

Larry Chiagouris
BrandMarketing Services, Ltd.
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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 60 occasions. Testimony has been provided to support litigation related to matters pertaining to class actions, consumer fraud, false advertising and intellectual property matters, defamation, trade secret and business disputes, 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 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 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 7 through 31 below):

- Experience evenly divided between plaintiff and defendant engagements over 60 cases
- Several cases include elements of intellectual property issues
- 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 and arbitration venues
- Engaged by both large multinational law firms and small boutique firms
- Class action cases for both plaintiffs and defendants

EDUCATION

- Ph.D., – Marketing and Buyer Behavior, The City University of New York
- M.Phil. – Business, The City University of New York
- A.P.C., – Marketing, New York University Stern School of Business
- M.B.A., - Industrial Psychology, Baruch Graduate School of Business, City University of New York
- 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: 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

- Award Recipient from the US State Department: Requested to deliver lectures to business leaders of other countries on “Branding in the New Media Environment”
- Selected to attend Harvard University Annual AMA Doctoral Consortium

- Voted by *Agency Magazine* as one of the ten “all stars” in advertising research
- 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
- Inducted into Beta Gamma Sigma National Honors Society
- Appointed AMA representative to U.S. Bureau of the Census for Census 2000
- Former Chairman of the Board of the Advertising Research Foundation
- Former Member of the Board of Directors of the American Marketing Association and President, New York Chapter
- Winner of three Effie Awards for advertising effectiveness
- Appointed industry judge at Public Relations Society of America Silver Anvil Awards
- Served as faculty member for American Marketing Association’s Advanced School of Marketing Research
- 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. Girardi, Paula, Chiagouris, Larry
The Digital Marketplace: Early Adopters Have Changed
Journal of Marketing Development and Competitiveness, 12(1), 2018
2. 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
3. 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
4. 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
5. 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
6. 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

7. 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
8. 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
9. Lantieri, Tara, Chiagouris Larry **Brand Trust in an Age Without Trust: Expert Opinions**
Journal of Consumer Marketing: Vol. 26, No. 2, 2009
10. 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
11. 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
12. Moffit Timothy, Chiagouris Larry **What Would Richard Branson Do?**
Marketing Management: May/June 2008
13. Chiagouris Larry, Ray Ipshita **Saving the World with Cause Related Marketing**
Marketing Management: July/August 2007
14. Chiagouris Larry, Long Mary **Will Your Online Retailing Be a Site for Sore Eyes**
Marketing Management: March/April 2007
15. Gonzalez Jose, Chiagouris Larry **The Market Orientation of Internet Support Companies**
Journal of Internet Commerce: January 2007
16. Chiagouris Larry **New Media Power**
Marketing Management: November/December 2006
17. Long Mary, Chiagouris Larry **The Role of Credibility in Shaping Attitudes Toward Nonprofit Websites**
International Journal of Nonprofit and Voluntary Sector Marketing: August 2006
18. Johnson William, Chiagouris Larry **So Happy Together (The Link Between Employee and Customer Satisfaction)**
Marketing Management: March/April 2006
19. Gonzalez Jose, Chiagouris Larry **Internet Support Companies: The Impact of Marketing Orientation**
Journal of Internet Banking and Commerce: April 2006, Vol. 11, No. 1
20. Topol Martin, Chiagouris Larry **To Dream the Impossible Dream (Customer Loyalty)**
Marketing Management: November/December 2005
21. Chiagouris Larry **Non-Profit Brands**
Marketing Management: September/October 2005
22. Mohr Iris, Chiagouris Larry **Get the Word Out (SPREADING WORD OF MOUTH)**
Marketing Management: July/August 2005
23. Chiagouris Larry, Mohr Iris **An Evaluation of the Effectiveness of Internet Advertising Tools**
Journal of Internet Commerce: Volume 3, Number 3 2004

24. Chiagouris Larry, Wansley Brant **How To Turn New Companies Into Large Companies at the Speed of Light**
Marketing Management: September/October 2003
25. Chiagouris Larry, Farinelli Jean **Staying Safe in a Dangerous World (GLOBAL MARKETING ISSUES)**
Marketing Management: March/ April 2002; 11, 2
26. Chiagouris Larry, Wansley Brant **Branding On The Internet**
Marketing Management: Summer 2000; 9, 2.
27. Chiagouris Larry, Middleman Ann **Research For Ink: How To Get Opinion-Driving Publicity From Market Research**
Public Relations Quarterly: Winter 1998/1999: 43, 4
28. 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
29. Chiagouris Larry **Advertising Decision Making In The Year 2020**
Journal of Advertising Research: February/March 1990
30. Kahle Lynn R., Chiagouris Larry **Values, Lifestyles and Psychographics.** Mahwah, New Jersey: Lawrence Erlbaum Associates, Inc., Publishers, 1997
31. 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

1. Chiagouris, L. & Kaplan, L.B. (2016). **Uses of Survey Research in Damages Estimation.** In N. Fannon & J. M. Dunitz (Eds.), *The Comprehensive Guide to Economic Damages Vol. 1* (pp. 669-686). Portland, OR: BVR.
2. Chiagouris, Larry, **The Secret is in the Data: Delivering What Customers Need & Desire**
The Robin Report, January 2012
3. 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
4. Chiagouris Larry, Verniere Alexis **Marketing Functions on the Internet**
Wiley Encyclopedia of Marketing, December 2010
5. Chiagouris Larry **Comparative Advertising**
Wiley Encyclopedia of Marketing, December 2010
6. Chiagouris Larry, **Survey Research to Support Litigation**
HG Experts, 2009
7. Chiagouris Larry **Viral Communications**
Kitchen & Bath Business, November 2006
8. Chiagouris Larry **Nonprofits Can Take Cues from Biz World**
Marketing News, 6/15/2006, Vol. 40 Issue 12, p20
9. Chiagouris Larry, Nankin Conrad **Strategic Plans Solidify Branding On Net**
Marketing News, 6/1/2004, Vol. 38 Issue 10, p28
10. Chiagouris Larry, Wansley Brant **Teach Your Children**

Adweek: September 27, 1999

11. Chiagouris Larry **Utility Companies' of Market Research**
Quirk's marketing research review: February 1999, Vol. XIII, No. 2
12. Chiagouris Larry **Confessions of a Silver Anvil Judge**
Public Relations Strategist: Winter 1998
13. Chiagouris Larry **Wall Street's Wireless Influence**
Wireless Reviews: Dec 1, 1998; 15, 24
14. Chiagouris Larry **Eight Steps To Improved Investor Relations**
Electrical World: September 1998, Vol.212, Iss. 9
15. Farinelli Jean, Chiagouris Larry **Communicating Your Company's Hidden Value**
IR Update: July 1998
16. Chiagouris Larry, Plank Richard **Raising the Bar**
Electric Perspectives: March/April 1998
17. Chiagouris Larry, Plank Richard **Marketing Research In The Utility Industry:
The State of the Art**
American Gas: February 1998
18. Chiagouris Larry **Hidden Value Index**
The Annual Report of the Global Public Network: November 15, 1997
19. 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 2011 (second edition)

LEGAL AND REGULATORY CASES AND TESTIMONY

DATES NOTED ARE DATES THAT ENGAGEMENT WAS INITIATED

Overview of Case experience:

- Experience evenly divided between plaintiff and defendant engagements over 60 cases
- Several cases include elements of intellectual property issues
- Several cases involve false and misleading advertising issues
- 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

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

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

Engaged by: Buchanan Ingersoll & Rooney PC

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

November 2018

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No.: 2:16-CV-07619

NESTLE USA, INC.,

Plaintiff,

Against

CREST FOODS, INC.,

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

Engaged by: Locke Lord, LLP

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

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,

Working for Defendant/Written opinion and expected to provide testimony at trial

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

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.,

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

Engaged by: Methfessel & Werbel, P.C.

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

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)
Working 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

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

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

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,

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

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 CRISTAL, 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

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,

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

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

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,
Working for Defendant/deposed and expected to provide 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

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

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

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.

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

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, apparel

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.*

Working 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

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: Media, 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
Working 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
Working 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

April 2015
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINIOS

EASTERN DIVISION

Case No. 1:14-cv-00119

Motor Werks Partners, LP, Plaintiff

against

General Motors, LLC, Defendant

Working 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_x)

RUSSELL MINORU ONO, individually and on behalf of other members of the general public similarly situated, Plaintiffs

against

HEAD RACQUET SPORTS USA, Defendant

Working 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.
Working 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_x)

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 in lieu of 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;
Working 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, and tobacco industry

February 2011

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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

VERSATILE HOUSEWEARS &

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

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

Automotive

BMW

Cadillac

Cars.com

Chrysler Jeep

General Motors

Hyundai

International Auto Manufacturers

Mercedes

Mitsubishi

Peugeot

Raindance Paint

STP Fuel Additives

Toyo Tires

Valvoline Motor Oil

Beverages

A&W Root Beer

Coors Brewing

Kool-Aid

Marilyn Wines

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 Fragrance

Elizabeth Arden
Faberge Brut
Fruit of the Loom
Joop Jeans
Marithe et Francois Girbaud
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
Red Lobster Restaurants
Skippy Peanut Butter
Snickers
Thomas' English Muffins
Uncle Ben's Rice

Household/Home Products

Awesome Auger
Banzai Pools
Bestdecoratingideas.com
Carrier Air Conditioners
Colgate Dishwashing Tabs
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
Frozen Vegetable Association
Health Insurance Association of America
Idaho Potato Commission
International Automobile Manufacturers
Joint Recruiting and Ad 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 Programme

Pet Food

Kitty Kat Cat Food
Pedigree Dog Food

Telecommunications

Allnet Communications
AT&T
Bell Atlantic
BellSouth
BellSouth Yellow Pages
GTE
Nextel
New York Telephone
Sprint
Verizon
Western Electric

Technology and Software

Abby
Ast Computers
Bell Laboratories
Canon Cameras

Pharmaceutical and Health

Amgen
Carter Wallace
Guthrie Health
Health Insurance Association of America
Merck Chicken Pox Vaccine
Nutraceuticals for Mars, Inc.
Nutramax
Orasure
Pfizer
National Foundation for Infectious Disease
Sandoz
Smith Kline Hepatitis Vaccines Division
Society for Microbiologists
Stericycle

Personal Care Products

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

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

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

