

Curriculum Vitae of Brian M. Sowers

Applied Marketing Science, Inc.
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EDUCATION

2012 University of Colorado, Colorado Springs
Master of Business Administration

1995 Roanoke College
Bachelor of Arts in History

EMPLOYMENT

2014 – Present Principal and Practice Lead
APPLIED MARKETING SCIENCE, INC., Waltham, MA

- Lead the firm’s Litigation Support practice to support expert testimony in civil cases through survey research and other marketing science initiatives.
- Manage referrals and support affiliated academic experts in matters where consumer opinions and behaviors are an important determinant of liability and damages.
- Manage case teams in complex cases (e.g., trademark and trade dress infringement, class action matters, false and deceptive advertising, antitrust issues and patent damages).
- Assist attorneys with assessing the benefits of collecting market research data, critique opposing expert reports, and prepare experts for deposition and trial questioning.
- Provide expert research consultation, expert witness testimony, and rebuttal critiques for consumer surveys designed for trademark, trade dress, false advertising, and class action litigation.

2011 – 2014 Senior Manager
APPLIED MARKETING SCIENCE, INC., Waltham, MA

- Supported consumer survey expert witnesses and attorneys in market research survey design and provided consultation to help experts prepare for deposition and trial testimony.

- Managed litigation consulting projects involving consumer surveys in trademark, false advertising, class action, and patent infringement matters.
- Coordinated all aspects of research project, including survey design, fieldwork, data analysis, and report development.

2003 – 2011

Senior Project Manager
FORBES CONSULTING GROUP, Lexington, MA

- Independently led all phases of custom quantitative and qualitative research for an industry leading marketing research supplier dedicated to consumer-driven business analysis.
- Helped clients identify new marketplace opportunities, developed communication and positioning strategies, measured brand equity, and increased customer satisfaction and retention.
- Managed approximately \$2.5 million of custom research annually.

2002 – 2003

Senior Analyst
LOCKHEED MARTIN CORPORATION, Fairfax, VA

- Developed market analyses and competitive strategies for multiple lines of business.
- Granted Top Secret security clearance for the position.

1999 – 2002

Market Research Analyst
MCI WORLDCOM, Arlington, VA

- Designed, executed, analyzed, and delivered quantitative and qualitative market research to support internal marketing clients. Insights helped carry singularly focused telecom giant into a world of multiple competitors and diverse product lines.
- Required a heightened awareness of technology shifts, a sense of consumer appetite, and readiness to navigate the shifting landscape.
- Honed research skills in variable research methodologies. Received multiple individual and team awards.

1996 – 1999

Project Manager
MARKETING ANALYSTS, INC., Charleston, SC

- Managed custom quantitative market research for a leading Honomichl 50 research supplier.

EXPERT WITNESS (expert opinions and testimony in the last 5 years)

Richard Plass et al. v **Sanimax USA LLC**

Case No. 2015-cv-000165, Wisconsin Circuit Court, Brown County

Class Certification (2016 Report)

Smart Vent Products, Inc. v Crawl Space Door System, Inc.

Case No. 01:13-cv-05691, United States District Court, District of New Jersey

Genericness (2016 Report)

Blumenthal Distributing, Inc. v Herman Miller, Inc.

Case No. 5:14-cv-01926, United States District Court, Central District of California

Trade Dress Confusion (2016 Report)

Health New England, Inc. v Trinity Health Corporation

Case No. 3:15-cv-30206, United States District Court, District of Massachusetts

Trademark Confusion (2016 Report)

Reebok-CCM Hockey v Bauer Hockey Corp.

Canadian Trademark Opposition No. 1496949

Secondary Meaning (2016 Report and Deposition)

Avintiv Specialty Materials, Inc. v 3M Company and Target Corporation

Case No. 3:15-cv-212, United States District Court, Western District of North Carolina

Genericness (2016 Report)

Adidas International Marketing BV v Bauer Hockey Corp.

Canadian Trademark Opposition No. 1564931 and No. 1564934

Secondary Meaning (2016 Report and Deposition)

Lifeguard Licensing Corp. v Ann Arbor T-Shirt Company, LLC

Case No. 1:15-cv-08459-LGS-JCF, United States District Court, Southern District of New York

Trademark Confusion (2016 Report and Deposition)

UDAP Industries, Inc. v Bushwacker Backpack & Supply Co.

Case No: 2:16-cv-00027-BMM-JCL, United States District Court, District of Montana

False Advertising (2017 Report)

Custom Cutlery, LLC v Leigh Churnick

Case No: 1:16-cv-24491-FAM, United States District Court, Southern District of Florida

Secondary Meaning (2017 Report)

The Hilsinger Company v **Kleen Concepts, LLC**
Case No: 14-cv-14714, United States District Court, District of Massachusetts
Trademark Confusion (2017 Report and Deposition)

James Brickman, et al. v Fitbit, Inc.
Case No: 3:15-cv-2077, United States District Court, Northern District of California
Class Certification (2017 Report and Deposition)

Monster Energy Company v William J. Martin
TTAB Opposition No. 92064681
Trademark Confusion (2017 Report)

Milk Street Cafe, Inc v **CPK Media**
Case No: 1:16-cv-11416-DJC, United States District Court, District of Massachusetts
Secondary Meaning (2017 Report, Deposition, and Trial Testimony)

Organic Consumers Association v **Handsome Brook Farm, LLC**
Case No: 2016-CA-006223-B, Superior Court of the District of Columbia Civil Division
False Advertising (2017 Report)

Glaxo Group Limited v Ansun Biopharma, Inc.
TTAB Opposition No. 91224991
Trademark Confusion (2017 Report)

Eastern Savings Bank, F.S.B. v Eastern Savings Bank
Case No: 3:17-cv-00708, United States District Court, District of Connecticut
Trademark Confusion (2018 Report)

Eveden Inc. v Color Image Apparel, Inc.
Case No: 2:17-cv-02121-MWF-JC, United States District Court, Central District of California
Trademark Confusion (2018 Report)

The Choice is Yours, Inc. v **The City of Philadelphia**
Case No: 2:14-cv-10804-JFL, United States District Court, Eastern District of Pennsylvania
Trademark Confusion (2018 Report)

Palm Partners, LLC v Palm Beach Treatment Center, LLC
Case No: 9:17-cv-80582-RLR, United States District Court, Southern District of Florida
Trademark Confusion (2018 Report and Deposition)

Herman Miller, Inc. v Office Star Products
Case No. 2:17-cv-04279-JAK, United States District Court, Central District of California
Trade Dress Confusion (2018 Report and Deposition)

HP Hood, LLC v Cytosport, Inc.
Case No. 01-17-0001-7218, American Arbitration Association
Consumer Behavior Survey (2018 Report, Deposition, and Arbitration Testimony)

Hasbro, Inc. v DC Comics and Warner Bros. Entertainment Inc.
Case No. 1:17-cv-06558, United States District Court, Southern District of New York
Trademark Confusion (2018 Report)

Brooks Sports, Inc. v Anta Co. Ltd.
Case No. 1:17-cv-01458, United States District Court, Eastern District of Virginia
Trademark Confusion (2018 Report)

Ford Motor Company v Geely Holding Group Co. Ltd.
TTAB Opposition No. 91239104
Trademark Confusion (2018 Report)

Spangler Candy Company v Tootsie Roll Industries, LLC
Case No: 3:18-cv-01146-JJH, United States District Court, Northern District of Ohio
Trade Dress Confusion (2018 Report and Deposition)

Glaxo Group Limited v Canadian Pharmaceutical Association
Canadian Trademark Opposition No. 1626790 and No. 1626792
Secondary Meaning (2018 Report and Deposition)

Lodestar Anstalt v Route 66 Junkyard Brewery, LLC
Case No: 1:17-cv-00062-JCH-JHR, United States District Court, District of New Mexico
Trademark Confusion (2019 Report)

Judith Marilyn Donoff v Delta Air Lines, Inc.
Case No: 18-cv-81258, United States District Court, Southern District of Florida
False Advertising (2019 Report and Deposition)

Asurion, LLC v Netsurion, LLC
TTAB Opposition No. 91231568
Trademark Confusion (2019 Report)

Maui Jim, Inc. v SmartBuy Guru Enterprises
Case No: 16-cv-09788, United States District Court, Northern District of Illinois
False Advertising (2019 Report and Deposition)

Monster Energy Company v PJ Trailers Manufacturing Company, Inc.
TTAB Opposition No. 92067968
Trademark Confusion (2019 Report)

Louisiana Pacific Corporation v **James Hardie Building Products, Inc.**
Case No: 3:18-cv-00447, United States District Court, Middle District of Tennessee
False Advertising (2019 Report and Deposition)

Milita Barbara Dolan v JetBlue Airways Corporation
Case No: 18-cv-62193-RNS, United States District Court, Southern District of Florida
False Advertising (2019 Report and Deposition)

Provepharm, Inc. v **Akorn, Inc.**
Case No: 17-cv-7087, United States District Court, Eastern District of New York
False Advertising (2019 Report and Deposition)

Mercury Luggage Manufacturing Co. v **Sandpiper of California**
TTAB Opposition No. 92070168
Genericness (2019 Report)

Undiscovered Corporation v Heist Studios
Case No: 2:18-cv-05719, United States District Court, Central District of California
Trademark Confusion (2019 Report)

International Association of Home Inspectors v American Society of Home Inspectors
Case No: 1:18:CV-01797-RBJ, United States District Court, District of Colorado
False Advertising (2019 Report)

Simplehuman v iTouchless Housewares
Case No: 2:19-cv-02351, United States District Court, Central District of California
Trade Dress Confusion (2020 Report)

PROFESSIONAL AFFILIATIONS

International Trademark Association (INTA)

- Member Impact Studies Committee (2018-2019)
- Member Famous and Well-Known Marks Committee (2020-)

Council of American Survey Research Organizations (CASRO)

Institute for Operations Research and the Management Sciences (INFORMS)

American Association for Public Opinion Research (AAPOR)