

*Larry Chiagouris*  
*BrandMarketing Services, Ltd.*  
*Lubin School of Business, Pace University*  
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### **High Level Summary of CV:**

Dr. Chiagouris is a Tenured Full Professor of Marketing at the Lubin School of Business, Pace University, New York where he teaches undergraduate and graduate students on topics related to marketing and advertising best practices and intellectual property matters related to brand management. He regularly lectures on Consumer Behavior and holds a doctorate in Marketing, with a specialization in Consumer Behavior. He is also the principal of BrandMarketing Services, Ltd., a marketing consulting firm founded in 1994.

He is *one of the few* experts who combines multiple credentials, having held senior managerial and executive positions at Fortune 500 companies on the one hand and, in addition, having strong academic/scholarly credentials (**few experts possess both sets of credentials**). As an expert, he has been deposed on more than 85 occasions and has provided testimony in federal court or state court or arbitration hearings on 20 occasions. **About 80% of his cases have involved intellectual property matters or false advertising matters or consumer protection issues or brand management/reputation management issues.** Other cases involve contract disputes and trade secrets.

His survey research credentials:

In terms of his survey research credentials, his credentials are extensive. He has been engaged in survey research on several occasions related to litigation. He previously served as the Chairman of the Advertising Research Foundation and co-authored the chapter in a book on financial damages regarding how to use survey research in litigation.

None of his marketing and advertising opinions have been the basis of a successful Daubert challenge based on his qualifications.

### **Detailed Summary Statement:**

Experience in connection with several federal, state and county courts, multiple arbitration venues, the Trademark Trial and Appeal Board (TTAB) and the Consumer Financial Protection Bureau (CFPB) in the United States. Experience includes Canadian litigation in Ontario Superior

Court of Justice. Have provided testimony in the form of trials, hearings and depositions on more than 70 occasions. Testimony and/or reports have been provided to support litigation related to matters pertaining to class actions, social media applications, corrective advertising, consumer fraud, false advertising, materiality and intellectual property matters, defamation, misappropriation of likeness, trade secrets and business disputes, reference pricing, including cases related to legal issues associated with Lanham Act, Truth in Lending, Equal Credit Opportunity Act and Fair Housing Act, the Food and Drug Act, the Telephone Consumer Protection Act., Ohio Consumer Sales Practices Act, Ohio Deceptive Trade Practices Act, Delaware Deceptive Trade Practices, California's Unfair Competition Law and the New Jersey Franchise Practices Act.

A rare combination of an expert who has both substantial experience as an accomplished and highly published academician and as a senior executive. Particular expertise related to marketing and advertising, Internet/eCommerce and direct marketing, contract disputes involving marketing issues, and market/survey research issues. Unique combination of senior expert witness and consultant bringing both senior industry client side and agency executive experiences for Fortune 500 companies and Silicon Valley startups as well academic work at leading graduate schools of business. Called a "branding guru" and "consumer behavior expert" by the media and one of the best and brightest researchers. Combines senior and significant business experience in several industry sectors with the clarity required in explaining difficult concepts and theories to people not familiar with marketing, consumer behavior and media techniques and issues.

**Litigation experience summary** (details of cases on pages 8 through 44 below):

1. Experience approximately evenly divided between plaintiff and defendant engagements over 90 cases
2. Class action cases for both plaintiffs and defendants
3. Several cases include elements of intellectual property issues
4. Several cases involve branding or brand management issues
5. Majority of cases involve elements of consumer behavior or survey research
6. Majority of cases involve elements of advertising related strategies and tactics
7. Majority of cases involve elements of Internet related tactics
8. Majority of cases involve written opinions and depositions
9. Written and oral testimony in several Federal District Court jurisdictions and arbitration venues
10. Engaged by both large multinational law firms and small boutique firms

**EDUCATION**

1. CERTIFICATIONS/COURSE COMPLETIONS BEYOND Ph.D:

- Google Analytics, Social Media, Social Media Marketing, Statistics
2. Ph.D., – Marketing and Buyer Behavior, The City University of New York
  3. M.Phil. – Business, The City University of New York
  4. A.P.C., – Marketing, New York University Stern School of Business
  5. M.B.A., - Industrial Psychology, Baruch Graduate School of Business, City University of New York
  6. B.S., - Economics, Magna Cum Laude, New York University Stern School of Business

## WORK EXPERIENCE

### **Industry Experience**

President, BrandMarketing Services, Ltd., 1994 to present, Marketing, branding and advertising consulting firm organized to provide expert witness services to law firms and strategic consultation to Fortune 500 and emerging growth companies. Key litigation support has involved class actions suits representing both plaintiff and defendant. Provision of expert opinion for cases involving Coors Brewing, Avis Rental Car, Sprint and Fruit of the Loom. Key industry consultation has involved Merrill Lynch, McDonald's, Marriott, Prudential, AT&T, JP Morgan Chase, L-3 Communications, Grey Advertising, US Army National Guard, TMP Worldwide and Visa International.

Vice President and Chief Marketing Officer, eCode.com, 2000-2001, responsible for all marketing, business development and marketing communications related initiatives for Silicon Valley startup focused on brand building Internet initiatives.

Vice President and Director of Strategic Planning and Research, Starz Encore Movie Group, 1998-2000, responsible for all strategic development business issues, marketing, and marketing communications related initiatives for international media company.

Executive Vice President of Creamer Dickson Basford Public Relations and President of CDB Research and Consulting, a subsidiary of Creamer Dickson Basford, 1994-1998. Served in the capacity of Executive Vice President and Director of Client Services of top ten public relations firm and also President of its subsidiary, CDB Research & Consulting. In

this dual capacity, directed client pr programs in a wide variety of industries and also directed client consulting engagements with Fortune 500 companies. Co-developed the service WebDiagnostics, an approach to assessing Internet marketing programs.

Executive Vice President, Backer Spielvogel Bates (now organized as Bates Worldwide Advertising), 1991 to 1994  
Served in the capacity of head of strategic planning and research services for the agency and its clients.

Senior Vice President, Bozell Jacobs Kenyon and Eckhardt Advertising, 1989 to 1991.  
Served in the capacity of head of strategic services and research for the agency and its clients.

Vice President, Grey Advertising, 1983 to 1989  
Directed group of account planners and market researchers.  
Served in the capacity of head of strategic services and research for several agency clients.

Manager, AT&T, 1975 to 1983

Hired on the fast track high-risk high reward program, progressing through wide variety of functional assignments, including econometrics, finance, technology planning (working with Bell Labs), manufacturing and marketing planning related to product demand and cross elasticity of demand.

### **Academic Experience**

Professor of Marketing, Lubin School of Business, Pace University in New York City, 2002-Present. Full-time tenured Professor. Courses and lectures include: Advertising Management Best Practices, New Product Development, Survey Research, Advertising and Promotion (Including Intellectual Property and Trademark/Copyright Issues), Media Planning and Buying, Advanced Marketing Management, and Marketing Strategy and eCommerce at the graduate level.

Adjunct Professor of Marketing, Nova Southeastern University, H. Wayne Huizenga School of Business Doctoral Program, 1991 - 2007

Adjunct Professor of Marketing, New York University Graduate Stern Graduate School of Business, 1989 - 1991

## PROFESSIONAL RECOGNITION

1. Award Recipient from the US State Department: Requested to deliver lectures to business leaders of other countries on “Branding in the New Media Environment”
2. Selected to attend Harvard University Annual AMA Doctoral Consortium
3. Voted by *Agency Magazine* as one of the ten “all stars” in advertising research
4. Current or Previous Editorial Review Boards: Marketing Management, Journal of Advertising Research, Journal of Internet Commerce, Journal of Consumer Marketing, Journal of Segmentation in Marketing
5. Inducted into Beta Gamma Sigma National Honors Society
6. Appointed AMA representative to U.S. Bureau of the Census for Census 2000
7. Former Chairman of the Board of the Advertising Research Foundation
8. Former Member of the Board of Directors of the American Marketing Association and President, New York Chapter
9. Winner of three Effie Awards for advertising effectiveness
10. Appointed industry judge at Public Relations Society of America Silver Anvil Awards
11. Served as faculty member for American Marketing Association’s Advanced School of Marketing Research
12. Presenter at numerous proceedings and conferences to include American Psychological Association Consumer Psychology Division, Consumer Electronics Show, Comdex, American Marketing Association, Direct Marketing Association, Public Relations Society of America, Institute for Broadcasting and Technology, Pharmaceutical Marketing Research Association, Advertising Research Foundation

## PUBLICATIONS DURING THE PREVIOUS 10 YEARS

### Refereed Articles

1. Schapsis, Claudio, Chiagouris, Larry; Ngoc Cindy Pham  
**Are Consumers Ready for Augmented Reality? Factors Influencing Online Footwear Purchasing Intentions Using AR Technology**  
Journal of Marketing Development and Competitiveness, 15(2), 2021
2. Cerulli, Angela, Chiagouris, Larry  
**Multitasking in an Age of Multiple Screens: Key Demographic Changes and Differences**  
Journal of Applied Business & Economics, 22(3), 2020
3. Girardi, Paula, Chiagouris, Larry  
**The Digital Marketplace: Early Adopters Have Changed**  
Journal of Marketing Development and Competitiveness, 12(1), 2018
4. Kirk, Colleen, Chiagouris, Larry, Thomas, Jennifer, Lala, Vishal

- How Do Digital Natives and Digital Immigrants Respond Differently to Interactivity Online: A Model for Predicting Consumer Attitudes and Intentions to Use Digital Information Products**  
Journal of Advertising Research, 55(1), 2015
5. Chiagouris, Larry and Williams, Michelle, **If We Build it will they Stay?: User Generated Content and Website Effectiveness**  
Journal of Marketing Management, 2(3&4), 2014
  6. Brusseau, James, Chiagouris, Larry, and Brusseau, Rocio Fernandez **Corporate Social Responsibility: To Yourself Be True**  
Journal of Global Business and Technology, Vol. 9, No. 1, 2013
  7. Kirk, Colleen, Chiagouris, Larry, and Gopalakrishna, Pradeep **Some People Just Want to Read: The Roles of Age, Interactivity, and Perceived Usefulness of Print in the Consumption of Digital Information Products**  
Journal of Retailing and Consumer Services, Vol. 20, No. 1, 2012
  8. Cole, Michael, Long, Mary, Chiagouris, Larry, and Gopalakrishna, Pradeep **Transitioning from Traditional to Digital Content: An Examination of Opinion Leadership and Word-of-Mouth Communication across Various Media Platforms**  
Journal of Internet Commerce, Vol. 10, No. 1, 2011
  9. Chiagouris, Larry, Ray, Ipshita **Customers on the Web are not all Created Equal: The Moderating Role of Internet Shopping Experience**  
*The International Review of Retail, Distribution and Consumer Research*, Vol. 20, No. 2, 2010
  10. Chiagouris, Larry, Lala, Vishal **Beauty is in the Eye of the Tech Manager: How Technology Orientation and Interactive-Media Knowledge Can Drive (or Stall) Change**  
*Journal of Advertising Research*, Vol. 49, No. 3, 2009
  11. Lantieri, Tara, Chiagouris Larry **Brand Trust in an Age Without Trust: Expert Opinions**  
*Journal of Consumer Marketing*: Vol. 26, No. 2, 2009
  12. Ray Ipshita, Chiagouris Larry **Consumer Retention: Examining the Roles of Store Affect and Store Loyalty as Mediators in the Management of Retail Strategies**  
*Journal of Strategic Marketing*: Vol. 17, No. 1, 2009
  13. Chiagouris Larry, Long Mary, Plank Richard **The Consumption of Online News: The Relationship of Attitudes Toward the Site and Credibility**  
*Journal of Internet Commerce*: Vol. 7, No. 4, 2008
  14. Moffit Timothy, Chiagouris Larry **What Would Richard Branson Do?**  
*Marketing Management*: May/June 2008
  15. Chiagouris Larry, Ray Ipshita **Saving the World with Cause Related Marketing**  
*Marketing Management*: July/August 2007
  16. Chiagouris Larry, Long Mary **Will Your Online Retailing Be a Site for Sore Eyes**  
*Marketing Management*: March/April 2007
  17. Gonzalez Jose, Chiagouris Larry **The Market Orientation of Internet Support Companies**

- Journal of Internet Commerce: January 2007*
18. Chiagouris Larry **New Media Power**  
*Marketing Management: November/December 2006*
  19. Long Mary, Chiagouris Larry **The Role of Credibility in Shaping Attitudes Toward Nonprofit Websites**  
*International Journal of Nonprofit and Voluntary Sector Marketing: August 2006*
  20. Johnson William, Chiagouris Larry **So Happy Together (The Link Between Employee and Customer Satisfaction)**  
*Marketing Management: March/April 2006*
  21. Gonzalez Jose, Chiagouris Larry **Internet Support Companies: The Impact of Marketing Orientation**  
*Journal of Internet Banking and Commerce: April 2006, Vol. 11, No. 1*
  22. Topol Martin, Chiagouris Larry **To Dream the Impossible Dream (Customer Loyalty)**  
*Marketing Management: November/December 2005*
  23. Chiagouris Larry **Non-Profit Brands**  
*Marketing Management: September/October 2005*
  24. Mohr Iris, Chiagouris Larry **Get the Word Out (SPREADING WORD OF MOUTH)**  
*Marketing Management: July/August 2005*
  25. Chiagouris Larry, Mohr Iris **An Evaluation of the Effectiveness of Internet Advertising Tools**  
*Journal of Internet Commerce: Volume 3, Number 3 2004*
  26. Chiagouris Larry, Wansley Brant **How To Turn New Companies Into Large Companies at the Speed of Light**  
*Marketing Management: September/October 2003*
  27. Chiagouris Larry, Farinelli Jean **Staying Safe in a Dangerous World (GLOBAL MARKETING ISSUES)**  
*Marketing Management: March/ April 2002; 11, 2*
  28. Chiagouris Larry, Wansley Brant **Branding On The Internet**  
*Marketing Management: Summer 2000; 9, 2.*
  29. Chiagouris Larry, Middleman Ann **Research For Ink: How To Get Opinion-Driving Publicity From Market Research**  
*Public Relations Quarterly: Winter 1998/1999: 43, 4*
  30. Plank Richard E., Chiagouris Larry **Perceptions of Quality of Higher Education: An Exploratory Study of High School Guidance Counselors**  
*Journal of Marketing for Higher Education: Volume 8, Number 1 1997*
  31. Chiagouris Larry **Advertising Decision Making In The Year 2020**  
*Journal of Advertising Research: February/March 1990*
  32. Kahle Lynn R., Chiagouris Larry **Values, Lifestyles and Psychographics.** Mahwah, New Jersey: Lawrence Erlbaum Associates, Inc., Publishers, 1997
  33. Chiagouris Larry, Mitchell Leeann E. **The New Materialists**  
*Values, Lifestyles and Psychographics* New Jersey: Lawrence Erlbaum Associates, Inc., Publishers, 1997

## Trade Publications and Non-Refereed Articles

34. Chiagouris, L. & Kaplan, L.B. (2023). **Uses of Survey Research in Damages Estimation**. In N. Fannon & J. M. Dunitz (Eds.), *The Comprehensive Guide to Economic Damages 7<sup>th</sup> Edition*. Portland, OR: BVR.
35. Chiagouris, Larry, **The Secret is in the Data: Delivering What Customers Need & Desire**  
The Robin Report, January 2012
36. West Douglas, Chiagouris Larry, Precourt Geoffrey **Editorial: 50 Years of Advertising Research: What Have We Learned?**  
*Special 50th Anniversary Issue of the Journal of Advertising Research, March 2011*
37. Chiagouris Larry, Verniere Alexis **Marketing Functions on the Internet**  
*Wiley Encyclopedia of Marketing, December 2011*
38. Chiagouris Larry **Comparative Advertising**  
*Wiley Encyclopedia of Marketing, December 2011*
39. Chiagouris Larry, **Survey Research to Support Litigation**  
*HG Experts, 2009*
40. Chiagouris Larry **Viral Communications**  
*Kitchen & Bath Business, November 2006*
41. Chiagouris Larry **Nonprofits Can Take Cues from Biz World**  
*Marketing News, 6/15/2006, Vol. 40 Issue 12, p20*
42. Chiagouris Larry, Nankin Conrad **Strategic Plans Solidify Branding On Net**  
*Marketing News, 6/1/2004, Vol. 38 Issue 10, p28*
43. Chiagouris Larry, Wansley Brant **Teach Your Children**  
*Adweek: September 27, 1999*
44. Chiagouris Larry **Utility Companies' Use of Market Research**  
*Quirk's marketing research review: February 1999, Vol. XIII, No. 2*
45. Chiagouris Larry **Confessions of a Silver Anvil Judge**  
*Public Relations Strategist: Winter 1998*
46. Chiagouris Larry **Wall Street's Wireless Influence**  
*Wireless Reviews: Dec 1, 1998; 15, 24*
47. Chiagouris Larry **Eight Steps To Improved Investor Relations**  
*Electrical World: September 1998, Vol.212, Iss. 9*
48. Farinelli Jean, Chiagouris Larry **Communicating Your Company's Hidden Value**  
*IR Update: July 1998*
49. Chiagouris Larry, Plank Richard **Raising the Bar**  
*Electric Perspectives: March/April 1998*
50. Chiagouris Larry, Plank Richard **Marketing Research In The Utility Industry: The State of the Art**  
*American Gas: February 1998*
51. Chiagouris Larry **Hidden Value Index**  
*The Annual Report of the Global Public Network: November 15, 1997*
52. Chiagouris Larry **Marketing Encyclopedia**. Illinois: NTC Business Books, 1996

**Book:** The Secret to Getting a Job After College: Marketing Tactics to Turn Degrees into Dollars, Brand New World Publishing: New York; June 2010 (first edition); March 2018 (third edition)

**LEGAL AND REGULATORY CASES AND TESTIMONY  
DATES NOTED ARE DATES THAT ENGAGEMENT WAS INITIATED**

Overview of case experience:

Experience approximately evenly divided between plaintiff and defendant engagements in over 100 cases

Several cases include elements of intellectual property issues  
Several cases involve false and misleading advertising issues and class actions  
Several cases involve branding or brand management issues  
Majority of cases involve elements of consumer behavior or survey research  
Majority of cases involve elements of advertising related strategies and tactics  
Majority of cases involve elements of Internet related tactics  
Majority of cases involve written opinions and depositions  
Written and oral testimony in several Federal District Court jurisdictions  
Engaged by both large multinational law firms and small boutique firms  
Class action cases divided between plaintiffs and defendants

February 2023

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

CASE NO. 2021CV32097

CHRISTIAN LIVING NEIGHBORHOODS, a

Colorado nonprofit corporation

Against

MORNINGSTAR SENIOR MANAGEMENT, LLC, a Colorado limited liability company;  
EDGEMARK MS HOLLY PARK, LLC, a Delaware limited liability company; and HOLLY

PARK DEVELOPER, LLC, a Colorado limited

Liability company

Working for Plaintiff/Written opinion, deposed and expected to provide testimony at trial

Engaged by: Kutak Rock

Issues and key words: Secondary meaning, strength of the brand, likelihood of confusion, survey research, consumer behavior, assisted living, marketing to seniors

November 2022

SUPERIOR COURT OF THE STATE OF DELAWARE

Case No. N21C-03-257 EMD

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC., and DOMINION VOTING SYSTEMS CORPORATION,

Against

FOX NEWS NETWORK, LLC,

FOX CORPORATION and FOX BROADCASTING COMPANY, LLC,

Working for Defendants/Written opinion and deposed

Engaged by: Winston & Strawn

Issues and key words: Defamation, reputation management, media industry, news industry, elections, government procurement, politics, survey research, social media, consumer behavior

September 2022

STATE OF WISCONSIN CIRCUIT COURT

MILWAUKEE COUNTY

Case Codes: 30106, 30701

ROBERT REIMAN

Against

JOSHUA DELANEY

Working for Plaintiff/Written opinion and expected to be deposed and provide testimony at trial

Engaged by: Hansen Reynolds, LLC

Issues and key words: marijuana, cannabis, CBD, startup business, social media, marketing mix

August 2022

CIVIL COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

HILLSBOROUGH COUNTY, FLORIDA

CIVIL DIVISION

Claim No. 177852/CASE No: 16-CA-7765

Tammy Rivero and Marilyn Mazza individually and individually and on behalf of all others similarly situated,

Plaintiff,

against

The Lung Institute

Working for Defendants/Deposed and expected to provide testimony at trial

Engaged by: Cole, Scott & Kissane, P.A.

Working for Defendant/Deposed and expected to provide testimony at trial

Issues and key words: Class action, healthcare, stem cells, pulmonary and lung health, consumer behavior, false advertising, survey research

July 2022

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Case No. 5:20-cv-2101-BLF

PRESCOTT et al., individually and on behalf of all others similarly situated,  
Against

RECKITT BENCKISER LLC

Working for Plaintiffs/Written opinion and deposed.

Engaged by: Cohen Milstein Sellers & Toll PLLC

Issues and key words: Class Action, California Class, New York Class, Washington Class,  
Massachusetts Class, Materiality, false and misleading advertising, survey research, California  
Unfair Competition Law, California Consumers Legal Remedies Act, New York General Bus.  
Law, Washington Consumer Protection Act

June 2022

STATE OF NEW MEXICO  
BERNALILLO COUNTY  
SECOND JUDICIAL DISTRICT COURT

D-202-CV-2019-07293

RITA BUSCEMA,

individually and on behalf of all others similarly situated,

Plaintiff,

against

WAL-MART STORES EAST LP, WAL-MART STORES,  
SPECTRUM BRANDS, INC. and  
THE BLACK & DECKER CORPORATION,

Working for Defendants/Deposed and expected to provide testimony at trial

Engaged by: Modrall Sperling

Issues and key words: Internet, pricing, online marketing, Walmart, coffee makers, class action,  
kitchen appliances, made in America, licensing of a brand, consumer behavior, false advertising,  
New Mexico Unfair Practices Act.

May 2022

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CASE NO. 4:21-CV-00271-JAJ-HCA

COUG & COMPANY, INC.,

Plaintiff,

Against

COUGAR PAWS, INC.,

Working for Plaintiff/Written opinion and deposed

Engaged by: Dentons Davis Brown PC

Issues and key words: Lanham Act, Likelihood of Confusion, survey research, boots, footwear

March 2022

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

Case No. 1:20-cv-00662-RGA

Peloton,

Against

ICON Fitness (NordicTrack)

Worked for Defendant/Written opinion

Engaged by: Foley & Lardner LLP, Kirkland & Ellis co-counsel

Issues and key words: Materiality, false and misleading advertising, reference pricing, survey research, Delaware Deceptive Trade Practices, California's Unfair Competition Law, Lanham Act

March 2022

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No. 8:19-cv-01298-JLS-KES

Sonneveldt et al and others similarly situated,

Against

Mazda Motor of America,

Working for Defendants/Written opinion and deposed

Engaged by: Shook Hardy & Bacon

Issues and key words: Virginia Consumer Protection Act, class action, consumer fraud, automotive industry, false advertising, survey research

February 2022

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

C.A. No. 2020-0953-SG

ABBVIE ENDOCRINE INC.,

Plaintiff

Against

TAKEDA PHARMACEUTICAL,  
Worked for Plaintiff/Consultation  
Engaged by: Willenken LLP  
Issues and key words: Supply chain, Lupron, prostate cancer, survey research

January 2022

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
CASE NO. 2:19-cv-04262.

JOHN EWALT, on behalf of himself and all others similarly situated, *et al.*,  
Plaintiffs

Against

GATEHOUSE MEDIA OHIO HOLDINGS II, INC., d/b/a THE COLUMBUS DISPATCH,  
Working for Defendants/Written opinion, deposed and expected to provide testimony at trial

Engaged by: Taft Stettinius & Hollister LLP

Issues and key words: Class action, benefit of the bargain, newspapers, subscriptions, survey research, consumer sales practices, deceptive trade practices

December 2021

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF FLORIDA  
Case No.: 2:20-cv-09770-MWF-SK  
D&D GREEK RESTAURANT, INC.,  
d/b/a THE GREAT GREEK, a California  
Corporation

Plaintiff

Against

GREAT GREEK FRANCHISING, LLC, a Florida limited liability

company and DOES 1 THROUGH 10.

Worked for Plaintiff/Written opinion, deposed and provided testimony at trial

Engaged by: Lewitt Hackman

Issues and key words: Lanham Act, restaurants, trademark infringement, secondary meaning, strength of the brand and trademark

November 2021

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
Case No. 3:20-cv-00719-LAB (DEB)

GRANDESIGN ADVERTISING FIRM, INC.,  
Plaintiff,

Against

TALON US (GRANDESIGN) LLC and  
TALON OUTDOOR, LTD

Worked for Defendant/Written opinion

Engaged by: Stubbs Alderton & Markiles, LLP

Issues and key words: advertising and media agency business practices, trademark infringement, Lanham Act, outdoor advertising industry, out of home advertising industry, experiential marketing, likelihood of confusion, fair use

September 2021

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Case: 1:21-cv-00705-LPS

SPARK THERAPEUTICS, INC.,

Plaintiff,

Against

BLUEBIRD BIO, INC.,

Worked for Defendant/Written opinion which served as testimony at preliminary injunction hearing

Engaged by: Hamilton Brook Smith Reynolds

Issues and key words: trademark infringement, Lanham Act, pharmaceutical industry, survey research, Lapp Factors, likelihood of confusion, blood disorders, sickle cell disease

September 2021

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Case No. 1:20-cv-07404

TIREBOOTS BY UNIVERSAL CANVAS

Plaintiff,

Against

TIRE SOCKS, INC., et al.

Worked for Plaintiff/Written opinion, deposed and expected to provide testimony at trial

Engaged by: Hibbs Law, LLC

Issues and key words: trademark infringement, Lanham Act, business to business, warehouse, covers for heavy equipment, construction, secondary meaning, strength of the brand

August 2021

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

C.A. No. 20-701-RGA

S&P GLOBAL INC. and STANDARD &  
POOR'S FINANCIAL SERVICES LLC,

Plaintiffs,

Against  
S&P DATA LLC, S&P DATA OHIO LLC,  
S&P DATA MICHIGAN LLC and  
S&P DATA NEW MEXICO LLC,

Worked for Defendants/Written opinion and deposed

Engaged by: Richards Layton & Finger

Issues and key words: trademark infringement, Lanham Act, Trademark Dilution Revision Act, indices and ratings within financial services, survey research, Lapp Factors, likelihood of confusion, brand fame and awareness, call center, contact center, direct marketing

July 2021

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

Case No.: 8:20-cv-02274

REBOTIX REPAIR LLC,  
Plaintiff,

Against

INTUITIVE SURGICAL, INC.,

Worked for Defendant/Written opinion and deposed

Engaged by: Dovel and Luner

Issues and key words: marketing, false advertising, Lanham Act, survey research, sales practices, medical equipment, robotics systems, marketing to hospitals

February 2021

AMERICAN ARBITRATION ASSOCIATION  
Biologics, Inc. D/B/A Biologics by  
McKesson Corporation,

Versus

RESPONDENT: Pharmacy Benefit Manager (confidential)

Worked for Claimant/Written report and provided testimony at hearing

Engaged by: Frier Levitt

Issues and key word: survey research

June 2021

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CIVIL ACTION NO. 06-cv-00605-PAB-KMT  
(Consolidated with Civil Action No. 16-cv-02004-PAB-KMT)  
U.S.A. DAWGS, INC. et al.,

Plaintiff,

Against

CROCS, INC.

Worked for Defendant/Written opinion and deposed

Engaged by: Arnold & Porter Kaye Scholer LLP

Issues and key words: Shoes, apparel, fashion, patents, survey research, social media, branding, ingredient branding, false advertising, Internet marketing, corrective advertising

May 2021

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CIVIL ACTION NO. 1:19-cv-01262-LGS

SOLID 21, INC.,

Plaintiff,

Against

RICHEMONT NORTH AMERICA, INC.?

RICHIMONT INTERNATIONAL S.A., and

MONTBLANC-SIMPLO GMBH,

Worked for Defendant/Written opinion and deposed

Engaged by: Fross Zelnick Lehrman and Zissu, P.C.

Issues and key words: Lanham Act, trademark, jewelry, survey research, retail, digital marketing, likelihood of confusion

January 2021

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION  
Case No. 5:19- cv-00257

MGFB PROPERTIES, INC., *et al.*

Plaintiff,

Against

VIACOMCBS INC., *et al.*

Worked for Defendant/Written opinion and deposed

Engaged by: Jenner & Block

Issues and key words: television programming, restaurant, bar, entertainment, trademark, Florida, corrective advertising, likelihood of confusion, social media, digital media

December 2020

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

CIVIL ACTION NO. 4:20-cv-01981

ZELMA M. LOEB-DEFEVER, *et al.*,

Plaintiffs,

Against

STRATEGIC CONSTRUCTION, LTD.

d/b/a FCI MULTI-FAMILY, *et al.*,

Worked for Defendants/Written opinion and deposed

Engaged by: Edmonds & Schlather PLLC

Issues and key words: assisted living, copyright, floor plans, architectural drawings, senior residences, consumer behavior, consumer preference, survey research

December 2020

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

Civil Action No.: 3:19-CV-1449-TJC-MCR

IMPLANT DENTISTRY ASSOCIATES OF ORLANDO-MAITLAND, P.A., and  
CLEARCHOICE MANAGEMENT SERVICES, LLC,

Plaintiffs,

Against

JOEL A. DAVID & ASSOCIATES, P.A., DR.

JOEL A. DAVID, DMD,

DR. DANIEL R. NOORTHOEK, DMD, MS,  
FULL ARCH DENTAL SOLUTIONS, LLC, and  
DAVID & ASSOCIATES SPECIALISTS, LLC,

Worked for Defendants/Written opinion

Engaged by: Marks Gray P.A. and The O'Hara  
Law Firm

Issues and key words: dental services, false and  
misleading advertising, Lanham Act, materiality,  
survey research, healthcare

November 2020

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
DZ Reserve and Cain Maxwell (d/b/a Max Martialis)

individually and on behalf of others similarly situated,

Case No.: 3:18-cv-04978

Plaintiff,

Against

Facebook, Inc.

Working for Plaintiff/Written opinion, deposed and expected to provide testimony at trial

Engaged by: Cohen Milstein Sellers & Toll PLLC

Issues and key words: Facebook, media, media terms, reach, potential reach, class action, California Unfair Competition Law, fraudulent misrepresentation, false advertising

November 2020

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Case No. 5:18- cv-1882

MONSTER ENERGY COMPANY, a

Delaware corporation,

Plaintiff,

Against

VITAL PHARMACEUTICALS, INC.,

d/b/a VPX Sports, a Florida corporation;

and JOHN H. OWOC a.k.a JACK OWOC,

an individual,

Working for Defendant/Written opinion, deposed and provided testimony at trial

Engaged by: Quarles & Brady and initially by Gordon Rees Scully Mansukhani

Issues and key words: Materiality, false advertising, beverage industry, energy drink, survey research, healthcare

October 2020

United State Patent and Trademark Office

U.S. Registration No. 5,643,377, class 010

ArthroSurface

Applicant

Worked for Respondent/Written Opinion

Engaged by: Grossman Tucker Perreault & Pflieger PLLC

Issues and key words: Trademark, functioning as a trademark, healthcare, medical equipment, orthopedic products

October 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Civ. Action No. 19-cv-581

ENCHANTE ACCESSORIES, INC.,

Plaintiff,

Against

TURKO TEXTILE, LLC, d/b/a Enchante Home

Working for Plaintiff/Written opinion and deposed

Engaged by: Notaro, Michalos & Zaccaria P.C.

Issues and key words: Lanham Act, trademark, home goods, jewelry, textiles, pillows, towels, sheets, home décor, mirrors, survey research, awareness

August 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

Case No.: 2-20-CV-01055-ALM-KAJ

LUCID HEALTH

Plaintiff,

Against

PREMIER IMAGING VENTURES, LLC,

Worked for Defendant/Written opinion

Engaged by: Taft Stettinius & Hollister LLP

Issues and key words: Reputation, trademark, Lanham Act, branding, consumer behavior, healthcare, market research, likelihood of confusion, radiology

April 2020

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Case No. 15-cv-2688 (DSD/BRT)

WATKINS INCORPORATED

Plaintiff,

Against

McCORMICK AND COMPANY, INCORPORATED.,

Working for Plaintiff/Written opinion, deposed and expected to provide testimony at trial

Engaged by: Maslon

Issues and key words: Lanham Act, false and misleading packaging, packaging, black pepper, survey research, deception, materiality, slack-fill

April 2020

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

Civil Action No. 4:19-CV-00166 SMR-HCA

TASTY TACOS, INC.,

Plaintiff,

Against

MORE THAN GOURMET, INC.,

Worked for Plaintiff/Written opinion

Engaged by: Nyemaster Goode, P.C.

Issues and key words: Trademark, restaurant chain, Mexican food, packaged goods

March 2020

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Civil Action No.: 2:18-CV-6043-GW-AFM

BILL SCHEPLER and AMRIAN GARCIA,

On Behalf of Themselves and All Others

Similarly Situated,

Plaintiffs,

Against

AMERICAN HONDA MOTOR CO., INC.

Worked for Defendant/Written opinion and deposed

Engaged by: Shook Hardy and Bacon L.L.P.

Issues and key words: Class action, false advertising, automotive, survey research

February 2020

United State Patent and Trademark Office

U.S. Serial No. 88289625

EARTH ANIMAL

Applicant

Worked for Applicant/Written Opinion

Engaged by: Grossman Tucker Perreault & Pflieger PLLC

Issues and key words: Trademark, appeal, pet food

December 2019

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Index No. 653424/2013

MAESA

Plaintiff,

Against

London Luxury

Worked for Plaintiff/Written Opinion

Engaged by: Kamerman, Uncyk, Soniker & Klein, P.C.

Issues and key words: Households goods, branding, candles, merchandising, survey research, Bed Bath & Beyond, damaged goods, packaging, retailing

September 2019

THE CIRCUIT COURT FOR BALTIMORE COUNTY

No. 03-C-19-000289 OC

MERIDIAN HOME MORTGAGE CORPORATION,

Plaintiffs,

Against

MARK MANZO, et al.,

Worked for Plaintiff/Written Report

Engaged by: Tucker Arensberg, P.C.

Issues and key words: Copyright, trade secret, direct mail, home mortgages

August 2019

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Case No.: 37-2018-00031854-CU-MM-CTL

TODD HOWARD AND RANDYE HOWARD

Plaintiffs,

Against

DREW E. COLLINS, N.D., KAITY COLLINS, N.D. DAVID HOWE, M.D., SAN DIEGO

CLINIC OF INTEGRATIVE MEDICINE, and DOES 1 through 20, Inclusive

Worked for Defendant/Consultation

Engaged by: G&P Schick, P.C.

Issues and key words: Fraud, misrepresentation, false advertising, medical, healthcare, PRP, social media

April 2019

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

Case No.: 2:15-cv-08009 (MCA) (LDW)

DAVID AFZAL and ANDY DECHARTIVONG, on behalf of themselves and all others similarly situated

Plaintiff,

against

BMW OF NORTH AMERICA, LLC

Worked for Defendant/Written opinion and deposed

Engaged by: Buchanan Ingersoll & Rooney PC

Issues and key words: Class action, false advertising, automotive

February 2019

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MISSOURI

AT KANSAS CITY

Case No.: 4:17-CV-01069-SRB

GDM ENTERPRISES, LLC, a Missouri limited liability company, d/b/a The Lano Company,

Plaintiff,

against

ASTRAL HEALTH & BEAUTY, INC.,

a Pennsylvania corporation registered in Georgia,

and ASTRAL BRANDS, INC., a Delaware

corporation registered in Georgia,

Worked for Defendants/Written opinion and deposed

Engaged by: Barnes & Thornburg LLP

Issues and key words: Lanham Act, trademark, cosmetics, beauty, social media

January 2019

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

Knoxville Division

Case No.: 3:18-CV-379-JRG-DCP

HOME FEDERAL BANK OF TENNESSEE

Plaintiff,

Against

HOME FEDERAL BANK CORPORATION

Worked for Plaintiff/Written opinion

Engaged by:

Issues and key words: Trademark, Lanham Act, banking, mortgages, secondary meaning, strength of the brand, likelihood of confusion, survey research

November 2018

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case No.: 2:16-CV-07619

NESTLE USA, INC.,  
Plaintiff,

Against

CREST FOODS, INC.,

Worked for Defendant/Written opinion and deposed

Engaged by: Locke Lord, LLP

Issue and key words: Lanham Act, Trademark, evaluation of survey research, television program

September 2018

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Case No.: 3:16-cv02816 AJB NLS

SELENA MOORER, individually and on behalf of all others similarly situated

Plaintiff,

against

STEMGENEX MEDICAL GROUP, INC., a California Corporation; STEMGENEX, INC., a California Corporation; STEM CELL RESEARCH CENTRE, INC., a California Corporation; ANDRE P. LALLANDE, DO, an Individual; SCOTT SESSIONS, M.D., an individual; RITA ALEXANDER, an individual; and DOES 1-100,

Worked for Defendant/Written opinion

Engaged by:

Rosenberg, Shpall & Zeigen

Neil, Dymott, Frank, McCabe and Hudson

Farnaes & Lucio

Issues and key words: Lanham Act, false advertising stem cell, healthcare, survey research, Internet, website, social media

July 2018

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

Case No. 1:17-cv-00406-TSB

ANNETTE NAVARRO MCCALL and  
NAVARRO PHOTOGRAPHY LLC,

Plaintiffs,

against

THE PROCTER & GAMBLE  
COMPANY; WALMART INC.) and  
DOES1-100,

Worked for Plaintiff/Written opinion

Engaged by: McCool Smith

Issues and key words: Lanham Act, hair care, copyright infringement, photography, photographs,  
beauty products,

June 2018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Case No.: 2:17-cv-13109-MOB-MKM

ABIGAIL RATCHFORD, et al.,

Plaintiffs,

Against

YESTOFFLO, LLC d/b/a THE

LANDING STRIP LOUNGE,

Worked for Defendant/Written opinion

Engaged by: Curley and Berkal, P.C.

Issues and key words: Misappropriation of image, survey research, gentleman's club, strip club  
damage to reputation, defamation, Lanham Act, social media

June 2018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Case No.: 2:17-cv-14035-PDB-DRG

JENNIFER ZHARINOVA, JAIME EDMONDSON LONGORIA, ARIANNY LOPEZ,  
CAMILA DAVALOS, MARIANA DAVALOS, MEGAN DANIELS, VIDA GUERRA,  
URSULA MAYES, and DANIELLE RUIZ,  
Plaintiffs,

Against

BOHERED CORPORATION, d/b/a TOY CHEST BAR,

Worked for Defendant/Written opinion

Engaged by: Curley and Berkal, P.C.

Issues and key words: Misappropriation of image, survey research, gentleman's club, strip club  
damage to reputation, defamation, Lanham Act, social media

June 2018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
Case No.: 2:17-cv-13761-DML-EAS

JESSICA BURCIAGA, BROOKE MARRIN, EVA PEPAJ, CIELO JEAN GIBSON, HILLARY HEPNER, KATARINA VAN DERHAM, CAMILA DAVALOS, MEGAN DANIELS, ROSIE JONES, JOANNA KRUPA, SARA UNDERWOOD, TIFFANY TOTH GRAY, LUCY PINDER, KHLOE TERAEE, ROSIE ROFF, DENISE TRLICA, JESSICA HINTON, MARIANA DAVALOS, and RHIAN SUGDEN,

Plaintiffs,

Against

PLAYER'S ENTERPRISES, INC., d/b/a PLAYER'S DETROIT,

Worked for Defendant/Written opinion

Engaged by: Curley and Berkal, P.C.

Issues and key words: Misappropriation of image, survey research, gentleman's club, strip club damage to reputation, defamation, Lanham Act, social media

January 2018

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

Application Serial Nos. 86/765,738 and 86/765,750

SANDOZ INC.,

Opposer,

Against

GLAXO GROUP LIMITED,

Worked for Opposer/Written opinion and deposed

Engaged by: Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP,

Issues and key words: Trade dress, DTC, direct to consumer advertising, branding, packaging, pharmaceutical marketing

November 2017

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

Docket 4029.1015 TM OPP

iOttie, Inc.,

Respondent,

Against

TCT/ALCATEL,

Worked for Respondent/Written opinion

Engaged by: Lucas & Mercanti, LLP

Issues and key words: Trademark, cell phones,

October 2017

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-8093-14

ALAN MARCUS,

Plaintiff,

Against

DENNIS MCNERNEY, ET AL.,

Worked for Defendant/Written opinion and deposed

Engaged by: Methfessel & Werbel, P.C.

Issues and key words: Defamation, reputation, reputation management agency, public relations agency, client losses, anonymous Internet postings, social media

September 2017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: Case No. 16-cv-06593-JSR

FINCH ET AL.,

Plaintiffs,

Against

AMLA (L'OREAL)

Worked for Defendant/Written opinion and deposed

Engaged by: Gordon & Rees

Issues and key words: Class action, false and misleading advertising and packaging, survey research, African American, beauty, hair treatment

September 2017

DISTRICT COURT  
CLARK COUNTY NEVADA

Case No.: A-15-727008-B

SWAROVSKI RETAIL VENTURES LTD., a Rhode Island corporation,

Plaintiffs,

Against

JGB VEGAS RETAIL LESSEE, LLC, a Delaware limited liability company,

Worked for Defendant/Written opinion

Engaged by: Pisanelli Bice, PLLC

Issues and key words: Reputation, trademark, branding, consumer behavior, Las Vegas, travel, jewelry, crystal, real estate, retail, retail traffic

September 2017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 17-cv-3273-(LGS)

G-CNY GROUP, LLC d/b/a CNY

Plaintiff and Counterclaim Defendant,

Against

CCNY CONSTRUCTION, INC., and CAVAN CORPORATION OF NY,

Worked for Plaintiff/Written Report

Engaged by: Saiber

Issues and key words: Reputation, trademark, likelihood of confusion, construction industry, survey research

August 2017

STATE OF NEW MEXICO  
BERNALILLO COUNTY  
SECOND JUDICIAL DISTRICT COURT

Case No.: D-202-CV-2013-06321

BRUCE PUMA and KATHLEEN PUMA,

for themselves and all others similarly situated,

Plaintiffs,

against

WAL-MART STORES, INC., APPLICA  
CONSUMER PRODUCTS, INC. and  
THE BLACK & DECKER CORPORATION,

Worked for Defendants/Provided testimony at trial

Engaged by: Mitchell Silberberg & Knupp LLP

Issues and key words: Internet, pricing, online marketing, Walmart, coffee makers, class action, appliances, licensing of a brand

July 2017

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Case No.: 4:14-CV-02025-TUC-CKJ  
Joshua David Mellberg, LLC, d/b/a J.D.  
Mellberg Financial, an Arizona limited  
liability company; and Joshua David  
Mellberg, an individual.

Plaintiffs

against

Jovan Will, an individual. Tree Fine, an  
individual. The Impact Partnership, LLC, a  
Georgia limited liability company, John  
Steve Arceo and Jane Doe Arceo, husband  
and wife, Fernando Godinez and Jane Doe  
Godinez, husband and wife, Patricia Latham  
and John Doe Latham, husband and wife,  
Carly Uretz and John Doe Uretz, husband  
and wife,

Worked for Plaintiffs/Written opinion and deposed

Engaged by: Dickinson Wright

Issues and keywords: Trade secrets, Internet marketing, financial services, financial planning,  
direct marketing

July 2017

UNITED STATES DISTRICT COURT  
DISTRICT OF CALIFORNIA, CENTRAL DIVISION

Case No.: 2:16-cv-7395-AFM

REFLEX MEDIA INC., a Nevada corporation; and CLOVER8

INVESTMENTS PTE. LTD., A

Singapore corporation

Plaintiffs,

against

GLADIUM LIMITED, a Cyprus company d/b/a Arrangement.com,  
Arrangements.com and Arrangement.net; and Does 1-10, inclusive

Worked for Defendant/Consultation and development of opinions

Engaged by: Smith Correll, LLP

Issues and key words: Lanham Act, trademark, branding, consumer behavior, media industry, websites and Internet marketing, logo, social media, Sugar Daddy industry

March 2017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 1:16-cv-01267-AT

CODENAME ENTERPRISES, INC. (d/b/a BUZZR),

Plaintiff,

against

FREMANTLEMEDIA, NORTH AMERICA, INC., USDC

Worked for Defendant/Written opinion and deposed

Engaged by: ShephardMullin

Issues and key words: Lanham Act, trademark, branding, consumer behavior, media industry, websites and Internet marketing, logo, social media, YouTube, Twitter, Facebook, television programming

January 2017

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LASC Case No.: BC 569584

BEHINDTHECHAIR.COM,

Plaintiff

against

DEAN CHRISTAL, an individual; OLAPLEX LLC, a California limited liability company; LIQWD, Inc., a California corporation; and DOES 1-10, INCLUSIVE

Worked for Defendant/Written opinion and deposed

Engaged by: Quinn Emanuel; (originally by McKool, Smith Hennigan, P.C.)

Issues and key words: Internet marketing, advertising and promotion, publicity, branding, consumer behavior, business dispute, contract, hair coloring and hair stylists, social media, Instagram, Twitter, Facebook, YouTube, magazines, direct marketing, social media, beauty

December 2016

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 16-CV-2716

NOAH BANK, a banking institution chartered under the laws of the Commonwealth of Pennsylvania, Plaintiff

against

NOA BANK, a banking institution chartered under the laws of the State of Georgia, JUNG HO KIM, a citizen of the State of Georgia, DAVID SUH (Byung Chan Suh), a citizen of the Commonwealth of Pennsylvania and DOES I through X, inclusive,  
Worked for Plaintiff/Written opinion and deposed  
Engaged by: Stevens & Lee  
Issues and key words: Lanham Act, trademark, branding, consumer behavior, banking industry, Korean American market, business loans, social media, YouTube, Twitter, Facebook, logo, social media

September 2016  
SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA  
CASE NO. RG15770490  
THE PEOPLE OF THE STATE OF CALIFORNIA  
Plaintiff,  
against  
NATIONWIDE BIWEEKLY ADMINISTRATION, INC., an Ohio Corporation; LOAN PAYMENT ADMINISTRATION LLC, an Ohio limited liability company; DANIEL LIPSKY, an individual; and DOES 1 through 25, inclusive,  
Worked for Defendant/Written opinion and deposed  
Engaged by: Law Offices of Sean Ponist P.C  
Issues and keywords: False and misleading advertising, fraud, direct marketing, direct mail, Internet, consumer behavior, survey research, mortgages

September 2016  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
Case No.: 12-cv-04069  
BIRCHMEIER ET AL.  
Plaintiffs,  
Against  
CARIBBEAN CRUISE LINE, INC. ET AL.  
Worked for Plaintiff/Written opinion/survey research submitted to court  
Engaged by: Edelson PC

Issues and key words: Class action, Telephone Consumer Protection Act (TCPA), travel, survey research, cruise industry

September 2016  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Action: 3:15-cv-02106-RS

CONSUMER FINANCIAL PROTECTION BUREAU  
Plaintiff,  
against  
NATIONWIDE BIWEEKLY ADMINISTRATION, INC., LOAN PAYMENT  
ADMINISTRATION LLC, AND DANIEL S. LIPSKY,  
Worked for Defendant/Written opinion, deposed and provided testimony at trial

Engaged by: Law Offices of Sean Ponist P.C.

Issues and keywords: False and misleading advertising, fraud, direct marketing, direct mail, Internet, consumer behavior, survey research, mortgages, financial services

April 2016  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

Case No. 1:14-cv-00206

TOYO TIRE & RUBBER CO., LTD., a Japanese corporation,  
and TOYO TIRE U.S.A. CORP., a California corporation,  
Plaintiffs,  
against  
ATTURO TIRE CORPORATION, et al.  
Worked for Plaintiff/Written opinion and deposed

Engaged by: Foley & Lardner LLP

Issues and keywords: Trade dress, patent, Lanham Act, tires, print advertising, social media, YouTube, design, consumer behavior, survey research, tire industry

April 2016  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

Case 8:15-sac-00246-DOC(Dam)  
TOYO TIRE & RUBBER CO., LTD., a Japanese corporation,  
and TOYO TIRE U.S.A. CORP., a California corporation,  
Plaintiffs,  
against  
CIA WHEEL GROUP, a California Corporation,  
DOUBLESTAR DONG FENG TYRE CO., LTD., a Chinese corporation,  
QINGDAO DOUBLESTAR TIRE INDUSTRIAL CO, LTD., a Chinese corporation,  
DOUBLESTAR GROUP CORP., a Chinese corporation,  
HONG KONG TRI-ACE TIRE CO., LTD., a Chinese corporation;  
and JINLIN MA, an individual.  
Worked for Plaintiff/Written opinion and deposed

Engaged by: Foley & Lardner LLP

Issues and keywords: Trade dress, patent, Lanham Act, tires, print advertising, social media,  
YouTube, design, consumer behavior, survey research, tire industry

January 2016  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION  
CIVIL ACTION No. 1:15-cv-01177-GBL-TCB

CUSTOMINK, LLC

Plaintiff

against  
PRINTFLY d/b/a RushOrderTees.com

Worked for Defendant/Written opinion

Engaged by: Franklin & Prokopik

Issues and keywords: Trade secrets, copyright, trademark, fashion, apparel, t-shirts

November 2015

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

Case 3:14-cv-00254-HZ

JOHN MARTIN KEARNEY, an Oregon  
resident; ROBIN A. BECK, a Colorado  
resident; CARLY LaFOREST, a  
Michigan resident; SHANE ALLPORT, a  
Michigan resident; ALYSIA ROWE, a  
Michigan resident; RICHARD  
SCHEMPP, a California resident; and,  
JEFFREY PAUL GILPIN, JR., a  
Washington resident; each on behalf of  
themselves and all similarly situated  
persons,  
Plaintiffs,

against

EQUILON ENTERPRISES, LLC, a  
Delaware corporation dba SHELL OIL  
PRODUCTS US,  
Worked for Defendant/Written opinion

Engaged by: Greensfelder, Hemker & Gale, P.C.

Issues and keywords: Consumer fraud, class action, advertising, disclosures, sales promotions,  
gasoline stations, false advertising, ski industry

October 2015

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.: 9:14-cv-81241-KAM

COMPASS ITECH, LLC,

Plaintiff

against

EVESTMENT ALLIANCE, LLC,

Worked for Defendant/Written opinion and deposed

Engaged by: Akerman, LLP

Issues and keywords: Trade secrets, database marketing, financial services, investors and fund managers, direct marketing

September 2015

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

MARGARITA DELGADO AND WILLIAM SHEPPARD, *et al.*

Case No.: 1:13-cv-04427 (NGG) (RML)

Plaintiffs

Against

OCWEN LOAN SERVICING, LLC, *et al.*

Worked for Defendant/Written opinion

Engaged by: Morrison Foerster (originally by Weiner Brodsky Kider PC)

Issues and keywords: Consumer fraud, class action, mortgages, financial services, direct marketing, direct mail, appliance warranties, financial services

September 2015

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

WEST PALM BEACH DIVISION

Case 9:15-cv-80463-RLR

INFINITY SALES GROUP, LLC a Florida

limited liability company,

Plaintiff

against

VALASSIS COMMUNICATION, INC., a

Delaware corporation, and VALASSIS DIRECT

MAIL, INC. a Delaware corporation

Worked for Plaintiff/Written opinion and deposed

Engaged by: Baker & McKenzie LLP

Issues and keywords: Print advertising, bundled mail, direct mail, shared mail, color, printing, Internet marketing, satellite television, consumer behavior

August 2015  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
Civ. Action No. 2:11-cv-06537

JOSE MENDEZ, individually, and on behalf of all others similarly situated,  
Plaintiff

against

AVIS BUDGET GROUP, INC. D/B/A BUDGET RENT A CAR SYSTEM, INC. and AVIS  
RENT A CAR SYSTEM, LLC; AND HIGHWAY TOLL ADMINISTRATION, LLC

Worked for Defendants/Written opinion, deposed and expected to provide testimony at trial

Engaged by: Day Pitney

Issues and keywords: Consumer fraud, Internet marketing, advertising, rental car industry,  
consumer behavior

July 2015  
MOTOR VEHICLE REVIEW BOARD  
STATE OF ILLINOIS  
MVRB 278-15  
Grossinger Autoplex, INC., Plaintiff

against

GENERAL MOTORS, LLC

Worked for Defendant/Written opinion, deposed and provided testimony at hearing

Engaged by: Jones Day

Issues and key words: Trademark, branding, media, consumer behavior, media, automotive

June 2015  
STATE OF MINNESOTA DIVISION  
COUNTY OF HENNEPIN  
Case No.: 27-CV-14-12558  
State of Minnesota by its Attorney General, Lori Swanson,

Plaintiff

against

Minnesota School of Business, Inc. d/b/a Minnesota School of Business and Globe University,  
Inc. d/b/a Globe University,

Worked for Defendants/Written opinion and provided testimony at trial

Engaged by: Anthony Ostlund Baer & Louwagie P.A.

Issues and keywords: Consumer fraud, education industry, Internet marketing

April 2015

JUDICIAL ARBITRATION AND MEDIATION SERVICES (JAMS)

Inform Ventures, LLC Claimant

against

Toyota Motor Services, Respondent

Worked for Respondent, deposed and provided testimony at arbitration hearing

Engaged by: Sidley-Austin

Issues and keywords: Advertising and media industry practices, co-op advertising, branding, public relations, event marketing, automotive industry

April 2015

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

Case No. 1:14-cv-00119

MOTOR WERKS PARTNERS, LP,

Plaintiff

against

GENERAL MOTORS LLC

Worked for Defendant/Written opinion and deposed

Engaged by: Jones Day

Issues and keywords: Trademark, branding, media, consumer behavior, media, automotive, sales practices

April 2015

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA DIVISION

Court File No. 14-cv-01831 (JRT-SER)

Plasti Dip International, Plaintiff

against

Rust-Oleum

Worked for Plaintiff/Written opinion and deposed

Engaged by: Briggs & Morgan

Issues and keywords: Lanham Act, branding, trademark, trade shows, advertising, media, automobile aftermarket industry, retail and resellers, corrective advertising

April 2015  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
Case No. 1:14-cv-00119

Motor Werks Partners, LP, Plaintiff

against  
General Motors, LLC, Defendant  
Worked for Defendant/Written opinion and deposed  
Engaged by: Jones Day  
Issues and keywords: dealers, automobile industry, retail and retailing, brands, branding, media, trademark, exclusivity

February 2015  
UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 14-cv846 (SRN/BRT)  
Mountain Marketing Group, LLC, and John A. Krueger d/b/a Krueger Law Firm, Plaintiffs  
against

Heimerl & Lammers, LLC, a Minnesota limited liability company, Defendant  
Worked for Plaintiff/Written opinion, deposed and provided testimony at trial  
Engaged by: Moss & Barnett  
Issues and keywords: Media, advertising, billboards, Lanham Act, brands, branding, trademark, law practice, 1-800 telephone numbers, vanity telephone numbers

February 2015  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
Case No.: 2:13-cv-04222-FMO (AGR<sub>x</sub>)  
RUSSELL MINORU ONO, individually and on behalf of other members of the general public  
similarly situated, Plaintiffs

against  
HEAD RACQUET SPORTS USA, Defendant  
Worked for Defendant/Written opinion and deposed  
Engaged by: Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P.  
Issues and keywords: Class action, tennis, false advertising, endorser, spokesperson, media

January 2015

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

Case 2:14-cv-00731

The Prestwick Group, Inc., Plaintiff  
against

Landmark Studio, Ltd., Defendant

Worked for Plaintiff/Written opinion

Engaged by: Reinhart Boerner Van Deuren s.c

Issues and key words: Lanham Act, trade dress, golf industry, sales, direct marketing, trade shows, hospitality industry, education industry

December 2014

FOURTH JUDICIAL DISTRICT COURT  
STATE OF UTAH COUNTY,  
PROVO DEPARTMENT

Case No. 120100255

Young Living

against

dōTERRA et al,

Worked for Defendant/Written opinion and deposed

Engaged by: Smith L.C.; and Durham, Jones and Pinegar

Issues and key words: Multi-level marketing, network marketing, direct selling, health and beauty products, marketing mix, social media, pricing, distribution, sales, advertising and promotion, trade secrets

November 2014

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Case No. 2:11-cv-06854-SDW-MCA

Orologio, Plaintiff

against

The Swatch Group.

Worked for Defendant/Written opinion

Engaged by: Wuersch & Gering LLP

Issues and key words: Cooperative advertising, media, Internet, branding, retail, survey research, unfair competition, jewelry industry

September 2014

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Civil Action No.: 13-CV-13-01933 DOC (JPR)

POQUITO MAS LICENSING, INC., Plaintiff

against

TACO BELL CORP., California Corporation; and DOES 1-10, inclusive

Worked for Plaintiff/Written opinion

Engaged by Blakely Law Group

Issues and key words: Lanham Act, trademark, Internet, branding, brand equity, goodwill, survey research, reverse confusion, fast food industry, quick service restaurant industry

April 2014

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

Case No.: CV 12-9942-GAF (AGR<sub>x</sub>)

LEGALZOOM.COM, INC., Plaintiff

against

ROCKET LAWYER. INC.,

Worked for Plaintiff/Written opinion

Engaged by: Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP

Issues and key words: Consumer fraud, Internet, search engines, affiliate marketing, direct marketing, false advertising, branding, brand equity, goodwill

March 2014

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

Civil Action No. 5: 10-cv-966-OLG

INDACON, INC., Plaintiff

against

FACEBOOK, INC.,

Worked for Plaintiff/Written opinion and deposed

Engaged by: Akin Gump Strauss Hauer & Feld LLP

Issues and key words: Internet, social media, Facebook, patent, value and damages, media

February 2014

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

Case No.: 8:12-cv-02897-RAL-TGW

LARRY DIMMITT CADILLAC, INC. et al., Plaintiff

against

GENERAL MOTORS, LLC

Worked for Defendant/Consultation

Engaged by: Jones Day

Issues and key words: Trademark, branding, media, consumer behavior, media, automotive

November 2013

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Case No.: CV 11-2122

JEAN ROBERT SAINT-JEAN and EDITH SAINT-JEAN, Plaintiff

against

EMIGRANT MORTGAGE COMPANY,

Worked for Defendant/Written opinion, deposed and provided testimony at trial

Engaged by: Dorsey & Whitney and Proskauer Rose

Issues and key words: Discrimination, media, advertising, banking, mortgages, direct marketing

November 2013

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

Case No.: 3:12-cv-121

BEST WESTERN INTERNATIONAL, INC., Plaintiff

against

JOSHI S. BHAGIRATH D/B/A WESTERN INN PLUS

Worked for Plaintiff/Written opinion in support of mediation

Engaged by: Frilot L.L.C.

Issues and key words: Lanham Act, trade dress, trademark, branding, Internet, advertising, media, Consumer confusion, consumer fraud, hospitality, travel

November 2013

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Case No.: 11-5504(SDW)(MCA)

IMRAN CHAUDHRI, individually, and on behalf of all others similarly situated, Plaintiffs

against

OSRAM SYLVANIA, INC., and OSRAM SYLVANIA PRODUCTS, INC.,

Worked for Plaintiff/Consultation to support mediation

Engaged by: Eichen, Crutchlow, Zaslow & McElroy, LLP

Issues and key words: Consumer confusion, consumer fraud, class action, false advertising, automotive, lighting

October 2013

AMERICAN ARBITRATION ASSOCIATION

Case No.: 13 147 y 00532 13

CA2, LLC and Carlos Ferreyros, Plaintiff

against

A2, LLC, Ariel Eroles and Alejandro Melguizo;

Worked for Defendant/Written opinion

Engaged through: Pearl Cohen Zedek Latzer Baratz LLP  
Issues and key words: Trade secrets; brand equity, client theft, agency practices

September 2013

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Civil Action No.: A-11-cv-929-LY  
DDB Technologies, L.L.C., Plaintiff

against

FOX SPORTS INTERACTIVE MEDIA, LLC

Worked for Plaintiff/Written opinion, deposed and provided testimony at trial

Engaged by: McDonnell Boehnen Hulbert & Berghoff LLP

Issues and key words: Internet, media, value and damages, patent, sports

August 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 1:12-cv-07992-KBF

GUTHRIE HEALTHCARE, INC. et al., Plaintiff

against

CONTEXTMEDIA, INC

Worked for Plaintiff/Written opinion accepted by court as testimony

Engaged by: Stevens & Lee

Issues and key words: Lanham Act, trademark, branding, consumer behavior, media industry, healthcare

June 2013

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 09-5582 (DMC) (JAD)

VINCENT LUPPINO, ET AL., Plaintiff

against

MERCEDES BENZ USA, LLC

Worked for Defendant/Written opinion and deposed

Engaged by: Gibbons, P.C. and also Carroll, Burdick & McDonough LLP

Issues and key words: class action, false advertising, automotive industry, media, consumer behavior

January 2013

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

1:2012cv20671

BRAMAN, INC. et al., Plaintiff

against

GENERAL MOTORS, LLC

Worked for Defendant/Consultation

Engaged by: Jones Day

Issues and key words: Trademark, branding, media, consumer behavior, automotive

November 2012

NEW YORK SUPREME COURT

APPELLATE DIVISION - FIRST DEPARTMENT

Index No. 115551/2008

LAUREN SCLAFANI,

Plaintiff-Respondent,

against

BACARDI, U.S.A., INC., BACARDI CORPORATION, BACARDI BOTTLING CORPORATION and BACARDI IMPORTS, d/b/a BACARDI

Worked for Defendant-Respondent/ Consultation

Engaged by: Bilzin Sumberg Baena Price & Axelrod LLP

Issues and key words: Survey research, branding, consumer behavior, alcohol, on premises

September 2012

American Arbitration Association

65-457-000081-12

MORRIE'S EUROPEAN CAR SALES,

INC. d/b/a MORRIE'S CADILLAC-SAAB, Claimant,

against

GENERAL MOTORS LLC,

Worked for Respondent/Written opinion

Engaged by: Jones Day

Issues and key words: Sales practices, trademark, branding, consumer behavior, media, distribution, automotive

August 2012

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION,

3-cv-02912 JSW MEJ

NUANCE COMMUNICATIONS, INC., Plaintiff

against

ABBYY SOFTWARE HOUSE, *et al.*,

Worked for Defendant/Written opinion, deposed and provided testimony at trial

Engaged by: Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P.,  
Issues and key words: Lanham Act, patent, trade dress, trademark, survey research, branding,  
advertising, media, packaging, software, consumer behavior, distribution, Internet

June 2012

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION,  
2:09-CV-00257-JRG  
TIVO, INC., Plaintiff

Against

VERIZON COMMUNICATIONS INC., *et al.*,

Worked for Defendant/Written Opinion and deposed

Engaged by: Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C

Issues and key words: Lanham Act, patent, survey research, service valuation,  
telecommunications industry, entertainment industry, media industry, and consumer electronics  
industry

May 2012

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK,  
10 Civ. 6370 (AKH) (HBP)  
ULTRA RECORDS, INC., a New York  
corporation, Plaintiff

against

ULTRA ENTERPRISES, INC., d/b/a

Ultra Music Festival, a Florida corporation,

Worked for Plaintiff/Written opinion and provided testimony at trial

Engaged by: Frankel & Abrams

Issues and key words: Trademark, branding, Internet, and music industry

April 2012

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK,  
Civil Action No. 1:11-cv-7345 (WHP)

Wise

Plaintiff

against

Energy Plus Holdings LLC,

Worked for Defendant/Consultation

Engaged by: Lowenstein Sandler

Issues and key words: Class action, consumer fraud, energy, electricity

March 2012

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY, TRENTON VICINAGE  
Civil File No. 10-3620 (JAP) (TJB)

THE KATIROLL COMPANY INC., Plaintiff  
against

KATI ROLL AND PLATTERS INC.,  
NIRAJ JIVANI AND RASIK JIVANI;

Worked for Defendants/Written opinion

Engaged by: Bennett, Bricklin & Saltzburg LLC

Issues and key words: Lanham Act, survey research, consumer confusion, trademark, trade dress, branding, advertising, consumer confusion, and restaurant industry

February 2012

UNITED STATES DISTRICT COURT  
PENNSYLVANIA MIDDLE DISTRICT  
Civil File No. 10-3620 (JAP) (TJB)

CALIDAD AUTO TECH, INC., Plaintiff  
against

SEARCH AUTOMOTIVE TECHNOLOGIES LLC

Working for Defendants/Consultation

Engaged by: Thomas, Thomas & Hafer LLP

Issues and key words: Lanham Act, trademark, consumer confusion, branding, advertising, automotive industry

September 2011

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

SFA Systems, LLC, Plaintiff  
against

1-800-Flowers.com, Inc., Case No.: 6:09-cv-00340-LED;

BigMachines, Inc., Case No.: 6:10-cv-00300-LED;

Amazon.com, Inc., Case No.: 6:11-cv-00052-LED;

Amazon.com, Inc., Case No.: 6:11-cv-00398-LED;

Barnes & Noble, Case No.: 6:11-cv-00399-LED; and

BigMachines, Inc., Case No.: 6:10-cv-00400-LED

Worked for Plaintiff/Written opinion and deposed

Engaged by: Russ August & Kabat

Issues and key words: Lanham Act, patent, Internet, advertising, media, ecommerce

June 2011

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Civil File No. 09-cv-1091 (JNE/JSM)

AVIVA SPORTS, INC., Plaintiff

against

Fingerhut Direct Marketing, Inc., Menard, Inc., Kmart Corporation  
and Manley Toys, Ltd.;

Worked for Defendants/Written opinion and deposed

Engaged by: Anthony Ostlund Baer & Louwagie P.A.

Issues and key words: False advertising, consumer confusion, branding, Internet, pool industry,  
and toy industry

February 2011

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

CV: 10 3673

PHILIP MORRIS USA, INC, Plaintiff

against

DENISE PASCHALL, d/b/a/ SMOKING ARROW SMOKE SHOP; NORMAN BELL d/b/a  
BELLE BELLE SMOKE SHOP; RONNE BELL d/b/a FLYING ARROWS SMOKE SHOP; and  
DOES ONE through TEN, inclusive

Worked for Defendants/Declaration - Written opinion

Engaged by: James F. Simermeyer, P.C.

Issues and key words: Branding, brand protection, Indian Reservations, and tobacco industry

February 2011

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No.: 09-cv-10182-(KMK)

VERSATILE HOUSEWARES &

GARDENING SYSTEMS, INC., Plaintiff

against

THILL LOGISTICS, INC.;

SAS GROUP, INC.;

NAT, LLC; and

JORDAN DREW CORPORATION

Worked for Defendants/Written opinion and provided testimony at trial

Engaged by: Harrington, Ocko & Monk, LLP

Issues and key words: Lanham Act, consumer confusion, branding, false advertising, media,  
consumer fraud, gardening industry

November 2010

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

Civil Action No.: 6:09-cv-479-LED  
CLEAR WITH COMPUTERS, LLC, Plaintiff  
against  
HYUNDAI MOTOR AMERICA, INC.  
Worked for Plaintiff/Written opinion, deposed and provided testimony at trial  
Engaged by: Russ August & Kabat  
Issues and key words: Lanham Act, patent, Internet, and automotive industry

September 2010  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
Case No.: BC423365  
G. GORDON LIDDY, an individual, Plaintiff  
against  
CAPITAL GOLD GROUP, INC. and DOES  
1 through 25, inclusive  
Worked for Defendant/Consultation  
Engaged by: Skousen Law  
Issues and key words: Lanham Act, branding, celebrity, consumer fraud, false advertising, media,  
copyright, investment industry, and financial services industry

September 2010  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
Civil Action No. 08-5859 (KSH/PS)  
JEFFREY MARCUS, Individually and On Behalf  
All Others Similarly Situated, Plaintiffs  
against  
BMW OF NORTH AMERICA, LLC and  
BRIDGESTONE FIRESTONE NORTH  
AMERICAN TIRE, LLC  
Worked for Defendant/Written opinion and deposed  
Engaged by: Buchanan Ingersoll & Rooney PC  
Class Action  
Issues and key words: Branding, false advertising, consumer fraud, Internet and automotive  
industry

December 2009  
UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND  
Civil Action No. 08-214ML  
GREAT NORTHERN PRODUCTS, LTD., d/b/a

“THE WORLD OF GREAT NORTHERN” &  
“GREAT NOTHERN INTERNATIONAL” Plaintiffs  
against  
DAVID SUSSMAN d/b/a “Seafoodexport The World of Great Northern”  
& “Great Northern Products, Ltd.”  
SEAFOOD EXPORT BAIT DIVISION, INC. d/b/a “Seafoodexport The World of Great  
Northern” & “Great Northern Products, Ltd.”  
GREAT NORTHERN INTERNATIONAL SAS, d/b/a “Seafoodexport The World of Great  
Northern” & “Great Northern Products, Ltd.”  
Worked for Plaintiff/Consultation  
Engaged by: Henry V. Boezi III, PC  
Issues and key words: Lanham Act, survey research, trademark, trade dress, branding, and  
seafood industry

August 2009  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No.: 09-CV-5379 (JSR)  
VIRGIN MOBILE USA, L.P., Plaintiff  
against  
METRO PCS WIRELESS, INC.,  
Worked for Defendant/Consultation  
Engaged by: Vinson & Elkins, LLP  
Issues and key words: False advertising, branding, and telecommunications industry

December 2008  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
Case No.: 2:07-CV-02159-FCD  
LYNDA CARTWRIGHT and LLOYD CARTWRIGHT  
on behalf of themselves and all others  
similarly situated, Plaintiffs  
against  
VIKING INDUSTRIES  
Worked for Defendant/Written opinion and deposed  
Engaged by: Ropers, Majeski, Kohn & Bentley  
Class Action Case  
Issues and key words: False advertising, consumer fraud, consumer confusion, warranties, and  
home improvement industry

July 2008  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 02 Civ. 2222  
Debra Levinson, et al., Plaintiffs  
against  
PRIMEDIA INC., et al.  
Worked for Plaintiff/Written opinion and deposed  
Engaged by: Leon Greenberg, Esq.  
Class Action Case  
Issues and key words: Media, advertising, Internet marketing practices

January 2008  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
Case No.: CV06-604 RSM  
JOHN M. DIBBS, Plaintiff  
against  
THE FRANKLIN MINT et al.  
Worked for Defendant/Consultation  
Engaged by: Davis Wright Tremaine LLP  
Issues and key words: Lanham Act, copyright, hobby industry, collectibles industry and toy industry

September 2007  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No.: 02 CV 7821 (RWS)  
ASHLEY PELMAN, ROBERTA PELMAN, et al. Plaintiffs  
against  
McDonald's Corporation  
Worked for Plaintiff/Written opinion  
Engaged by: Samuel Hirsch & Associates  
Class Action Case  
Issues and key words: False advertising, and restaurant industry

August 2007  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
Case No.: 06-11566  
HILLSIDE PRODUCTIONS, INC., GARY RONCELLI and JOSEPH VICARI  
Plaintiffs/Counter-Defendants  
against  
COUNTY OF MACOMB, MICHIGAN and MACOMB COUNTY PARKS AND  
RECREATION COMMISSION, jointly and severally  
Worked for Defendant/Written opinion, deposed and provided testimony at trial

Engaged by: Kitch Drutchas Wagner Valitutti & Sherbrook  
Issues and key words: Advertising practices, media industry, Internet, entertainment industry, and music industry

June 2007

AMERICAN ARBITRATION ASSOCIATION

Case No.: 11 155 Y 02704 06

ORASURE TECHNOLOGIES, INC. v. PRESTIGE BRANDS HOLDINGS, INC., MEDTECH HOLDINGS, INC., and MEDTECH PRODUCTS, INC.

Worked for Petitioner/Written opinion and provided testimony at arbitration hearing

Engaged by: Nixon Peabody

Issues and key words: Advertising practices, trademark, consumer confusion, over the counter industry, pharmaceutical industry

May 2007

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Case No.: C-06-02389 MMC (BZ)

PETE LIVINGSTON Plaintiff

against

KEYA MORGAN, et al.

Worked for Defendant/Written opinion

Engaged by: Ropers, Majeski, Kohn & Bentley

Issues and key words: Lanham Act, copyright, packaging, labels, celebrity, and wine industry

September 2006

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

Case No.: 05 CIV 1290

JTH TAX, INC. d/b/a/ LIBERTY TAX SERVICE, Plaintiff

against

LIBERTY TAX & BUSINESS SERVICES, CORP. and LUIS FRAY

Worked for Plaintiff/Written opinion

Engaged by: Emily Bass, Esq.

Issues and key words: Lanham Act, trademark, advertising, branding, accounting industry, and tax industry

May 2006

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

Case No.: C 04-05248 SBA

COSTELL N. AKRIE, Plaintiff

against

AVIS RENT A CAR SYSTEM, INC., McCANN-ERICKSON, USA, INC., and  
JOHN DOES 1-50

Worked for Defendant/Written opinion

Engaged by: Ropers, Majeski, Kohn & Bentley

Issues and key words: Lanham Act, copyright, music, advertising, and rental car industry

November 2005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

Case No.: 3:04cv0242

NATIONWIDE BI-WEEKLY ADMINISTRATION, INC., and NATIONWIDE MORTGAGE  
PROTECTION, INC., and Daniel Lipsky, Sandra Lipsky, John Gregory, and Shari Gregory,  
Plaintiffs against HOME MORTGAGE SERVICES, INC., d/b/a Home Savings Program, Bi-  
weekly Mortgage Program, Mortgage Protection Services, and The Home Savings Program  
c/o Steven P. Lipsky, Registered Agent

Worked for Plaintiff/Written opinion and deposed

Engaged by: Vorys, Sater, Seymour and Pease

Issues and key words: Lanham Act, copyright, direct marketing, branding, advertising, financial  
services industry, and mortgage industry

November 2005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No.: 04 CV 1187

JONATHAN MANNION, Plaintiff

against

COORS BREWING COMPANY and CAROL H. WILLIAMS ADVERTISING, Defendants

Worked for Plaintiff/Written opinion and deposed

Engaged by: Mary Dorman, Esq.

Issues and key words: Lanham Act, copyright, advertising and beer industry

July 2005

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Application of NEXTEL PARTNERS, INC. and NEXTEL PARTNERS OPERATING CORP,  
Petitioners

against

NEXTEL COMMUNICATIONS, INC and NEXTEL WIP CORP., Respondents

Worked for Petitioner/Written opinion

Engaged by: Wachtell, Lipton, Rosen & Katz

Issues and key words: Lanham Act, branding, trademark, consumer confusion, survey research, telecommunications industry

August 2005

INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION & RESOLUTION CPR No. G-05-33H

Arbitration of NEXTEL PARTNERS, INC. and NEXTEL PARTNERS OPERATING CORP, Claimants against NEXTEL COMMUNICATIONS, INC and NEXTEL WIP CORP., Respondents

Worked for Claimant/Written opinion

Engaged by: Wachtell, Lipton, Rosen & Katz

Issues and key words: Lanham Act, branding, trademark, consumer confusion, media, survey research, telecommunications industry

April 2005

State of Florida Department of Health

DOH Case No: 2005-00229

Medical Licensing Board Complaint versus Stephen Chiarello, MD, Defendant

Worked for Defendant/Written opinion

Engaged by: Barr, Murman, Tonelli

Issues and key words: Advertising, medical, medical practice, physician, prescriptions, and Botox

## **BRAND CATEGORY EXPERIENCE INCLUDING COMMERCIAL EXPERIENCE**

### ***Advertising and PR Agencies***

Backer Spielvogel Bates

BBDO

Bozell Jacobs Kenyon and Eckhardt

Changing Our World

Christie MacDougall Mitchell

Creamer Dickson Basford

Grey Advertising

Hunter Public Relations

Talon

Chrysler Jeep

General Motors

Hyundai

International Auto Manufacturers

Mercedes

Mitsubishi

Peugeot

Raindance Paint

STP Fuel Additives

Toyo Tires

Valvoline Motor Oil

### ***Automotive***

BMW

Cadillac

Cars.com

### ***Beverages***

A&W Root Beer

Bang

Coors Brewing  
Kool-Aid  
Lavazza  
Marilyn Wines  
Monster  
Milk Processors Association (Milk  
Moustache Campaign)  
Miller Genuine Draft  
Miller Lite  
Ocean Spray  
Ukrainian Vodka  
Zima

***Chemicals and recycling***

Air Products  
DuPont  
Hercules  
Pfizer Chemical Division  
Stericycle Waste Management

***Electric Utility***

Duke Power  
Florida Power and Light  
Georgia Power  
Southern Company

***Fashion and Image Products***

Elizabeth Arden  
Faberge Brut  
Fruit of the Loom  
Joop Jeans  
Marithe et Francois Girbaud  
Patek Philippe  
Swatch  
Tommy Hilfiger  
Unique Solutions  
Vanity Fair Lingerie

***Financial Services***

Capital Gold Group  
CitiBank  
Emigrant Mortgage  
Marine Midland Bank

MassMutual  
Merrill Lynch  
Prudential Investment Services  
Prudential Real Estate  
Travelers Mortgage Services  
Visa

***Food***

A&P Food Stores  
Arbys  
Campbell Soup  
Food Emporium (owned by A&P)  
Frozen Vegetable Association  
Idaho Potato Commission  
Jif Peanut Butter  
Kool-Aid  
Mazola Corn Oil  
M&Ms  
Marie Callender's Restaurants  
Mars  
McDonald's  
Milk Processors Association  
Milky Way  
Pasta Montana  
Pepperidge Farm  
Pizza Hut  
Poquito Mas  
Red Lobster Restaurants  
Skippy Peanut Butter  
Snickers  
Tasty Tacos  
Thomas' English Muffins  
Uncle Ben's Rice

***Household/Home Products***

Awesome Auger  
Banzai Pools  
Bestdecoratingideas.com  
Carrier Air Conditioners  
Colgate Dishwashing Tabs  
DuPont Pillows

Electrasol  
Elmer's Glue  
Ethan Allen Furniture  
Italian Export Association  
Jet Dry  
Lime-a-Way  
Plasti Dip  
Quixtar  
Manley Toys  
Samsung Robot Vacuum Cleaner  
ShopVac dry vacuum  
Tyco Toys  
Viking Windows (division of Pella)

### ***Media and Entertainment***

Amazon  
CNBC  
Computerworld Magazine  
Facebook  
Fox Sports Interactive  
Madison Square Garden  
National Cable Television Association  
New York Racing Authority (NYRA)  
New York Times  
Simon & Schuster  
Six Flags Great Adventure  
Starz Encore Movie Network  
Steven Covey and the Franklin Covey Inc.  
Ultra Records  
Verizon FiOS  
Wall Street Journal

### ***Nonprofit and Government***

Air Force  
Department of Defense  
Frozen Vegetable Association  
Health Insurance Association of America  
Idaho Potato Commission  
International Automobile Manufacturers  
Joint Recruiting and Advertising Program  
Junior Achievement  
Life Insurance Association of America  
Milk Processors Association

National Foundation for Infectious Diseases  
National Guard  
Natural History Museum of the Adirondacks  
National Highway & Safety Administration  
New York University  
United Jewish Appeal  
United Nations World Food Program

### ***Pet Food***

Kitty Kat Cat Food  
Pedigree Dog Food

### ***Pharmaceutical and Health***

AbbVie  
Amgen  
Bluebird Bio  
Carter Wallace  
Guthrie Health and Hospital Group  
Health Insurance Association of America  
Long Island Jewish Hospital  
McKesson Biologics  
Merck Chicken Pox Vaccine  
Nutraceuticals for Mars, Inc.  
Nutramax  
Orasure  
Pfizer  
National Foundation for Infectious Disease  
Reactine  
Rebotix Repair  
Smith Kline Hepatitis Vaccines Division  
Society for Microbiologists  
Stemgenex Medical Group  
Stericycle  
Visene Eye Drop

### ***Personal Care Products***

Barbasol Shaving Cream  
Ramses Condoms  
Rid Lice Treatment  
Transitions Lenses  
Trojans Condoms (Carter Wallace)  
Varilux  
Visene Eye Drops

***Telecommunications***

Allnet Communications  
AT&T  
Bell Atlantic  
BellSouth

BellSouth Yellow Pages  
GTE  
Nextel  
New York Telephone  
Sprint  
Verizon  
Western Electric

***Technology and Software***

Abbyy  
Ast Computers  
Bell Laboratories  
Canon Cameras  
eCode.com  
Exide Batteries  
JVC  
Minolta  
Nuance  
Olympus Cameras  
Panasonic  
Samsung Technology Solutions  
Seiko  
Sylvania  
Technics

***Tobacco***

Altria (Philip Morris)  
  
Kent Brand  
  
Parliament Brand

***Travel and Hospitality***

Avis Rental

Best Western  
Carnival Cruises  
Israeli Tourism  
Jamaican Tourism  
Mexican Tourist Board  
Oklahoma Tourism  
Pan Am Airlines  
TWA Airlines

