

# SILVERMAN CONSULTING LLC

**Bruce Silverman** is one of America's best known and well respected advertising and branding experts.

Prior to forming Silverman Consulting LLC in 2005, Bruce served as EVP/Executive Creative Director at three of America's largest advertising agencies (Ogilvy, Bozell and BBDO), as President of two of the nation's best independently-owned agencies (Asher/Gould and Wong Doody), and as President/CEO of the principal U.S. unit of the world's largest media planning and buying shop (Initiative Worldwide). A long-time member of the Board of Directors of the American Association of Advertising Agencies, he also served as Vice Chairman of the Western Region of the AAAA and Vice President of the Los Angeles Advertising Agency Association.



Bruce provides advice and counsel to companies both in the U.S. and abroad engaged in marketing consumer goods and services. In addition, he works with law firms as an expert witness on cases relating to false and misleading advertising, trademark infringement, consumer confusion, branding, publicity rights, advertising industry custom and practice and media. Bruce has testified in state and federal courts as well as before the Copyright Royalty Judges of the Library of Congress.

Bruce was the creative mind behind "Don't Leave Home Without It" for American Express, "Bullish on America" (Merrill Lynch), "Something Special in the Air" (American Airlines), "Not made in 'Nooo Yawk Ciddy" (Pace Picante), "The Shell Answer Man" and a dozen other award winning campaigns for such clients as IBM, Hershey's, Baskin-Robbins, Coldwell Banker, Sizzler, Suzuki, Pabst, Sanyo, Mattel, Greyhound and Post. He is particularly proud of the very successful tobacco-use prevention campaign he created and directed for the California Department of Health Services which became the prototype for virtually every anti-tobacco campaign in the world. At Initiative Media, he supervised more than \$10 billion in annual media planning and buying for more than 500 clients including Disney, Electronic Arts, Carl's Jr., Taco Bell, Albertson's, Acura, Bally's Health & Fitness, Six Flags, America Online, the United States Navy and Yahoo!

Bruce has appeared frequently on television and radio and has been interviewed by *The New York Times*, *The Wall Street Journal*, *The New Yorker* and many other newspapers and magazines on subjects relating to advertising and media. He has taught advertising at Pepperdine

SILVERMAN CONSULTING LLC  
MARKETING/ADVERTISING/MEDIA  
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University and UCLA Extension, and has guest lectured at the UCLA Anderson School of Management, USC, California State University Northridge, California State University San Diego, California State University San Francisco, Rice University, the University of Houston, the University of Texas, the Thunderbird School of Management, NYU, Stanford and the University of Hawaii.

Bruce has also served as a board director and/or advisory board member for a number of media-related companies including Triton Media, 24/6, Inc., NFH, Inc., Adam, Inc., Telecentris, Inc., Big Moving Pictures, Inc., NTB Media, Inc., Bulzi Media, Inc. and Madison Avenue Media, Inc.

A graduate of Adelphi University in New York (where he has been honored as a “Distinguished Alumnus”), Bruce is a confirmed theater, music and arts junkie, voracious reader, sports fan and world traveler. Bruce was a founding board member of the Los Angeles Children’s Museum and later served as Chairman of the Resource Development Committee of the Starbright Foundation. He is an active member of the Academy of Television Arts & Sciences, the Dean’s Advisory Board of UCLA Extension and the County of Los Angeles Public Library Strategic Plan Advisory Council. He is married to Nancy Cole Silverman, a former radio and publishing executive who is the author of the novels *When in Doubt*, *Don’t!*, *Ode to Kokopelli*, *The Centaur’s Promise*, and *The Salvationist*.

# SILVERMAN CONSULTING LLC

## **BRUCE G. SILVERMAN**

### *CURRICULUM VITAE*

May 2005 – Present

#### **SILVERMAN CONSULTING LLC**

##### **Principal**

Adviser to a number of international companies and marketing services firms. Interim CEO at Dynasty Visual Effects LLC and 24/6, Inc. (dba Pocket Billboards). Expert witness (case list attached) for law firms representing clients in cases where marketing, advertising, media and/or branding is at issue.

January 2004 – April, 2005

#### **WONG DOODY ADVERTISING (Los Angeles)**

##### **President**

Wong Doody (now WDWC) is an independently-owned advertising agency best known for its excellent creative product. Clients included Alaska Airlines, Autodesk, MGM Home Entertainment, Sony Pictures, Los Angeles Dodgers, Alpine Electronics, Clif Bar, Inc., UCLA/Anderson School of Management.

April, 1997 – Dec., 2003

#### **INITIATIVE PARTNERS (Los Angeles)**

##### **President/CEO**

Management responsibility for principal U.S. unit of world's largest (\$22BB+) advertising media agency. Member, Initiative Worldwide Board of Directors. Accounts included Walt Disney Company (all divisions), Carl's Jr., Unilever, Arco, E\*Trade, Albertson's, Baskin-Robbins, Cisco Systems, HealthNet, The Home Depot, Taco Bell plus more than 100 advertising agencies operating throughout the United States and Canada.

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January 86 – March ‘97

**ASHER/GOULD ADVERTISING, INC. (Los Angeles)**  
**President/Chief Creative Officer/Chief Operating Officer**

Principal, Board of Directors. Clients included Suzuki cars and trucks; Pabst Brewing Company, Southern California Cable Marketing Council, Pizza Hut, Sanyo, ITT/Sheraton, State of California Department of Health Services, American Savings Bank, Baskin-Robbins, SunAmerica, Avery Dennison, The Men’s Wearhouse.

January 84 – December ‘86

**BBDO/WEST, INC. (Los Angeles, San Francisco)**  
**Executive Vice President; General Manager and Chief Creative Officer**

Vice Chairman, Board of Directors. Accounts included Apple Computer International, Coldwell Banker, Sizzler, PIP Printing, Hughes Supermarkets, Sanyo/Fisher, Southern California Dodge Dealers, Sebastiani Vineyards

January 81 – December ‘83

**BOZELL & JACOBS, SOUTHWEST, INC. (Dallas)**  
**Executive Vice President; Chief Creative Officer**

Member, Bozell & Jacobs, Inc. Board of Directors. Accounts included American Airlines, Greyhound, Symantec, Zale Corporation, Pace Foods, Quaker Oats, Armour Foods.

August 67 – December ‘80

**OGILVY & MATHER, INC. (New York)**

Senior Vice President; Executive Creative Director, O&M New York. Also ECD, Los Angeles (1977-80); Houston (1974-77); Associate Creative Director, O&M New York (1972-74).

Member, O&M USA Council of Directors. Accounts included American Express, Shell, Merrill Lynch, Mercedes Benz, Panasonic, Maxwell House, Nabisco, Post cereals, Imperial Margarine, Dove soap, IBM, Smith Barney, Mattel, Universal Studios, Trailways, Korean Airlines, TWA, KLM, Puerto Rico Tourism, British Tourism, French Tourism, Nickelodeon, MTV.

**EDUCATION**

June 1966 BA, Adelphi University, Garden City, New York

**INDUSTRY**

Vice Chairman, Western Region – American Association of Advertising Agencies (industry trade association) (1995-2002)

National Board of Directors – American Association of Advertising Agencies (1995-2002)

Vice President – Los Angeles Advertising Agencies Association (1995-2002)

Member, Los Angeles Advertising Club (1978-1980; 1984-2005)

Vice President – Dallas Advertising Club (1981-1983)

Vice President – Houston Advertising Federation (1975-1977)

Member – Academy of Television Arts & Sciences

Director – Los Angeles Chapter, Forensic Expert Witness Association

**TEACHING POSITIONS**

Instructor: Pepperdine University, UCLA Extension

Guest Instructor: UCLA Anderson School of Management, University of Southern California, California State University Northridge, California State University San Diego, California State University San Francisco, Southern Methodist University, the University of Houston, the University of Texas, the Thunderbird School of Management, NYU, Stanford and the University of Hawaii. Dean's Board of Advisors, UCLA Extension

**OTHER**

Author: *How to Create Tobacco-Use Prevention Advertising That Works*; University of Florida Press, 1996

Author: *How to Complain for Fun and Profit*; Schulzke Publishing, 2008

Media Appearances: Frequent “advertising/marketing guest authority” on Bloomberg News, NBC News, ABC 20/20; cited in articles in *Wall Street Journal*, *New York Times*, *Los Angeles Times*, *USA Today*, *Advertising Age*, *AdWeek*

**AWARDS:**

Multiple Clios, One Show “Pencils,” multiple Beldings, two Gold Lions at Cannes International Advertising Festival; two David Ogilvy Awards.

**ADVERTISING CLIENTS SERVED**  
**(Partial List; 1968-2013)**

|  |   |  |
|--|---|--|
| Aaron Brothers Art<br>Marts            | Beijing Zhong Gao<br>International HR Co.<br>LTD.               | Century City Doctors<br>Hospital       |
| Alaska Airlines                        | Baskin-Robbins  | Cessna Citation                        |
| Albertson's<br>Supermarkets            | Bennigan's  | CFO911                                 |
| Allied Bank of Texas                   | Bellagio Hotel & Casino   | Checker Auto Parts                     |
| ALM Royal Dutch<br>Airlines            | BH Direct   | Cherokee                               |
| Alpine Electronics                     | Brew 102 Beer   | Chevrolet                              |
| America On-Line                        | Bright Strategic Design   | Circle K                               |
| American Airlines                      | British Tourist Authority                                       | Circus World                           |
| American Express<br>Credit Cards       | Buena Vista Pictures  | Cisco                                  |
| American Express<br>International Bank | Bullpen Integrated<br>Marketing                                 | City Investing                         |
| American Express<br>Travel Service     | Cadforce  | Clif Bar                               |
| American Savings Bank                  | California Avocados   | Contac                                 |
| Apple                                  | California Department<br>of Health Services -<br>BabyCal        | Coldwell Banker                        |
| Computers/International                | California Department<br>of Health Services -                   | Cooper Industries                      |
| Arco                                   | First5  | Country Club Malt<br>Liquor            |
| Armour Foods                           | California Department<br>of Health Services - HIV<br>Prevention | Country Time<br>Lemonade               |
| Augustine Casino                       | California Department<br>of Health Services -                   | Cunard Lines                           |
| Autodesk                               | Tobacco Use Prevention  | Desert Inn Hotel &<br>Casino           |
| Avery Dennison                         | C & R Clothiers   | Disney Home Video                      |
| Avis Rent-a-Car                        | California Avocados   | Disneyland                             |
| Avon Cosmetics                         | California Egg<br>Commission                                    | Dodge and Dodge<br>Dealer Associations |
| Ayzenberg                              | Carl's Jr.  | Dove Beauty Bar                        |
| Bailey Banks & Biddle<br>Jewelers      | Century Aesthetics  | Dove Liquid                            |
| Ballantine Ale                         |   | Dresser Industries                     |
|  |   | E*Trade                                |
|  |   | Esprit                                 |

|   |   |                                     |
|---|---|-------------------------------------|
| Falcon Waterfree                          | Kennedy's Clothiers                       | Move.com                            |
| Falstaff Beer                             | Kia                                       | MTV                                 |
| Fisher                                    | Kinerase                                  | Nabisco Double Stuf                 |
| French Government<br>Tourist Office       | KLM Royal Dutch<br>Airlines               | Nabisco Krazy Glazy                 |
| Frontiers Media LLC                       | Korean Airlines                           | Nabisco Saltine<br>Crackers         |
| Gibraltar Savings &<br>Loan of California | Las Vegas Convention<br>& Visitors Bureau | Nabisco Sooper Kookies              |
| Gibraltar Savings &<br>Loan of Texas      | Law Offices of Larry H.<br>Parker         | Nationwide Insurance                |
| Glyphix                                   | Loreto Bay                                | Nationwide PharmAssist              |
| Grand Ol' Opry                            | Los Angeles Dodgers                       | New York New York<br>Hotel & Casino |
| Greyhound Lines                           | Luna Bar                                  | Nextel                              |
| Hamm's Beer                               | M Creative Group                          | Nice Advertising                    |
| Hardee's                                  | Marriott                                  | Nickelodeon                         |
| Harris & Frank<br>Clothiers               | Mary Kay Cosmetics                        | Olympia Beer                        |
| HBO                                       | Mattel Electronics                        | Olde English 800 Malt<br>Liquor     |
| Hershey                                   | Mattel Toys and Games                     | Opryland USA                        |
| Horizon Media                             | Maxwell House                             | Owens-Corning<br>Fiberglas          |
| Houston Grand Opera                       | Mead-Johnson Enfamil                      | Pacifica Ventures                   |
| Houston Lighting &<br>Power               | Mead-Johnson Metrecal                     | Paintrol Clinics                    |
| Hughes Supermarkets                       | Men's Wearhouse                           | Pabst Blue Ribbon Beer              |
| Hyatt Regency Maui                        | Mercedes-Benz                             | Pace Picante Sauce                  |
| Hyatt Regency Waikiki                     | Merrill Lynch                             | Panasonic                           |
| IBM                                       | Mervyn's                                  | Paragon Luggage                     |
| Imperial Margarine                        | MGM Grand Hotel &<br>Casino               | Pearl Beer                          |
| Intercept Program                         | MGM Home Video                            | Pepperidge Farm                     |
| International Nickel                      | Mirage Hotel & Casino                     | Peugeot                             |
| International Paper                       | Mobile Dynamics                           | Pepsi Light                         |
| Intuit - QuickBooks                       | Modern Diagnostics                        | Pioneer Chicken                     |
| Jaguar                                    | J. P. Morgan & Co.                        | PIP Printers                        |
| Kaiser Permanente                         | Mountain Dew                              | Pizza Hut                           |

|   |   |                                    |
|---|---|------------------------------------|
| Plastic Cash International                | Shell Oil Company (Corporate)               | Treasure Island Hotel & Casino     |
| Post Alpha-Bits                           | Shell Fire & Ice Motor Oil                  | TWA                                |
| Post Cocoa Pebbles                        | Shell Gasoline                              | Twice as Nice shampoo              |
| Post Fruity Pebbles                       | Schiller LLC                                | UCLA Anderson School of Management |
| Post Super Sugar Crisp                    | Sit 'n Sleep                                | UCLA Athletics                     |
| Private Health                            | Six Flags                                   | UCLA Health System                 |
| Private Stock Malt Liquor by Haffenreffer | Sizzler                                     | Union Bank of California           |
| Quaker Oats                               | Sony Pictures Entertainment                 | United Health Plan                 |
| Radarworks                                | Southern California Cable Marketing Council | United States Travel Authority     |
| Rail LA                                   | Southwestern Bell                           | Universal Studios Hollywood        |
| Ralphs Supermarkets                       | Smith Barney                                | UPN                                |
| Relocation.com                            | Swanson Frozen Dinners                      | U.S. International Media           |
| Republic Bank of Texas                    | Steak & Ale                                 | U.S. Trust                         |
| Ringling Brothers Barnum & Bailey Circus  | SunAmerica                                  | Valley National Bank (AZ)          |
| Rogers & Associates                       | Suzuki Automotive                           | Vons Supermarkets                  |
| Salt River Project                        | Symantec                                    | VoxOx                              |
| Safeway Supermarkets                      | Taco Bell                                   | Walt Disney Pictures               |
| Salus Surgical Centers                    | The Home Depot                              | Warner Brothers                    |
| Sanyo                                     | The Walt Disney Company                     | Wei Dong Investment Holdings Ltd.  |
| Schaeffer Beer                            | Telcentris                                  | Wherehouse Records & Tapes         |
| Sears                                     | Tom Sawyer's Old Fashioned Fried Chicken    | World Poker Tour                   |
| Sebastiani Vineyards                      | Touchstone Pictures                         | Yahoo!                             |
| Shell Farm Chemicals                      | Trailways Bus Lines                         | Zale Jewelers                      |
| Shell Industrial Chemicals                |   | Zippo                              |
| Shell Plastics and Resins                 |   |                                    |
| Shell Synthetic Rubber                    |   |                                    |

### **EXPERT WITNESS EXPERIENCE**

1. I have been designated as an Expert Witness 41 times. (I have consulted on a number of other branding/trademark/marketing/advertising/media-related cases as well.)
2. I have been deposed as an Expert 22 times.
3. I have prepared Expert Reports and/or Declarations 27 times.
4. I have been qualified and have testified as an Expert in court/and or at arbitration hearings 12 times.
  - Arbitration Hearing, Los Angeles, CA 2013
  - Arbitration Hearing, Bakersfield, CA, 2012
  - Portland, United States District Court, 2012
  - Los Angeles, Superior Court for the State of California, 2011
  - Arbitration Hearing, Los Angeles, 2011
  - Arbitration Hearing, Los Angeles, 2009
  - Santa Ana, CA, Superior Court for the State of California, 2009
  - Norwalk, CA, Superior Court for the State of California, 2008
  - Washington, DC, Copyright Royalty Court of the Library of Congress, 2007
  - Los Angeles, United States District Court, 2006
  - Los Angeles, Superior Court for the State of California, 2006
  - San Diego, Superior Court for the State of California, 2002
5. Approximately 30 percent of my professional time is spent as an “Expert Witness.”
6. Approximately 60 percent of my work has been for the plaintiff.
7. Approximately 40 percent of my work has been for the defendant.

## **EXPERT WITNESS EXPERIENCE**

(\*\* Indicates Active Case)

### **2013**

**\*\* LEONIDAS JOVEL, et. al. v. BOIRON, INC., BOIRON, USA INC. and LABORATORIES BOIRON**

United States District Court, Central District of California  
Case No. 2:11-cv-10803-SVW-SH. Filed 2/27/13

Retained by Defendants as Expert Witness on marketing communications. Submitted Expert Report (November 27, 2013).

**YU HSIANG M. ALEXANDER and CAROL A. WETTERLING-FOOS v. L'OREAL U.S.A. INC.**

Superior Court of the State of California, County of Los Angeles  
Case No: BC 431491. Filed Oct 21, 2011

Retained by Plaintiffs as Expert Witness on advertising. Submitted Expert Report (September 24, 2013). Deposed (October 21, 2013)

**ZENON KESIK v. NATIONAL TV SPOTS, INC.**

The Arbitration Tribunals of the American Arbitration Association  
AAA No. 72 147770 12 S1M. Filed January 23, 2013

Retained by Claimant as Expert Witness on advertising industry custom and practice. Testified at Arbitration (September 25, 2013)

**\*\*LELAND S. SAYLOR v. SAYLOR PUBLICATIONS, INC., SIERRA WEST LLC; AND MARY WALLERS**

United States District Court, Central District of California  
Case No. CV12-7268 MWF (CWx). Filed August 23, 2012

Retained by Plaintiff as expert witness on trademarks and consumer confusion. Submitted Expert Report (September 9, 2013)

**\*\*MEGACOMFORT, INC. v. IMPACTO PROTECTIVE PRODUCTS, INC.**

United States District Court, Central District of California, Southern Division  
Case No: SACV 13 - 00952 JST (AJWx). Filed June 24, 2013.

Retained by Plaintiff as expert witness on trademarks and consumer confusion.  
Submitted Expert Report (September 5, 2013)

**OTR MEDIA GROUP INC. APPEAL TO CITY OF NEW YORK, BOARD OF STANDARDS AND APPEALS**

In Re: 945 Zerega Avenue, Block 3700 Lot 31, Bronx, New York, Calendar No. 67-13-A; 330 Bruckner Boulevard, Block 2599, Lot 165, Bronx, New York, Cal. No. 68-13-A; 945 Zerega Avenue, Block 3700, Lot 31, Bronx, New York, Cal. No. 67-13-A; 174 Canal Street, Block 201, Lot 14, Manhattan, New York, Cal. No. 87-13-A; 25 Skillman Avenue, Block 2746, Lot 45, Brooklyn, New York, Cal. No. 69-13-A

Retained by Appellant as Expert Witness on advertising industry custom and practice.  
Submitted (4) Affidavits (May 31, 2013).

**\*\* BARRY CUTLER v. LANI STARK, ET AL.**

Circuit Court of the Second Circuit, State of Hawai'i  
Civil Case No. 2CC1210798. Filed 10/3/2012

Retained by Plaintiff as Expert Witness on publicity rights. Submitted Expert Report (May 1, 2013)

**NORDSTROM, INC. and NIHC, Inc. v. 752419 CANADA INC. d/b/a BEYOND THE RACK; BEYOND THE RACK ENTERPRISES, INC., and BEYOND THE RACK USA INC.**

United States District Court, Western District of Washington at Seattle  
Case No. 2:12-cv-01387-TSZ Filed: 8/16/2012

Retained by Plaintiff as Expert Witness on trademarks and consumer confusion.  
Submitted Expert Report (March 21, 2013).

**\*\* GENERAL CHARLES E. "CHUCK" YEAGER (RET.) and PMN II, LLC v. FORT KNOX SECURITY PRODUCTS**

United States District Court for the District of Utah  
Case No: 11-cv-00091-TS Filed: 1/21/2012

Retained by Plaintiff as Expert Witness on publicity rights and advertising. Submitted Expert Report (March 20, 2013).

**ZEST IP HOLDINGS, LLC and ZEST ANCHORS, LLC v. IMPLANT DIRECT MFG. LLC, IMPLANT DIRECT LLC, and IMPLANT DIRECT INT'L**

United States District Court for the Southern District of California

Case No. 3:10-cv-00541-LAB-WVG Filed: 3/12/2010

Retained by Defendant as Expert Witness on advertising and consumer confusion.  
Submitted Expert Report (February 27, 2013).

**2012**

**IN THE MATTER OF ARBITRATION BETWEEN THE SUN PACIFIC GROUP, CLAIMANT AND THE PARAMOUNT GROUP, RESPONDENT AND COUNTERCLAIMANT**

American Arbitration Association – Commercial Arbitration Tribunal

Case Number 720180-Y-01187-11 Filed: 10/26/2012

Retained by Claimant as Expert Witness on advertising. Testified at Arbitration (December 19, 2012).

**IN RE: TOYOTA MOTOR CORP. UNINTENDED ACCELERATION MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION**

United States District Court Central District of California

Case No. 8:10ML2151 JVS (FMOx) Third Amended Complaint Filed: 7/25/2012

Retained by Plaintiff as Expert Witness on advertising. Submitted Expert Report (July 20, 2012). Submitted Rebuttal Expert Report (September 17, 2012). Deposed (August 24, 2012 and October 3, 2012).

**\*\* MARKETQUEST GROUP, INC., d/b/a All-In-One, v. BIC CORPORATION; BIC USA INC; and NORWOOD PROMOTIONAL PRODUCTS, LLC**

United States District Court, Southern District of California

Case No. 11cv0618 Jls Wmc Filed: 3/28/2011

Retained by Defendant as Expert Witness on trademarks and consumer confusion.  
Submitted Expert Report (May 10, 2012). Deposed (June 6, 2012).

**SPORTING SUPPLIES INTERNATIONAL, INC. v. TULAMMO USA, INC., ET AL.**

United States District Court, Central District of California at Santa Ana  
Case No. SACV10-1338 AG (RNBx) Filed: 1/18/2011

Retained by Plaintiff as Expert Witness on trademarks and consumer confusion.  
Submitted Expert Report (April 12, 2012). Deposed (June 13, 2012).

**PACIFIC BIOSCIENCE LABORATORIES, INC. vs. NUTRA LUXE MD, LLC; and NUTRA BOTANICAL MD, INC.**

United States District Court, Western District of Washington at Seattle  
Case No. 2:10-cv-00230-JLR Filed: 11/10/11

Retained by Defendant as Expert Witness on advertising. Submitted Expert Report (March 12, 2012), Deposed (May 11, 2012).

**\*\* IN RE: POM WONDERFUL LLC MARKETING AND SALES PRACTICES LITIGATION**

United States District Court, Central District of California  
Master File No. 2:10-ml 2199-DDP (RZx) [MDL No. 2199] Filed: 1/14/2010

Retained by Plaintiff as Expert Witness on advertising. Submitted Expert Report (March 13, 2012; May 30, 2013). Deposed (May 29, 2012; August 23, 2013).

**CHRISTOS CATSOURAS ET AL vs. STATE OF CALIFORNIA HIGHWAY PATROL; THOMAS O'DONNELL; AARON REICH; and DOES 3 THROUGH 25, INCLUSIVE**

Superior Court of the State of California, County of Orange, Central Justice Center  
Case No. 07CC07817 Filed: 7/12/2012

Retained by Defendant as Expert Witness on publicity and internet media usage.

**FLIR SYSTEMS, INC. vs. SIERRA MEDIA, INC. AND FLUKE CORPORATION**

United States District Court, District Of Oregon, Portland Division  
Case No. 3:10-cv-00971-HU Filed: 12/30/2010

Retained by Plaintiff as Expert Witness on advertising, trademarks and consumer confusion. Submitted Expert Report (March, 2012). Deposed (April, 2012). Testified in U.S. District Court, Portland (December, 14, 2012).

**2011**

**ZOOEY DESCHANEL vs. STEVEN MADDEN LTD., STEVEN MADDEN RETAIL, INC., ICONIX BRAND GROUP a/k/a CANDIES' INC., IP HOLDINGS, LLC, KOHL'S DEPARTMENT STORES ET AL**

Superior Court of the State of California for Los Angeles County  
Case No. BC 451472 Filed: 12/21/2010

Retained by Plaintiff as Expert Witness on publicity rights. Submitted Declaration (September 2, 2011); Deposed (October 19, 2011).

**SHANE MALEK; NHSI, INC.; and CELMATRIX, vs. GR HAIR SOLUTIONS, LLC and GUTHY-RENKER CORPORATION**

Arbitration before JAMS  
JAMS Reference No. 1210028833 Filed: 8/17/2010

Retained by Plaintiff as Expert Witness on direct response marketing and advertising. Submitted Expert Report (October 20, 2011); Deposed (October 25, 2011); Testified at Arbitration (November 15, 2011).

**CONCEPT CHASER CO., INC. vs. PENTEL OF AMERICA, ET AL.**

Superior Court of the State of California, County of Los Angeles, Central District  
Case No. BC429108 Filed: 12/31/2009

Retained by Plaintiff as Expert Witness on advertising industry custom and practice. Deposed (September 19, 2011); Testified in California Superior Court, Los Angeles (November 21-22, 2011).

**MARTIN A. VANDERHOEVEN vs. NEWPORT DUNES MARINA LLC ET AL.**

Superior Court of the State of California, County of Orange  
Case No. 30-2009-00292882 Filed: 08/13/2009

Retained by Defendant as Expert Witness on direct response (infomercial) advertising.

**NEW HGE, INC. d/b/a HOUSTON GOLD EXCHANGE vs. JEWELRY BUYERS, INC.**

In the District Court Of Harris County, Texas, 333rd Judicial District  
Cause No. 2009-78988 Filed: 4/19/2010

Retained by Plaintiff as Expert Witness on trademarks and consumer confusion. Deposed (February 22, 2011; August 10, 2011).

## **2010**

### **JESSICA ANN COLLINS vs. 4 LIFE WEIGHT LOSS CENTERS, INC.**

In the Circuit Court of Jackson County, Missouri at Kansas City, MO

Case No. 0916-CV17572 Division 4 Filed: 5/29/2009

Retained by Plaintiff as Expert Witness on advertising. Deposed (May 14, 2010).

### **CAROL W. ROWE vs. LIFESTYLE LIFT HOLDING, INC., ET AL.**

In the Court of Common Pleas, Cuyahoga County, Ohio

Case No. CV-08-672025 Filed: 09/30/2008

Retained by Plaintiff as Expert Witness on advertising. Submitted Expert Report (January 14, 2010).

## **2009**

### **STATE OF CALIFORNIA vs. MATTHEW PARKER**

Superior Court of the State of California for the County of Los Angeles

Felony Complaint LA061984 Filed: 5/8/2009

Retained by Defendant as Expert Witness on advertising, trademarks and consumer confusion. Submitted Expert Report (December 2, 2009).

### **PAUL W. HERBERT, AN INDIVIDUAL vs. DONALD K. DAVIES ET AL**

ADR Case #09-5576-ABH Filed: Unable to determine

Retained by Plaintiff as Expert Witness on direct response advertising. Deposed (May 29, 2009); Testified at Arbitration (December 30, 2009).

### **THE STOCKROOM, INC., vs. XR, LLC AND ARI H. SUSS**

United States District Court, Central District of California, Southern Division

Case No. SACV08-01046 JVS (RNBx) Filed: 8/27/2009

Retained by Defendant as Expert Witness on advertising, intellectual property infringement/consumer confusion. Submitted Expert Reports (August 23, 2009; September 25, 2009).

**BROWN v. CHEGINI (CALIFORNIA LAWYERS GROUP, LLP vs. CALIFORNIA LAWYERS GROUP, INC.)**

Superior Court of the State of California for the County of Orange  
Case No. 07CC10325 Filed: 09/27/2007

Retained by Plaintiff as Expert Witness on advertising, trademarks and consumer confusion. Submitted Declaration (June 29, 2009); Deposed (February 25, 2009); Testified in California Superior Court, Irvine (June 24, 2009).

**PEOPLE OF THE STATE OF CALIFORNIA vs. ULISES GUTIERREZ**

Superior Court of the State of California for the County of Los Angeles  
Felony Complaint A085949 Filed: Unknown

Retained by Defendant as Expert Witness on advertising, branding, trademark infringement/consumer confusion.

**2008**

**IN RE THE MARRIAGE OF ISABELLE SUISSA, PETITIONER AND DAVID SUISSA, RESPONDENT**

Superior Court of the State of California for the County of Los Angeles, Central District  
Case No. BD 379-422 Filed: 11/8/2002

Retained by Respondent as Expert Witness on advertising industry custom and practice. Deposed (October 13, 2008).

**REGENCY OUTDOOR ADVERTISING, INC. vs. CHRYSLER REALTY COMPANY, LLC**

Superior Court of the State of California for the County of Los Angeles  
Case No. BC 366735 Filed: 2/22/2007

Retained by Defendant as Expert Witness on advertising media. Deposed (November 4, 2008).

**REGIONAL ADVERTISING COOPERATIVE OF SOUTHERN CALIFORNIA, INC. v. FAROKH POUR, a.k.a TONY POUR; LUBZ, INC.; AND SAZACH, LLC**

Superior Court of the State of California for the County of Los Angeles, Southeast District  
Case No. VC041966 Filed: 6/8/2004

Retained by Plaintiff as Expert Witness on advertising media. Deposed (May 27, 2008); Testified in California Superior Court, Norwalk (June, 2008).

**2007**

**FLOTSAM OF CALIFORNIA, INC., DBA NORLAND'S ON THE WHARF AND  
SHORELINE SURF SHOP vs. HUNTINGTON BEACH CONFERENCE AND  
VISITORS BUREAU**

U.S. District Court, Northern District of California, San Francisco Division  
Case No. C 06-07028 MMC

Retained by Defendant as Expert Witness on advertising, trademark  
infringement/consumer confusion. Submitted Expert Report (November 8, 2007).

**ADJUSTMENT OF RATES AND TERMS FOR PREEXISTING SUBSCRIPTION  
SERVICES AND SATELLITE DIGITAL AUDIO RADIO SERVICES**

Before the Copyright Royalty Judges, Library of Congress, Washington, D.C.  
Docket No. 2006-1 CRB DSTRA

Retained by Satellite Digital Audio Radio Services as Expert Witness on value of  
publicity. Submitted Written Expert Testimony (July 27, 2007); Testified before the  
Copyright Royalty Judges of Library of Congress, Washington DC (August, 2007).

**ACKERMAN MCQUEEN INC. vs. THE B EQUAL COMPANY AND THE  
EDUGAMING CORPORATION**

United States District Court, Western District of Oklahoma  
Case No. CV-05-01365

Retained by Defendant as Expert Witness on advertising industry custom and practice.  
Submitted Written Expert Declaration (June 10, 2007); Deposed (July, 2007).

**PRO CLUB vs. PRO 5 ET AL.**

United States District Court, Central District of California  
Case No. CV-06-4846 (SJO) FMOx

Retained by Plaintiff as Expert Witness on advertising.

**DEPARTMENT OF PARKS AND RECREATION vs. STEPHEN HARPER, AN INDIVIDUAL AND MALILBU PIER COMPANY, LLC**

United States District Court, Central District of California

Case No. 2:05-CV-02008-DSF-JWJ

Retained by Plaintiff as Expert Witness on trademarks and consumer confusion.  
Submitted Expert Report (February 28, 2006); Testified in United States District Court, Los Angeles (August 3, 2006).

**KRAK TV, INC., et al vs. WESTERN INTERNATIONAL MEDIA, ET AL.**

Superior Court of the State of California for the County of Los Angeles

Case No. BC207676

Retained by Defendant as Expert Witness on advertising industry custom and practice.  
Testified in California Superior Court, Los Angeles (June, 2003).

**2002**

**PEOPLE OF THE STATE OF CALIFORNIA ex rel. BILL LOCKYER, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA vs. R.J. REYNOLDS TOBACCO CO.**

Superior Court of the State of California for the County of San Diego

Case No. GIC764118

Retained by Plaintiff as Expert Witness on advertising; advertising media planning.  
Deposed (2002), Testified in California Superior Court, San Diego (2002).

**2000**

**AMERICAN ENVIRONMENTAL SAFETY INSTITUTE ET AL vs. PHILIP MORRIS, INC., R.J. REYNOLDS TOBACCO COMPANY, LORILLARD TOBACCO, AMERICAN TOBACCO, BROWN & WILLIAMSON TOBACCO (“TOBACCO CASES II”)**

Superior Court of the State of California for the County of San Diego

Case No. 996781

Retained by Plaintiff as Expert Witness on advertising. Deposed (2000).