

Larry Chiagouris
BrandMarketing Services, Ltd.
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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 50 occasions and has provided testimony in federal court or arbitration on more than 15 occasions. About 80% of his cases have involved intellectual property matters/false advertising/Lanham Act matters or consumer protection issues.

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. Delaware Deceptive Trade Practices, California's Unfair Competition Law and the New Jersey Franchise Practices Act.

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

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

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

EDUCATION

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

WORK EXPERIENCE

Industry Experience

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

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

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

Executive Vice President of Creamer Dickson Basford Public Relations and President of CDB Research and Consulting, a subsidiary of Creamer Dickson Basford, 1994-1998. Served in the capacity of Executive Vice President and Director of Client Services of top ten public relations firm and also President of its subsidiary, CDB Research & Consulting. In this dual capacity, directed client pr programs in a wide variety of industries and also directed client consulting engagements with Fortune 500 companies. Co-developed the service WebDiagnostics, an approach to assessing Internet marketing programs.

Executive Vice President, Backer Spielvogel Bates (now organized as Bates Worldwide Advertising), 1991 to 1994

Served in the capacity of head of strategic planning and research services for the agency and its clients.
Senior Vice President, Bozell Jacobs Kenyon and Eckhardt Advertising, 1989 to 1991.
Served in the capacity of head of strategic services and research for the agency and its clients.
Vice President, Grey Advertising, 1983 to 1989
Directed group of account planners and market researchers.
Served in the capacity of head of strategic services and research for several agency clients.
Manager, AT&T, 1975 to 1983
Hired on the fast track high-risk high reward program, progressing through wide variety of functional assignments, including econometrics, finance, technology planning (working with Bell Labs), manufacturing and marketing planning related to product demand and cross elasticity of demand.

Academic Experience

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

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

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

PROFESSIONAL RECOGNITION

1. Award Recipient from the US State Department: Requested to deliver lectures to business leaders of other countries on “Branding in the New Media Environment”
2. Selected to attend Harvard University Annual AMA Doctoral Consortium
3. Voted by *Agency Magazine* as one of the ten “all stars” in advertising research

4. Current or Previous Editorial Review Boards: Marketing Management, Journal of Advertising Research, Journal of Internet Commerce, Journal of Consumer Marketing, Journal of Segmentation in Marketing
5. Inducted into Beta Gamma Sigma National Honors Society
6. Appointed AMA representative to U.S. Bureau of the Census for Census 2000
7. Former Chairman of the Board of the Advertising Research Foundation
8. Former Member of the Board of Directors of the American Marketing Association and President, New York Chapter
9. Winner of three Effie Awards for advertising effectiveness
10. Appointed industry judge at Public Relations Society of America Silver Anvil Awards
11. Served as faculty member for American Marketing Association's Advanced School of Marketing Research
12. Presenter at numerous proceedings and conferences to include American Psychological Association Consumer Psychology Division, Consumer Electronics Show, Comdex, American Marketing Association, Direct Marketing Association, Public Relations Society of America, Institute for Broadcasting and Technology, Pharmaceutical Marketing Research Association, Advertising Research Foundation

PUBLICATIONS DURING THE PREVIOUS 10 YEARS

Refereed Articles

1. Schapsis, Claudio, Chiagouris, Larry; Ngoc Cindy Pham
Are Consumers Ready for Augmented Reality? Factors Influencing Online Footwear Purchasing Intentions Using AR Technology
Journal of Marketing Development and Competitiveness, 15(2), 2021
2. Cerulli, Angela, Chiagouris, Larry
Multitasking in an Age of Multiple Screens: Key Demographic Changes and Differences
Journal of Applied Business & Economics, 22(3), 2020
3. Girardi, Paula, Chiagouris, Larry
The Digital Marketplace: Early Adopters Have Changed
Journal of Marketing Development and Competitiveness, 12(1), 2018
4. Kirk, Colleen, Chiagouris, Larry, Thomas, Jennifer, Lala, Vishal
How Do Digital Natives and Digital Immigrants Respond Differently to Interactivity Online: A Model for Predicting Consumer Attitudes and Intentions to Use Digital Information Products
Journal of Advertising Research, 55(1), 2015
5. Chiagouris, Larry and Williams, Michelle,
If We Build it will they Stay?: User Generated Content and Website Effectiveness
Journal of Marketing Management, 2(3&4), 2014
6. Brusseau, James, Chiagouris, Larry, and Brusseau, Rocio Fernandez
Corporate Social Responsibility: To Yourself Be True
Journal of Global Business and Technology, Vol. 9, No. 1, 2013
7. Kirk, Colleen, Chiagouris, Larry, and Gopalakrishna, Pradeep

- Some People Just Want to Read: The Roles of Age, Interactivity, and Perceived Usefulness of Print in the Consumption of Digital Information Products**
Journal of Retailing and Consumer Services, Vol. 20, No. 1, 2012
8. Cole, Michael, Long, Mary, Chiagouris, Larry, and Gopalakrishna, Pradeep
Transitioning from Traditional to Digital Content: An Examination of Opinion Leadership and Word-of-Mouth Communication across Various Media Platforms
Journal of Internet Commerce, Vol. 10, No. 1, 2011
 9. Chiagouris, Larry, Ray, Ipshita **Customers on the Web are not all Created Equal: The Moderating Role of Internet Shopping Experience**
The International Review of Retail, Distribution and Consumer Research, Vol. 20, No. 2, 2010
 10. Chiagouris, Larry, Lala, Vishal **Beauty is in the Eye of the Tech Manager: How Technology Orientation and Interactive-Media Knowledge Can Drive (or Stall) Change**
Journal of Advertising Research, Vol. 49, No. 3, 2009
 11. Lantieri, Tara, Chiagouris Larry **Brand Trust in an Age Without Trust: Expert Opinions**
Journal of Consumer Marketing: Vol. 26, No. 2, 2009
 12. Ray Ipshita, Chiagouris Larry **Consumer Retention: Examining the Roles of Store Affect and Store Loyalty as Mediators in the Management of Retail Strategies**
Journal of Strategic Marketing: Vol. 17, No. 1, 2009
 13. Chiagouris Larry, Long Mary, Plank Richard **The Consumption of Online News: The Relationship of Attitudes Toward the Site and Credibility**
Journal of Internet Commerce: Vol. 7, No. 4, 2008
 14. Moffit Timothy, Chiagouris Larry **What Would Richard Branson Do?**
Marketing Management: May/June 2008
 15. Chiagouris Larry, Ray Ipshita **Saving the World with Cause Related Marketing**
Marketing Management: July/August 2007
 16. Chiagouris Larry, Long Mary **Will Your Online Retailing Be a Site for Sore Eyes**
Marketing Management: March/April 2007
 17. Gonzalez Jose, Chiagouris Larry **The Market Orientation of Internet Support Companies**
Journal of Internet Commerce: January 2007
 18. Chiagouris Larry **New Media Power**
Marketing Management: November/December 2006
 19. Long Mary, Chiagouris Larry **The Role of Credibility in Shaping Attitudes Toward Nonprofit Websites**
International Journal of Nonprofit and Voluntary Sector Marketing: August 2006
 20. Johnson William, Chiagouris Larry **So Happy Together (The Link Between Employee and Customer Satisfaction)**
Marketing Management: March/April 2006
 21. Gonzalez Jose, Chiagouris Larry **Internet Support Companies: The Impact of Marketing Orientation**
Journal of Internet Banking and Commerce: April 2006, Vol. 11, No. 1
 22. Topol Martin, Chiagouris Larry **To Dream the Impossible Dream (Customer Loyalty)**
Marketing Management: November/December 2005

23. Chiagouris Larry **Non-Profit Brands**
Marketing Management: September/October 2005
24. Mohr Iris, Chiagouris Larry **Get the Word Out (SPREADING WORD OF MOUTH)**
Marketing Management: July/August 2005
25. Chiagouris Larry, Mohr Iris **An Evaluation of the Effectiveness of Internet Advertising Tools**
Journal of Internet Commerce: Volume 3, Number 3 2004
26. Chiagouris Larry, Wansley Brant **How To Turn New Companies Into Large Companies at the Speed of Light**
Marketing Management: September/October 2003
27. Chiagouris Larry, Farinelli Jean **Staying Safe in a Dangerous World (GLOBAL MARKETING ISSUES)**
Marketing Management: March/ April 2002; 11, 2
28. Chiagouris Larry, Wansley Brant **Branding On The Internet**
Marketing Management: Summer 2000; 9, 2.
29. Chiagouris Larry, Middleman Ann **Research For Ink: How To Get Opinion-Driving Publicity From Market Research**
Public Relations Quarterly: Winter 1998/1999: 43, 4
30. Plank Richard E., Chiagouris Larry **Perceptions of Quality of Higher Education: An Exploratory Study of High School Guidance Counselors**
Journal of Marketing for Higher Education: Volume 8, Number 1 1997
31. Chiagouris Larry **Advertising Decision Making In The Year 2020**
Journal of Advertising Research: February/March 1990
32. Kahle Lynn R., Chiagouris Larry **Values, Lifestyles and Psychographics.** Mahwah, New Jersey: Lawrence Erlbaum Associates, Inc., Publishers, 1997
33. Chiagouris Larry, Mitchell Leeann E. **The New Materialists**
Values, Lifestyles and Psychographics New Jersey: Lawrence Erlbaum Associates, Inc., Publishers, 1997

Trade Publications and Non-Refereed Articles

34. Chiagouris, L. & Kaplan, L.B. (2020). **Uses of Survey Research in Damages Estimation.** In N. Fannon & J. M. Dunitz (Eds.), *The Comprehensive Guide to Economic Damages* 6th Edition. Portland, OR: BVR.
35. Chiagouris, Larry, **The Secret is in the Data: Delivering What Customers Need & Desire**
The Robin Report, January 2012
36. West Douglas, Chiagouris Larry, Precourt Geoffrey **Editorial: 50 Years of Advertising Research: What Have We Learned?**
Special 50th Anniversary Issue of the Journal of Advertising Research, March 2011
37. Chiagouris Larry, Verniere Alexis **Marketing Functions on the Internet**
Wiley Encyclopedia of Marketing, December 2011
38. Chiagouris Larry **Comparative Advertising**
Wiley Encyclopedia of Marketing, December 2011
39. Chiagouris Larry, **Survey Research to Support Litigation**
HG Experts, 2009

40. Chiagouris Larry **Viral Communications**
Kitchen & Bath Business, November 2006
41. Chiagouris Larry **Nonprofits Can Take Cues from Biz World**
Marketing News, 6/15/2006, Vol. 40 Issue 12, p20
42. Chiagouris Larry, Nankin Conrad **Strategic Plans Solidify Branding On Net**
Marketing News, 6/1/2004, Vol. 38 Issue 10, p28
43. Chiagouris Larry, Wansley Brant **Teach Your Children**
Adweek: September 27, 1999
44. Chiagouris Larry **Utility Companies' of Market Research**
Quirk's marketing research review: February 1999, Vol. XIII, No. 2
45. Chiagouris Larry **Confessions of a Silver Anvil Judge**
Public Relations Strategist: Winter 1998
46. Chiagouris Larry **Wall Street's Wireless Influence**
Wireless Reviews: Dec 1, 1998; 15, 24
47. Chiagouris Larry **Eight Steps To Improved Investor Relations**
Electrical World: September 1998, Vol.212, Iss. 9
48. Farinelli Jean, Chiagouris Larry **Communicating Your Company's Hidden Value**
IR Update: July 1998
49. Chiagouris Larry, Plank Richard **Raising the Bar**
Electric Perspectives: March/April 1998
50. Chiagouris Larry, Plank Richard **Marketing Research In The Utility Industry:
The State of the Art**
American Gas: February 1998
51. Chiagouris Larry **Hidden Value Index**
The Annual Report of the Global Public Network: November 15, 1997
52. Chiagouris Larry **Marketing Encyclopedia.** Illinois: NTC Business Books, 1996

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

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

Overview of Case experience:

Experience approximately evenly divided between plaintiff and defendant engagements in over 90 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

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, deposed and expected to provide testimony at trial

Engaged by: Winston & Strawn

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

September 2022

STATE OF WISCONSIN CIRCUIT COURT

MILWAUKEE COUNTY

Case Codes: 30106, 30701

ROBERT REIMAN

Against

JOSHUA DELANEY

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

Engaged by: Hansen Reynolds, LLC

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

August 2022

CIVIL COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

HILLSBOROUGH COUNTY, FLORIDA

CIVIL DIVISION

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

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

Plaintiff,

against

The Lung Institute

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

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

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

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

July 2022

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

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

Against

RECKITT BENCKISER LLC

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

Engaged by: Cohen Milstein Sellers & Toll PLLC

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

June 2022

STATE OF NEW MEXICO
BERNALILLO COUNTY
SECOND JUDICIAL DISTRICT COURT

D-202-CV-2019-07293

RITA BUSCEMA,

individually and on behalf of all others similarly situated,

Plaintiff,

against

WAL-MART STORES EAST LP, WAL-MART STORES,

SPECTRUM BRANDS, INC. and

THE BLACK & DECKER CORPORATION,

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

Engaged by: Modrall Sperling

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

May 2022

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

COUG & COMPANY, INC.,

Plaintiff,

Against

COUGAR PAWS, INC.,
Working for Plaintiff/Written opinion and deposed
Engaged by: Dentons Davis Brown PC
Issues and key words: Lanham Act, Likelihood of Confusion, survey, marketing research, boots,
footwear

March 2022
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
Case No. 1:20-cv-00662-RGA
Peloton,
Against
ICON Fitness (NordicTrack)
Worked for Defendant/Written opinion
Engaged by: Foley & Lardner LLP, Kirkland & Ellis co-counsel
Issues and key words: Materiality, false and misleading advertising, reference pricing, survey
research, Delaware Deceptive Trade Practices, California's Unfair Competition Law, Lanham
Act

March 2022
UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
Case No. 8:19-cv-01298-JLS-KES
Sonneveldt et al and others similarly situated,
Against
Mazda Motor of America,
Working for Defendants/Written opinion and deposed and expected to provide testimony at trial
Engaged by: Shook Hardy & Bacon
Issues and key words: Virginia Consumer Protection Act, class action, consumer fraud,
automotive industry, false advertising

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

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, strength of the brand
and trademark

November 2021

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

Plaintiff,

Against

TALON US (GRANDESIGN) LLC and
TALON OUTDOOR, LTD

Worked for Defendant/Written opinion

Engaged by: Stubbs Alderton & Markiles, LLP

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

September 2021

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
Case: 1:21-cv-00705-LPS

SPARK THERAPEUTICS, INC.,

Plaintiff,

Against

BLUEBIRD BIO, INC.,

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

Engaged by: Hamilton Brook Smith Reynolds

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

September 2021

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Case No. 1:20-cv-07404

TIREBOOTS BY UNIVERSAL CANVAS

Plaintiff,

Against

TIRESOCKS, 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, strength of the brand

August 2021

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

C.A. No. 20-701-RGA

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

Plaintiffs,

Against

S&P DATA LLC, S&P DATA OHIO LLC,

S&P DATA MICHIGAN LLC and

S&P DATA NEW MEXICO LLC,

Worked for Defendants/Written opinion and deposed

Engaged by: Richards Layton & Finger

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

July 2021

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

Case No.: 8:20-cv-02274

REBOTIX REPAIR LLC,

Plaintiff,

Against

INTUITIVE SURGICAL, INC.,

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

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, deposed and expected to provide testimony at trial

Engaged by: Arnold & Porter Kaye Scholer LLP

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

May 2021

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION NO. 1:19-cv-01262-LGS

SOLID 21, INC.,

Plaintiff,

Against

RICHEMONT NORTH AMERICA, INC.’

RICHIMONT INTERNATIONAL S.A., and

MONTBLANC-SIMPLO GMBH,

Worked for Defendant/Written opinion and deposed

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

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

January 2021

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF FLORIDA

PANAMA CITY DIVISION

Case No. 5:19- cv-00257

MGFB PROPERTIES, INC., *et al.*

Plaintiff,

Against

VIACOMCBS INC., *et al.*

Worked for Defendant/Written opinion and deposed

Engaged by: Jenner & Block

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

December 2020

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CIVIL ACTION NO. 4:20-cv-01981

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

Plaintiffs,

Against

STRATEGIC CONSTRUCTION, LTD.

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

Worked for Defendants/Written opinion and deposed

Engaged by: Edmonds & Schlather PLLC

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

December 2020

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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

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

Plaintiffs,

Against

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

JOEL A. DAVID, DMD,

DR. DANIEL R. NOORTHOEK, DMD, MS,

FULL ARCH DENTAL SOLUTIONS, LLC, and

DAVID & ASSOCIATES SPECIALISTS, LLC,

Working for Defendants/Written opinion

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

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

November 2020
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
DZ Reserve and Cain Maxwell (d/b/a Max Martialis)
individually and on behalf of others similarly situated,
Case No.: 3:18-cv-04978
Plaintiff,
Against
Facebook, Inc.

Working for Plaintiff/Written opinion, deposed and expected to provide testimony at trial
Engaged by: Cohen Milstein Sellers & Toll PLLC
Issues and key words: Facebook, media, media terms, reach, potential reach, class action,
California Unfair Competition Law, fraudulent misrepresentation, false advertising

November 2020
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Case No. 5:18- cv-1882
MONSTER ENERGY COMPANY, a
Delaware corporation,
Plaintiff,

Against
VITAL PHARMACEUTICALS, INC.,
d/b/a VPX Sports, a Florida corporation;
and JOHN H. OWOC a.k.a JACK OWOC,
an individual,
Working for Defendant/Written opinion, deposed and provided testimony at trial
Engaged by: Quarles & Brady and initially by Gordon Rees Scully Mansukhani
Issues and key words: Materiality, false advertising, beverage industry, energy drink, survey
research, healthcare

October 2020
United State Patent and Trademark Office
U.S. Registration No. 5,643,377, class 010
ArthroSurface
Applicant
Worked for Respondent/Written Opinion
Engaged by: Grossman Tucker Perreault & Pflieger PLLC
Issues and key words: Trademark, functioning as a trademark, healthcare, medical equipment,
orthopedic products

October 2020
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Civ. Action No. 19-cv-581

ENCHANTE ACCESSORIES, INC.,
Plaintiff,
Against
TURKO TEXTILE, LLC, d/b/a Enchante Home
Working for Plaintiff/Written opinion and deposed
Engaged by: Notaro, Michalos & Zaccaria P.C.
Issues and key words: Lanham Act, trademark, home goods, jewelry, textiles, pillows, towels,
sheets, home décor, mirrors, survey research, awareness

August 2020
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
Case No.: 2-20-CV-01055-ALM-KAJ
LUCID HEALTH
Plaintiff,
Against
PREMIER IMAGING VENTURES, LLC,
Worked for Defendant/Written opinion
Engaged by: Taft Stettinius & Hollister LLP
Issues and key words: Reputation, trademark, Lanham Act, branding, consumer behavior,
healthcare, market research, likelihood of confusion, radiology

April 2020
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 15-cv-2688 (DSD/BRT)
WATKINS INCORPORATED
Plaintiff,
Against
McCORMICK AND COMPANY, INCORPORATED.,
Working for Plaintiff/Written opinion, deposed and expected to provide testimony at trial
Engaged by: Maslon
Issues and key words: Lanham Act, false and misleading packaging, packaging, black pepper,
survey research, deception, materiality, slack-fill

April 2020
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
Civil Action No. 4:19-CV-00166 SMR-HCA
TASTY TACOS, INC.,
Plaintiff,
Against
MORE THAN GOURMET, INC.,
Worked for Plaintiff/Written opinion
Engaged by: Nyemaster Goode, P.C.

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

March 2020

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Civil Action No.: 2:18-CV-6043-GW-AFM

BILL SCHEPLER and AMRIAN GARCIA,

On Behalf of Themselves and All Others

Similarly Situated,

Plaintiffs,

Against

AMERICAN HONDA MOTOR CO., INC.

Worked for Defendant/Written opinion and deposed

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

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

February 2020

United State Patent and Trademark Office

U.S. Serial No. 88289625

EARTH ANIMAL

Applicant

Worked for Applicant/Written Opinion

Engaged by: Grossman Tucker Perreault & Pflieger PLLC

Issues and key words: Trademark, appeal, pet food

December 2019

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Index No. 653424/2013

MAESA

Plaintiff,

Against

London Luxury

Worked for Plaintiff/Written Opinion

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

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

September 2019

THE CIRCUIT COURT FOR BALTIMORE COUNTY

No. 03-C-19-000289 OC

MERIDIAN HOME MORTGAGE CORPORATION,

Plaintiffs,

Against

MARK MANZO, et al.,

Worked for Plaintiff/Written Report

Engaged by: Tucker Arensberg, P.C.

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

August 2019

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

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

TODD HOWARD AND RANDYE HOWARD

Plaintiffs,

Against

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

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

Worked for Defendant/Consultation

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

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

April 2019

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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

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

Plaintiff,

against

BMW OF NORTH AMERICA, LLC

Worked for Defendant/Written opinion and deposed

Engaged by: Buchanan Ingersoll & Rooney PC

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

February 2019

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MISSOURI
AT KANSAS CITY

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

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

Plaintiff,

against

ASTRAL HEALTH & BEAUTY, INC.,

a Pennsylvania corporation registered in Georgia,

and ASTRAL BRANDS, INC., a Delaware

corporation registered in Georgia,

Worked for Defendants/Written opinion and deposed

Engaged by: Barnes & Thornburg LLP

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

January 2019
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Knoxville Division
Case No.: 3:18-CV-379-JRG-DCP
HOME FEDERAL BANK OF TENNESSEE
Plaintiff,
Against
HOME FEDERAL BANK CORPORATION
Worked for Plaintiff/Written opinion
Engaged by:
Issues and key words: Trademark, Lanham Act, banking, mortgages

November 2018
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Case No.: 2:16-CV-07619
NESTLE USA, INC.,
Plaintiff,
Against
CREST FOODS, INC.,
Worked for Defendant/Written opinion and deposed
Engaged by: Locke Lord, LLP
Issue and key words: Lanham Act, Trademark, evaluation of survey research, television program

September 2018
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Case No.: 3:16-cv02816 AJB NLS
SELENA MOORER, individually and on behalf of all others similarly situated
Plaintiff,
against
STEMGENEX MEDICAL GROUP, INC., a California Corporation; STEMGENEX, INC.,
a California Corporation; STEM CELL RESEARACH CENTRE, INC., a California
Corporation; ANDRE P. LALLANDE, DO, an Individual; SCOTT SESSIONS, M.D., an
individual; RITA ALEXANDER, an individual; and DOES 1-100,
Worked for Defendant/Written opinion
Engaged by:
Rosenberg, Shpall & Zeigen
Neil, Dymott, Frank, McCabe and Hudson
Farnaes & Lucio
Issues and key words: Lanham Act, false advertising stem cell, healthcare, survey research,
Internet, website, social media

July 2018
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO
Case No. 1:17-cv-00406-TSB
ANNETTE NAVARRO MCCALL and
NAVARRO PHOTOGRAPHY LLC,
Plaintiffs,

against

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

Worked for Plaintiff/Written opinion

Engaged by: McCool Smith

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

June 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
Case No.: 2:17-cv-13109-MOB-MKM
ABIGAIL RATCHFORD, et al.,
Plaintiffs,

Against

YESTOFFLO, LLC d/b/a THE
LANDING STRIP LOUNGE,

Worked for Defendant/Written opinion

Engaged by: Curley and Berkal, P.C.

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

June 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
Case No.: 2:17-cv-14035-PDB-DRG

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

Plaintiffs,

Against

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

Worked for Defendant/Written opinion

Engaged by: Curley and Berkal, P.C.

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

June 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Case No.: 2:17-cv-13761-DML-EAS

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

Plaintiffs,

Against

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

Worked for Defendant/Written opinion

Engaged by: Curley and Berkal, P.C.

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

January 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

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

SANDOZ INC.,

Opposer,

Against

GLAXO GROUP LIMITED,

Worked for Opposer/Written opinion and deposed

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

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

November 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

Docket 4029.1015 TM OPP

iOttie, Inc.,

Respondent,

Against

TCT/ALCATEL,

Worked for Respondent/Written opinion

Engaged by: Lucas & Mercanti, LLP

Issues and key words: Trademark, cell phones,

October 2017

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-8093-14

ALAN MARCUS,

Plaintiff,

Against
DENNIS MCNERNEY, ET AL.,
Worked for Defendant/Written opinion and deposed
Engaged by: Methfessel & Werbel, P.C.
Issues and key words: Defamation, reputation, reputation management agency, public relations
agency, client losses, anonymous Internet postings, social media

September 2017
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No.: Case No. 16-cv-06593-JSR
FINCH ET AL.,
Plaintiffs,
Against
AMLA (L'OREAL)
Worked for Defendant/Written opinion and deposed
Engaged by: Gordon & Rees
Issues and key words: Class action, false and misleading advertising and packaging, survey
research, African American, beauty, hair treatment

September 2017
DISTRICT COURT
CLARK COUNTY NEVADA
Case No.: A-15-727008-B
SWAROVSKI RETAIL VENTURES LTD., a Rhode Island corporation,
Plaintiffs,
Against
JGB VEGAS RETAIL LESSEE, LLC, a Delaware limited liability company,
Worked for Defendant/Written opinion
Engaged by: Pisanelli Bice, PLLC
Issues and key words: Reputation, trademark, branding, consumer behavior, Las Vegas, travel,
jewelry, crystal, real estate, retail, retail traffic

September 2017
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No.: 17-cv-3273-(LGS)
G-CNY GROUP, LLC d/b/a CNY
Plaintiff and Counterclaim Defendant,
Against
CCNY CONSTRUCTION, INC., and CAVAN CORPORATION OF NY,
Worked for Plaintiff/Written Report
Engaged by: Saiber
Issues and key words: Reputation, trademark, likelihood of confusion, construction industry,
survey research

August 2017

STATE OF NEW MEXICO
BERNALILLO COUNTY
SECOND JUDICIAL DISTRICT COURT

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

BRUCE PUMA and KATHLEEN PUMA,
for themselves and all others similarly situated,
Plaintiffs,

against

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

Worked for Defendants/Provided testimony at trial

Engaged by: Mitchell Silberberg & Knupp LLP

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

July 2017

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Case No.: 4:14-CV-02025-TUC-CKJ

Joshua David Mellberg, LLC, d/b/a J.D.

Mellberg Financial, an Arizona limited
liability company; and Joshua David
Mellberg, an individual.

Plaintiffs

against

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

Worked for Plaintiffs/Written opinion and deposed

Engaged by: Dickinson Wright

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

July 2017

UNITED STATES DISTRICT COURT
DISTRICT OF CALIFORNIA, CENTRAL DIVISION

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

REFLEX MEDIA INC., a Nevada corporation; and CLOVER8
INVESTMENTS PTE. LTD., A

Singapore corporation
Plaintiffs,
against
GLADIUM LIMITED, a Cyprus company d/b/a Arrangement.com,
Arrangements.com and Arrangement.net; and Does 1-10, inclusive
Worked for Defendant/Consultation and development of opinions
Engaged by: Smith Correll, LLP
Issues and key words: Lanham Act, trademark, branding, consumer behavior, media industry,
websites and Internet marketing, logo, social media, Sugar Daddy industry

March 2017
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No.: 1:16-cv-01267-AT
CODENAME ENTERPRISES, INC. (d/b/a BUZZR),
Plaintiff,
against
FREMANTLE MEDIA, NORTH AMERICA, INC., USDC
Worked for Defendant/Written opinion and deposed
Engaged by: ShephardMullin
Issues and key words: Lanham Act, trademark, branding, consumer behavior, media industry,
websites and Internet marketing, logo, social media, YouTube, Twitter, Facebook, television
programming

January 2017
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT
LASC Case No.: BC 569584
BEHINDTHECHAIR.COM,
Plaintiff
against
DEAN CHRISTAL, an individual; OLAPLEX LLC, a California limited liability company;
LIQWD, Inc., a California corporation; and DOES 1-10, INCLUSIVE
Worked for Defendant/Written opinion and deposed
Engaged by: Quinn Emanuel; (originally by McKool, Smith Hennigan, P.C.)
Issues and key words: Internet marketing, advertising and promotion, publicity, branding,
consumer behavior, business dispute, contract, hair coloring and hair stylists, social media,
Instagram, Twitter, Facebook, YouTube, magazines, direct marketing, social media, beauty

December 2016
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No.: 16-CV-2716
NOAH BANK, a banking institution chartered under the laws of the Commonwealth of
Pennsylvania, Plaintiff

against

NOA BANK, a banking institution chartered under the laws of the State of Georgia, JUNG HO KIM, a citizen of the State of Georgia, DAVID SUH (Byung Chan Suh), a citizen of the Commonwealth of Pennsylvania and DOES

I through X, inclusive,

Worked for Plaintiff/Written opinion and deposed

Engaged by: Stevens & Lee

Issues and key words: Lanham Act, trademark, branding, consumer behavior, banking industry, Korean American market, business loans, social media, YouTube, Twitter, Facebook, logo, social media

September 2016

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

CASE NO. RG15770490

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

against

NATIONWIDE BIWEEKLY ADMINISTRATION, INC., an Ohio Corporation; LOAN PAYMENT ADMINISTRATION LLC, an Ohio limited liability company; DANIEL LIPSKY, an individual; and DOES 1 through 25, inclusive,

Worked for Defendant/Written opinion and deposed

Engaged by: Law Offices of Sean Ponist P.C

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

September 2016

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Case No.: 12-cv-04069

BIRCHMEIER ET AL.

Plaintiffs,

Against

CARIBBEAN CRUISE LINE, INC. ET AL.

Worked for Plaintiff/Written opinion/survey research submitted to court

Engaged by: Edelson PC

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

September 2016

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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

CONSUMER FINANCIAL PROTECTION BUREAU

Plaintiff,

against

NATIONWIDE BIWEEKLY ADMINISTRATION, INC., LOAN PAYMENT
ADMINISTRATION LLC, AND DANIEL S. LIPSKY,

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

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

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

April 2016

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Case No. 1:14-cv-00206

TOYO TIRE & RUBBER CO., LTD., a Japanese corporation,
and TOYO TIRE U.S.A. CORP., a California corporation,

Plaintiffs,

against

ATTURO TIRE CORPORATION, et al.

Worked for Plaintiff/Written opinion and deposed

Engaged by: Foley & Lardner LLP

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

April 2016

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case 8:15-sac-00246-DOC(Dam)

TOYO TIRE & RUBBER CO., LTD., a Japanese corporation,
and TOYO TIRE U.S.A. CORP., a California corporation,

Plaintiffs,

against

CIA WHEEL GROUP, a California Corporation,

DOUBLESTAR DONG FENG TYRE CO., LTD., a Chinese corporation,

QINGDAO DOUBLESTAR TIRE INDUSTRIAL CO, LTD., a Chinese corporation,

DOUBLESTAR GROUP CORP., a Chinese corporation,

HONG KONG TRI-ACE TIRE CO., LTD., a Chinese corporation;

and JINLIN MA, an individual.

Worked for Plaintiff/Written opinion and deposed

Engaged by: Foley & Lardner LLP

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

January 2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

CIVIL ACTION No. 1:15-cv-01177-GBL-TCB
CUSTOMINK, LLC

Plaintiff

against

PRINTFLY d/b/a RushOrderTees.com

Worked for Defendant/Written opinion

Engaged by: Franklin & Prokopik

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

November 2015

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

Case 3:14-cv-00254-HZ

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

persons,

Plaintiffs,

against

EQUILON ENTERPRISES, LLC, a
Delaware corporation dba SHELL OIL
PRODUCTS US,

Worked for Defendant/Written opinion

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

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

October 2015

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

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

COMPASS ITECH, LLC,

Plaintiff

against

EVESTMENT ALLIANCE, LLC,

Worked for Defendant/Written opinion and deposed

Engaged by: Akerman, LLP

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

September 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARITA DELGADO AND WILLIAM SHEPPARD, *et al.*

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

Plaintiffs

Against

OCWEN LOAN SERVICING, LLC, *et al.*

Worked for Defendant/Written opinion

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

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

September 2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WEST PALM BEACH DIVISION

Case 9:15-cv-80463-RLR

INFINITY SALES GROUP, LLC a Florida

limited liability company,

Plaintiff

against

VALASSIS COMMUNICATION, INC., a

Delaware corporation, and VALASSIS DIRECT

MAIL, INC. a Delaware corporation

Worked for Plaintiff/Written opinion and deposed

Engaged by: Baker & McKenzie LLP

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

August 2015

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civ. Action No. 2:11-cv-06537

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

Plaintiff

against

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

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

Engaged by: Day Pitney

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

July 2015

MOTOR VEHICLE REVIEW BOARD

STATE OF ILLINOIS
MVRB 278-15
Grossinger Autoplex, INC., Plaintiff
against
GENERAL MOTORS, LLC
Worked for Defendant/Written opinion, deposed and provided testimony at hearing
Engaged by: Jones Day
Issues and key words: Trademark, branding, media, consumer behavior, media, automotive

June 2015
STATE OF MINNESOTA DIVISION
COUNTY OF HENNEPIN
Case No.: 27-CV-14-12558
State of Minnesota by its Attorney General, Lori Swanson,
Plaintiff
against
Minnesota School of Business, Inc. d/b/a Minnesota School of Business and Globe University,
Inc. d/b/a Globe University,
Worked for Defendants/Written opinion and provided testimony at trial
Engaged by: Anthony Ostlund Baer & Louwagie P.A.
Issues and keywords: Consumer fraud, education industry, Internet marketing

April 2015
JUDICIAL ARBITRATION AND MEDIATION SERVICES (JAMS)
Inform Ventures, LLC Claimant
against
Toyota Motor Services, Respondent
Worked for Respondent, deposed and provided testimony at arbitration hearing
Engaged by: Sidley-Austin
Issues and keywords: Advertising and media industry practices, co-op advertising, branding,
public relations, event marketing, automotive industry

April 2015
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
Case No. 1:14-cv-00119
MOTOR WERKS PARTNERS, LP,
Plaintiff
against
GENERAL MOTORS LLC
Worked for Defendant/Written opinion and deposed
Engaged by: Jones Day
Issues and keywords: Trademark, branding, media, consumer behavior, media, automotive, sales
practices

April 2015

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA DIVISION

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

Plasti Dip International, Plaintiff

against

Rust-Oleum

Worked for Plaintiff/Written opinion and deposed

Engaged by: Briggs & Morgan

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

April 2015

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Case No. 1:14-cv-00119

Motor Werks Partners, LP, Plaintiff

against

General Motors, LLC, Defendant

Worked for Defendant/Written opinion and deposed

Engaged by: Jones Day

Issues and keywords: dealers, automobile industry, retail and retailing, brands, branding, media,
trademark, exclusivity

February 2015

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil No. 14-cv846 (SRN/BRT)

Mountain Marketing Group, LLC, and John A. Krueger d/b/a Krueger Law Firm, Plaintiffs

against

Heimerl & Lammers, LLC, a Minnesota limited liability company, Defendant

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

Engaged by: Moss & Barnett

Issues and keywords: Media, advertising, billboards, Lanham Act, brands, branding, trademark,
law practice, 1-800 telephone numbers, vanity telephone numbers

February 2015

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No.: 2:13-cv-04222-FMO (AGR~~x~~)

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

against

HEAD RACQUET SPORTS USA, Defendant

Worked for Defendant/Written opinion and deposed

Engaged by: Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P.
Issues and keywords: Class action, tennis, false advertising, endorser, spokesperson, media

January 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Case 2:14-cv-00731

The Prestwick Group, Inc., Plaintiff
against

Landmark Studio, Ltd., Defendant

Worked for Plaintiff/Written opinion

Engaged by: Reinhart Boerner Van Deuren s.c

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

December 2014

FOURTH JUDICIAL DISTRICT COURT
STATE OF UTAH COUNTY,
PROVO DEPARTMENT

Case No. 120100255

Young Living

against

dōTERRA et al,

Worked for Defendant/Written opinion and deposed

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

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

November 2014

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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

Orologio, Plaintiff

against

The Swatch Group.

Worked for Defendant/Written opinion

Engaged by: Wuersch & Gering LLP

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

September 2014

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

POQUITO MAS LICENSING, INC., Plaintiff

against

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

Worked for Plaintiff/Written opinion

Engaged by Blakely Law Group

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

April 2014

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Case No.: CV 12-9942-GAF (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 NOTHERN INTERNATIONAL” Plaintiffs

against

DAVID SUSSMAN d/b/a “Seafoodexport The World of Great Northern”

& “Great Northern Products, Ltd.”

SEAFOOD EXPORT BAIT DIVISION, INC. d/b/a “Seafoodexport The World of Great

Northern” & “Great Northern Products, Ltd.”

GREAT NORTHERN INTERNATIONAL SAS, d/b/a “Seafoodexport The World of Great

Northern” & “Great Northern Products, Ltd.”

Worked for Plaintiff/Consultation

Engaged by: Henry V. Boezi III, PC

Issues and key words: Lanham Act, survey research, trademark, trade dress, branding, and seafood industry

August 2009

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Case No.: 09-CV-5379 (JSR)

VIRGIN MOBILE USA, L.P., Plaintiff

against

METRO PCS WIRELESS, INC.,

Worked for Defendant/Consultation

Engaged by: Vinson & Elkins, LLP
Issues and key words: False advertising, branding, and telecommunications industry

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

July 2008
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No.: 02 Civ. 2222
Debra Levinson, et al., Plaintiffs
against
PRIMEDIA INC., et al.
Worked for Plaintiff/Written opinion and deposed
Engaged by: Leon Greenberg, Esq.
Class Action Case
Issues and key words: Media, advertising, Internet marketing practices

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

September 2007
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No.: 02 CV 7821 (RWS)

ASHLEY PELMAN, ROBERTA PELMAN, et al. Plaintiffs
against
McDonald's Corporation
Worked for Plaintiff/Written opinion
Engaged by: Samuel Hirsch & Associates
Class Action Case
Issues and key words: False advertising, and restaurant industry

August 2007
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
Case No.: 06-11566
HILLSIDE PRODUCTIONS, INC., GARY RONCELLI and JOSEPH VICARI
Plaintiffs/Counter-Defendants
against
COUNTY OF MACOMB, MICHIGAN and MACOMB COUNTY PARKS AND
RECREATION COMMISSION, jointly and severally
Worked for Defendant/Written opinion, deposed and provided testimony at trial
Engaged by: Kitch Drutchas Wagner Valitutti & Sherbrook
Issues and key words: Advertising practices, media industry, Internet, entertainment industry,
and music industry

June 2007
AMERICAN ARBITRATION ASSOCIATION
Case No.: 11 155 Y 02704 06
ORASURE TECHNOLOGIES, INC. v. PRESTIGE BRANDS HOLDINGS, INC., MEDTECH
HOLDINGS, INC., and MEDTECH PRODUCTS, INC.
Worked for Petitioner/Written opinion and provided testimony at arbitration hearing
Engaged by: Nixon Peabody
Issues and key words: Advertising practices, trademark, consumer confusion, over the counter
industry, pharmaceutical industry

May 2007
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Case No.: C-06-02389 MMC (BZ)
PETE LIVINGSTON Plaintiff
against
KEYA MORGAN, et al.
Worked for Defendant/Written opinion
Engaged by: Ropers, Majeski, Kohn & Bentley
Issues and key words: Lanham Act, copyright, packaging, labels, celebrity, and wine industry

September 2006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case No.: 05 CIV 1290

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

against

LIBERTY TAX & BUSINESS SERVICES, CORP. and LUIS FRAY

Worked for Plaintiff/Written opinion

Engaged by: Emily Bass, Esq.

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

May 2006

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

Case No.: C 04-05248 SBA

COSTELL N. AKRIE, Plaintiff

against

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

Worked for Defendant/Written opinion

Engaged by: Ropers, Majeski, Kohn & Bentley

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

November 2005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

Case No.: 3:04cv0242

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

Worked for Plaintiff/Written opinion and deposed

Engaged by: Vorys, Sater, Seymour and Pease

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

November 2005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No.: 04 CV 1187

JONATHAN MANNION, Plaintiff

against

COORS BREWING COMPANY and CAROL H. WILLIAMS ADVERTISING, Defendants

Worked for Plaintiff/Written opinion and deposed

Engaged by: Mary Dorman, Esq.
Issues and key words: Lanham Act, copyright, advertising and beer industry

July 2005

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

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

against

NEXTEL COMMUNICATIONS, INC and NEXTEL WIP CORP., Respondents

Worked for Petitioner/Written opinion

Engaged by: Wachtell, Lipton, Rosen & Katz

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

August 2005

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

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

Respondents

Worked for Claimant/Written opinion

Engaged by: Wachtell, Lipton, Rosen & Katz

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

April 2005

State of Florida Department of Health

DOH Case No: 2005-00229

Medical Licensing Board Complaint versus Stephen Chiarello, MD, Defendant

Worked for Defendant/Written opinion

Engaged by: Barr, Murman, Tonelli

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

BRAND CATEGORY EXPERIENCE

Advertising and PR Agencies

Backer Spielvogel Bates

BBDO

Bozell Jacobs Kenyon and Eckhardt

Changing Our World

Christie MacDougall Mitchell

Creamer Dickson Basford

Grey Advertising

Hunter Public Relations

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
Frozen Vegetable Association
Health Insurance Association of America
Idaho Potato Commission
International Automobile Manufacturers
Joint Recruiting and Ad Program
Junior Achievement
Life Insurance Association of America
Milk Processors Association
National Foundation for Infectious Diseases
National Guard
Natural History Museum of the Adirondacks
National Highway & Safety Administration
New York University
United Jewish Appeal
United Nations World Food Programme

Pet Food

Kitty Kat Cat Food
Pedigree Dog Food

Pharmaceutical and Health

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

Personal Care Products

Barbasol Shaving Cream
Ramses Condoms
Rid Lice Treatment
Transitions Lenses

Trojans Condoms (Carter Wallace)
Varilux
Visene Eye Drops

Telecommunications

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

Technology and Software

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

Tobacco

Altria (Philip Morris)
Kent Brand
Parliament Brand

Travel and Hospitality

Avis Rental
Best Western
Carnival Cruises
Israeli Tourism

Jamaican Tourism
Mexican Tourist Board
Oklahoma Tourism
Pan Am Airlines
TWA Airlines

