

Larry Chiagouris
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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 90 occasions and has provided testimony in federal court or state court or arbitration hearings on 20 occasions. **His cases have involved defamation of reputation, intellectual property matters, false advertising matters or consumer protection issues (class actions) or brand management issues.** Other cases involve contract disputes or trade secrets or misappropriation of likeness.

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 47 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; Wingate, Nikki
Decoding Generation Z's habits: the augmented reality shift from gimmick to utility in omni-digital shopping
2. 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
3. Cerulli, Angela, Chiagouris, Larry
Multitasking in an Age of Multiple Screens: Key Demographic Changes and Differences
Journal of Applied Business & Economics, 22(3), 2020
4. Girardi, Paula, Chiagouris, Larry
The Digital Marketplace: Early Adopters Have Changed
Journal of Marketing Development and Competitiveness, 12(1), 2018
5. 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
6. 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
7. 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
8. 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
9. 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
 10. 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
 11. 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
 12. Lantieri, Tara, Chiagouris Larry **Brand Trust in an Age Without Trust: Expert Opinions**
Journal of Consumer Marketing: Vol. 26, No. 2, 2009
 13. 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
 14. 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
 15. Moffit Timothy, Chiagouris Larry **What Would Richard Branson Do?**
Marketing Management: May/June 2008
 16. Chiagouris Larry, Ray Ipshita **Saving the World with Cause Related Marketing**
Marketing Management: July/August 2007
 17. Chiagouris Larry, Long Mary **Will Your Online Retailing Be a Site for Sore Eyes**
Marketing Management: March/April 2007
 18. Gonzalez Jose, Chiagouris Larry **The Market Orientation of Internet Support Companies**
Journal of Internet Commerce: January 2007
 19. Chiagouris Larry **New Media Power**
Marketing Management: November/December 2006
 20. Long Mary, Chiagouris Larry **The Role of Credibility in Shaping Attitudes Toward Nonprofit Websites**
International Journal of Nonprofit and Voluntary Sector Marketing: August 2006
 21. Johnson William, Chiagouris Larry **So Happy Together (The Link Between Employee and Customer Satisfaction)**
Marketing Management: March/April 2006
 22. Gonzalez Jose, Chiagouris Larry **Internet Support Companies: The Impact of Marketing Orientation**
Journal of Internet Banking and Commerce: April 2006, Vol. 11, No. 1
 23. Topol Martin, Chiagouris Larry **To Dream the Impossible Dream (Customer Loyalty)**
Marketing Management: November/December 2005

24. Chiagouris Larry **Non-Profit Brands**
Marketing Management: September/October 2005
25. Mohr Iris, Chiagouris Larry **Get the Word Out (SPREADING WORD OF MOUTH)**
Marketing Management: July/August 2005
26. Chiagouris Larry, Mohr Iris **An Evaluation of the Effectiveness of Internet Advertising Tools**
Journal of Internet Commerce: Volume 3, Number 3 2004
27. Chiagouris Larry, Wansley Brant **How To Turn New Companies Into Large Companies at the Speed of Light**
Marketing Management: September/October 2003
28. Chiagouris Larry, Farinelli Jean **Staying Safe in a Dangerous World (GLOBAL MARKETING ISSUES)**
Marketing Management: March/ April 2002; 11, 2
29. Chiagouris Larry, Wansley Brant **Branding On The Internet**
Marketing Management: Summer 2000; 9, 2.
30. Chiagouris Larry, Middleman Ann **Research For Ink: How To Get Opinion-Driving Publicity From Market Research**
Public Relations Quarterly: Winter 1998/1999: 43, 4
31. 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
32. Chiagouris Larry **Advertising Decision Making In The Year 2020**
Journal of Advertising Research: February/March 1990
33. Kahle Lynn R., Chiagouris Larry **Values, Lifestyles and Psychographics.** Mahwah, New Jersey: Lawrence Erlbaum Associates, Inc., Publishers, 1997
34. 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

35. 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* 7th Edition. Portland, OR: BVR.
36. Chiagouris, Larry, **The Secret is in the Data: Delivering What Customers Need & Desire**
The Robin Report, January 2012
37. 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
38. Chiagouris Larry, Verniere Alexis **Marketing Functions on the Internet**
Wiley Encyclopedia of Marketing, December 2011
39. Chiagouris Larry **Comparative Advertising**
Wiley Encyclopedia of Marketing, December 2011
40. Chiagouris Larry, **Survey Research to Support Litigation**
HG Experts, 2009

41. Chiagouris Larry **Viral Communications**
Kitchen & Bath Business, November 2006
42. Chiagouris Larry **Nonprofits Can Take Cues from Biz World**
Marketing News, 6/15/2006, Vol. 40 Issue 12, p20
43. Chiagouris Larry, Nankin Conrad **Strategic Plans Solidify Branding On Net**
Marketing News, 6/1/2004, Vol. 38 Issue 10, p28
44. Chiagouris Larry, Wansley Brant **Teach Your Children**
Adweek: September 27, 1999
45. Chiagouris Larry **Utility Companies' Use of Market Research**
Quirk's marketing research review: February 1999, Vol. XIII, No. 2
46. Chiagouris Larry **Confessions of a Silver Anvil Judge**
Public Relations Strategist: Winter 1998
47. Chiagouris Larry **Wall Street's Wireless Influence**
Wireless Reviews: Dec 1, 1998; 15, 24
48. Chiagouris Larry **Eight Steps To Improved Investor Relations**
Electrical World: September 1998, Vol.212, Iss. 9
49. Farinelli Jean, Chiagouris Larry **Communicating Your Company's Hidden Value**
IR Update: July 1998
50. Chiagouris Larry, Plank Richard **Raising the Bar**
Electric Perspectives: March/April 1998
51. Chiagouris Larry, Plank Richard **Marketing Research In The Utility Industry: The State of the Art**
American Gas: February 1998
52. Chiagouris Larry **Hidden Value Index**
The Annual Report of the Global Public Network: November 15, 1997
53. 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

January 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Case No.: 4:23-cv-03918-YGR

OPENAI, INC., a Delaware corporation

Plaintiffs,

Against

OPEN ARTIFICIAL INTELLIGENCE, INC.,

a Delaware corporation; and GUY RAVINE,

an individual,

Defendants

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

Engaged by: Willenken

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

Issues and key words: Artificial intelligence, secondary meaning, survey research

OCTOBER 2024

IN THE SUPERIOR COURT
FOR THE STATE OF DELAWARE

Case No.: N21C-08-063 EMD

US DOMINION, INC., DOMINION

VOTING SYSTEMS, INC., and

DOMINION VOTING SYSTEMS

CORPORATION

Plaintiffs,

Against

NEWSMAX MEDIA

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

Engaged by: Young Conaway Stargatt & Taylor, LLP

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

Issues and key words: Social media, reputation damage, branding, brand equity, survey research, voting, voting machines

May 2024

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case No.: 2-22-cv-05669-LDH-SIL

CLAUDIO NEWTON AND BRANDY LEANDRO,

on behalf of themselves and all others similarly situated,
Plaintiffs,
Against
R.C. BIGELOW, INC., a corporation;
and DOES 1 through 10, inclusive
Working for Defendant/Written opinion, deposed and expected to provide testimony at trial
Engaged by: Gordon Rees Scully Mansukhani
Issues and key words: packaging, labels, materiality, false advertising, beverage industry, survey
research, tea, class action, competition

March 2024
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION
GROVES INCORPORATED
Case No.: 22-cv-50154
Plaintiff,
Against
R.C. Bremer MARKETING ASSOCIATES INC., JOSEPH FALK, CHRISTOPHER SOUCEK,
DAVID LUDWIG, JEFFREY ALEXANDER, LISA FOX, CODY GUNTER,
KIMBERLY FALK, JESSICA ROBKE, BRIAN
BOND, RENN HOLLANDER, THOMAS MARTIN, JULIANN O'TOOLE CORDES, GREGG
LADD, CHRISTOPHER SHEPPARD, and MIKE NOCHEVICH
Working for Plaintiff/Written opinion, deposed and expected to provide testimony at trial
Engaged by: Graff and Silverstein
Issues and key words: Lanham Act, secondary meaning, brand strength, business to business,
distribution, fire departments, fire safety, social media

November 2023
SUPERIOR COURT OF THE STATE OF DELAWARE
Case No. N21C-11-028 EMD
SMARTMATIC USA CORP. SMARTMATIC INTERNATIONAL HOLDING B.V.,
And SGO CORPORATION LIMITED
Against
NEWSMAX MEDIA, INC.,
Working for Defendant/Written opinion and deposed
Engaged by: Todd & Weld, LLP, Troutman Pepper
Issues and key words: Defamation, reputation management, media industry, news industry,
elections, government procurement, politics, survey research, social media, consumer behavior

July 2023
IN THE FOURTH JUDICIAL DISTRICT COURT
FOR THE STATE OF MINNESOTA, HENNEPIN COUNTY

CASE NO. 27-cv-22-10389

BARRY SEWALL, SHAMIKA GREGORY, JEROME GREGORY, et al.,

Against

HOME PARTNERS HOLDING LLC, SFR

ACQUISITIONS I LLC, and OPVHHJV LLC,

d/b/a PATHLIGHT PROPERTY MANAGEMENT,

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

Engaged by: Faegre Drinker Biddle & Reath, LLP

Issues and key words: Consumer behavior, renting or leasing homes, misrepresentation, touchpoints, competition

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 provided 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, competition

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

Worked for Plaintiff/Written opinion

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 Marylin Mazza individually and
individually and on behalf of all others similarly situated,

Plaintiff,

against

The Lung Institute

Working for Defendants/Written opinion and deposed

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

Worked 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, competition

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,

Worked for Defendants/Deposed

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
CENTRAL DISTRICT OF CALIFORNIA

Case No.: 2-20-cv-06208-DDP (RAOx)

KIMBERLY BANKS AND CAROL CANTWELL,
on behalf of themselves and all others similarly situated,
Plaintiffs,

Against

R.C. BIGELOW, INC., a corporation;
and DOES 1 through 10, inclusive

Working for Defendant/Written opinion and deposed

Engaged by: Gordon Rees Scully Mansukhani

Issues and key words: packaging, labels, materiality, false advertising, beverage industry, survey research, tea, class action, competition

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.,

Worked 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, competition

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, competition

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,

Worked 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 and deposed

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, likelihood of confusion, competition

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: media, 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, competition

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, competition

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: real estate, construction industry, 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

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 & Pfleger 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 provided 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, competition

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/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 & Pfleger 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 opinion

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/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/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: Egerton, McAfee, Armistead & Davis, P.C.

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

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/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, packaging

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/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/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/deposed
Engaged by: Gordon & Rees
Issues and key words: Class action, false and misleading advertising and packaging, survey
research, African American, beauty, hair treatment, packaging

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/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/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/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/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/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 report 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/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 (AGRx)

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, advertizing 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 (AGRx)

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 NORTHERN 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

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
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

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

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

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

