for you, Pagan.

VICTOR. It's Pagán.

VIVIEN. Why did you write about me, specifically?

VICTOR. You know why.

VIVIEN. There are lots of movie stars out here. Why this one?
(*Richonda appears, disarrayed, in the bedroom doorway.*)

VICTOR. (*Sits; thinks a moment.*) Well . . . I wanted to write about the effects of unimaginable, and unattainable, beauty on an average common man. Naturally, it was you I thought of. Oh shit – sorry. I'm embarrassing you.

VIVIEN. (*Not remotely embarrassed.*) You're not embarrassing me.

VICTOR. Well then, I'm embarrassing myself. I – I shouldn't have said –

INTELLECTUAL PROPERTY

VIVIEN. You are blushing.

VICTOR. Am I? I must have the heat turned up too high.

VIVIEN. Wait – are you naked?

VICTOR. No! I'm wearing . . .

RICHONDA. (*Approaching from behind.*) Jesus, is that . . . ?

VIVIEN. And who do we have here?

(*Victor tries to keep the phone on just him. Richonda grabs his hand and turns it her way.*)

RICHONDA. Richonda Baines. Victor is my client. I'm his agent.

VIVIEN. You people have some crazy-ass business meetings.

RICHONDA. You've talked to her before?

VICTOR. No! We just Facetimed. Once!

RICHONDA. You Facetimed with Vivien Langford and didn't tell me?

VICTOR. I thought we could –

RICHONDA. As your agent and whatever the hell else we are, that's a pretty fucking important thing to withhold. When were you –

VICTOR. I thought we could work things out. You know. Without the lawyers and the agents.

RICHONDA. "The" agents? "The agents"! (*A beat.*) Since when do you know how to Facetime?

VICTOR. Vivien showed me.

RICHONDA. Vivien Langford showed you how to FaceTime? You showed him –

VIVIEN. Apparently, he can be trained.

VICTOR. Look, it's a good thing, don't you think? We talk this out like two normal, reasonable human beings?

RICHONDA. Except she is not a normal human being. She's about 2,000 times removed from being a normal human being.

VIVIEN. (*None too happy with this.*) Nice to meet you, too, Richonda. And fuck you very much. (*Touches her tablet. Lights out on Vivien.*)

VICTOR. Shit, she's gone. Are you satisfied now?

RICHONDA. Jesus, wait a minute. We're in the middle of – and you drop everything when she calls?

VICTOR. No, no, no. That's not how –

RICHONDA. "Vivien, I was just thinking about you!"

INTELLECTUAL PROPERTY

VICTOR. What?

RICHONDA. My God, I knew you were insensitive but . . . (*She quiets; he watches.*) So, did you? Talk things out? Before? Victor?

VICTOR. Not exactly.

RICHONDA. You should not talk to her again, you know. Let the lawyers handle it. Don't get in the middle.

VICTOR. "Don't get in the middle"? How warped is that?

RICHONDA. Let the experts –

VICTOR. I am the middle. It's the lawyers who are in the way.

RICHONDA. And the agents apparently.

VICTOR. She didn't have to contact me, did she? She reached out artist to artist.

RICHONDA. How did she even get your number?

VICTOR. I don't know. She's got money. People.

RICHONDA. Tell me what she said.

VICTOR. She wanted to see the face of the man who stole her identity.

RICHONDA. How fucking dramatic. Guess that's why she's an actress.

VICTOR. Actor.

RICHONDA. (*She just looks at him and shakes her head.*) Did she give you an out? A chance to make your case?

VICTOR. Funny, that's exactly how she put it.

RICHONDA. And did you?

VICTOR. No, I pretty much just pissed her off even more.

RICHONDA. How?

VICTOR. Not important.

RICHONDA. What did you say?

VICTOR. She claimed to be a writer.

RICHONDA. And you said?

VICTOR. Something about a cookbook . . . for children.

RICHONDA. Great. She's ready to play nice and you insult her.

VICTOR. But she called back. Right?

RICHONDA. You do know she wrote the screenplay for her first film, right? Her critically acclaimed first film.

VICTOR. Slipped my mind.

RICHONDA. So, she was reaching out to you –

INTELLECTUAL PROPERTY

VICTOR. Yeah, I saw that "film". Not exactly what I consider to be great writing.

RICHONDA. (*Holds up his book.*) And this is?

VICTOR. Well, you think so. Don't you?

RICHONDA. You're so quick to judge others, is this book – your book – is this great writing? Answer me.

VICTOR. I'll leave that to posterity.

RICHONDA. You are an ostentatious bastard, aren't you?

VICTOR. But you do think it is, don't you, Richonda – great writing? It's okay, you know you can't hurt me.

RICHONDA. Are you serious? Of course, I can hurt you.

VICTOR. So, you're with her then, huh? I was simply using her celebrity?

RICHONDA. Or worse.

VICTOR. Worse?

RICHONDA. I heard what you said on the radio.

VICTOR. What?

RICHONDA. You fantasized she'd "want to have a drink and talk about it."

VICTOR. Well, I never believed –

RICHONDA. And you even thought she'd want to be in a movie version of it. Because "who better"?

VICTOR. No! I never thought she'd – but that would be great, wouldn't it? As a work of art? Vivien Langford portraying the ordinary woman whose life is destroyed because she looks like Vivien Langford? Of course that crossed my mind. A lot of writers fantasize about who might play their characters.

RICHONDA. The point is you started out fantasizing about her, didn't you? This was all your scheme to bring her into your life, wasn't it?

VICTOR. Bring her into my life!?! Do you know how crazy that sounds?

RICHONDA. Yeah, well, you've been Facetiming with her. How crazy is that?

VICTOR. It wasn't by design. I never dreamed this would or could happen. Yes, there was a fantastical aspect to it, but fantasies don't mean you expect – or want – them to come true.

RICHONDA. So, why in this case put her – the real her – in your book?

INTELLECTUAL PROPERTY

VICTOR. I told you . . .

RICHONDA. Because you're obsessed with her. Just like Horace in the book. Because she's your ideal woman. Why you jump out of bed – with me – when she calls. "Vivien! I was just thinking about you!" (*She disappears into the bedroom.*)

VICTOR. No. Richonda! How could you possibly think – ? Richonda! (*She reappears, putting on coat.*) It's ridiculous – you're being ridiculous! Even if I did plan it – which I didn't – did you think I seriously believed it could happen? Of course, it couldn't. Not in a million years.

RICHONDA. (*Pauses by the door.*) Except it did happen.

VICTOR. Not really. It's just Facetime.

RICHONDA. Good-bye, Victor. Go Facetime your fantasy girl. You can diddle yourself while she tells you how she's shitting all over your book. Hey, wouldn't that be something to write about? (*Richonda exits. Victor stares after her, unsure what to do. His phone rings – once again, it's "Devil Woman". He stares at it for a bit. Finally, picks it up. After a moment, he taps it. Vivien appears on the far side of the stage.*)

VIVIEN. You really think I'm the ultimate in sexuality?

VICTOR. (*Bursting out laughing.*) I must – I wrote a whole book about you.

VIVIEN. The book isn't about me, remember? Isn't that your defense?

VICTOR. What is it you want? Why are you calling me again?

VIVIEN. (*Takes a moment, then:*) When I was a freshman in high school, there was this kid – Jason Pratt. Just a typical kid. Never stood out much. Real Larry Kroger type. You couldn't even call him a nerd.

VICTOR. Excuse me, Vivien. I'm a little busy.

VIVIEN. Sure you are. So this kid, he was always drawing pictures. You know, in his notebooks.

VICTOR. (*A beat; he's being drawn in.*) What kind of pictures?

VIVIEN. I guess we all figured it was dragons and swords or something. Until this one day . . .

VICTOR. Until this one day?

VIVIEN. Yeah, in homeroom with Mr. Montgomery. Out of nowhere, my friend Darla exclaims, "What do you think you're doing?"

VICTOR. To Jason Pratt?

INTELLECTUAL PROPERTY

VIVIEN. Then she says, "My God, Vivien, this creep is drawing pictures of you!"

VICTOR. Really.

VIVIEN. Yeah, really. So, we make him show us his notebook.

VICTOR. You make him? You and Darla?

VIVIEN. And there's picture after picture of yours truly. Some drawn, apparently, in class. Some, I guess, from memory. Some were crude and pretty pathetic. But some were actually quite good.

VICTOR. Wait, how many – ?

VIVIEN. Thirty or forty.

VICTOR. That must have been –

VIVIEN. Pretty disconcerting, I can tell you that.

VICTOR. (*Pause. Victor is waiting; finally.*) So, what did you do?

VIVIEN. In some, I was nude.

VICTOR. Nude? How nude?

VIVIEN. They actually looked pretty accurate.

VICTOR. He'd been spying on you?

VIVIEN. No. He just . . . used his imagination.

VICTOR. Look, I see the parallels you're trying to make here –

VIVIEN. (*Forcefully.*) I'm not done yet, Victor.

VICTOR. Excuse me.

VIVIEN. (*Takes a breath.*) We make a commotion, tug of war with the notebook.

VICTOR. Okay.

VIVIEN. Mr. Montgomery gets mad, sends us all to separate corners . . .

VICTOR. And takes the notebook.

VIVIEN. How'd you guess?

VICTOR. Did he . . . destroy it?

VIVIEN. Pretty sure not.

VICTOR. Did you try to – ? (*She shakes her head no.*) Why not?

VIVIEN. I was fourteen! I just hoped I'd never hear about it again.

VICTOR. Did Mr. Montgomery ever –

VIVIEN. No. But he was different after that. Creepier than before. (*A beat.*) He never mentioned the notebook or the drawings. Or anything. But the way he looked at me – it was different. I'd turn and he'd be staring at

INTELLECTUAL PROPERTY

me. Of course, he'd look away quick. (*A beat.*) I had started to develop – you know, "bloom" – some months before. My breasts just appeared out of nowhere. My "bounteous overripe satellites" as you so charmingly called them. Christ.

VICTOR. Listen –

VIVIEN. (*A subtle, growing anger.*) You wrote about my breasts at least ten times. Not Temple Drake's – the movie star's breasts. Mine. In detail. Size, shape, complexion. You compare them with hers, how Temple's not quite as endowed. Which gives you an excuse to describe mine – again. (*A beat. Calming down.*) Anyway, that was the first time I really realized all the boys were looking at me . . . differently. Treating me . . . differently. The men, too. Maybe especially the men. It was an eye-opener, I can tell you that.

VICTOR. Must be awful being so attractive.

VIVIEN. Fuck you, Victor. You have no idea. I'd be out with my friends and some strange guy would come out of nowhere and want to be my boyfriend. And when I'd say no thanks, he'd get angry – incomprehensibly angry. Call me names. Threaten to . . . Kind of takes the fun out of a girls' night. Hold on. Getting another call. (*Lights out on Vivien. Victor uses the opportunity to get dressed – at least a shirt. But he keeps checking his phone. After a few moments, lights up again on Vivien.*) So, what's your deal with, uh – what was her name? Richonda?

VICTOR. Yeah.

VIVIEN. What's up with you two?

VICTOR. Nothing's up. She's my agent.

VIVIEN. Uh-huh. Come on, you can tell me.

VICTOR. Tell you what?

VIVIEN. Victor, you were in your underpants.

VICTOR. (*A beat.*) We used to be – but we aren't anymore . . .

VIVIEN. But you still get together once in a while.

VICTOR. Not really.

VIVIEN. Look, it's cool with me. I don't judge.

VICTOR. It's personal.

VIVIEN. You mean private? You want to protect your –

VICTOR. Okay, good. Got it.

INTELLECTUAL PROPERTY

VIVIEN. You see how the invasion of privacy thing can be vexing.

VICTOR. Look, you're a public figure.

VIVIEN. You're a novelist.

VICTOR. An obscure novelist.

VIVIEN. And why is that? You're not a horrible writer.

VICTOR. Thanks. Pauper's not so great on distribution.

VIVIEN. So change publishers.

VICTOR. Another publisher would have to want me.

VIVIEN. "Keep doing what you're doing, you'll keep getting what you're getting."

VICTOR. Oh, that's profound. What about you? Do you still write?

VIVIEN. I suppose so.

VICTOR. Suppose?

VIVIEN. Up here.

VICTOR. Well, just start putting it down.

VIVIEN. Matter of fact, I am working on a screenplay right now.

VICTOR. About?

VIVIEN. Too early.

VICTOR. Maybe you'd like another writer's feedback?

VIVIEN. Yours? Right – I don't think so. *(Again, she's getting another call.)* Hang on. *(Again, lights out on Vivien. He looks at the sheet in his typewriter. Takes a drink. Lights up on Vivien.)* Well, you do surprise me, Victor Pagan.

VICTOR. Surprise you?

VIVIEN. You didn't tell me about your offer.

VICTOR. Offer?

VIVIEN. To re-write my character.

VICTOR. To do what?

VIVIEN. Could make all the difference, young man.

VICTOR. Wait –

VIVIEN. I am a little disappointed in you, however. Thought you'd at least have the power of your convictions.

VICTOR. I do – I mean, there's been a mistake.

VIVIEN. Mistake?

VICTOR. I would never agree to that.

INTELLECTUAL PROPERTY

VIVIEN. Apparently, your publisher thinks you would.

VICTOR. No, I'd kill myself first.

VIVIEN. Look who's dramatic now! Is it really that big a deal?

VICTOR. Yes! Principle aside, I have a ton of pop-culture references throughout the book. It would be jarring to have a fictional movie star among them.

VIVIEN. Mixing fiction and reality? That's never been done.

VICTOR. It wouldn't work.

VIVIEN. Sounds like a challenge. You don't seem to like challenges.

VICTOR. *(A beat.)* It's a mistake.

VIVIEN. A mistake?

VICTOR. I told my publisher flat-out no. Nothing changes.

VIVIEN. Jesus, Victor, why don't you two get on the same page and get back to me?

VICTOR. The thing is –

VIVIEN. Good-bye.

(She touches her tablet. Lights out on Vivien. Victor stands motionless for a moment, then reaches for his phone. Lights out. End of Scene.)

***THE PLAY IS NOT OVER!! TO FIND OUT HOW IT ENDS—
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