# SURVEY EXPERT DIRECTORY

APPLIED
MARKETING
SCIENCE

# LITIGATION SUPPORT

Surveys can be critical pieces of evidence in high-stakes litigation—but only when conducted with scientific rigor, carefully analyzed, and supported by clear, authoritative expert testimony.

When brand equity, intellectual property, or reputation is at stake, your clients need litigation surveys that will hold up under intense questioning and are delivered by expert witnesses who can withstand even the most rigorous *Daubert* challenge. The litigation survey experts at Applied Marketing Science understand that a defensible survey requires a thorough understanding of the case, a solid survey, and close collaboration with your team.

Our network of talented litigation survey experts have extensive experience testifying in deposition and at trial and understand the challenges that surveys for legal matters can face when presented as evidence.

**ROBERT L. KLEIN**
Chairman and Co-Founder
Applied Marketing Science

Robert Klein has served as an expert witness in over 75 cases involving marketing science and consumer behavior for matters related to trademark infringement, patent damages, class certification, sales forecasting, and others.

Prior to co-founding Applied Marketing Science (AMS), Bob was an executive vice president of Information Resources, Inc. (IRI), then the fourth largest market research company in the world. Previously, he helped launch Management Decision Systems, a marketing consulting and computer software firm, where he held a variety of executive roles.

Bob's commentaries on a wide range of marketing issues have been published in the *Harvard Business Review, Intellectual Property Today, Advertising Age, Marketing News,* and the *Handbook of Sales Promotion,* among others. He also served for four years as a member of the Proof of Confusion Subcommittee of the International Trademark Association's Enforcement Committee.

Bob holds an S.B. in mechanical engineering and an S.M. in management from MIT.

Contact Bob:
(781) 250-6301
bklein@ams-inc.com

## BRIAN M. SOWERS
Principal
Applied Marketing Science

Brian Sowers is a principal at Applied Marketing Science (AMS). With more than 25 years of market research experience, Brian has served as a testifying expert on matters related to trademark and trade dress infringement, class action matters, and false and deceptive advertising for both plaintiffs and defendants. He has personally designed and conducted hundreds of market research surveys across a broad range of modalities and a broad range of populations.

Expert services include survey design, implementation and analysis, expert report preparation, critiques of opposing expert reports, expert testimony, and guidance on the deposition and trial questioning of opposing expert witnesses. Brian is a member of the American Association for Public Opinion Research (AAPOR), the Institute for Operations Research and Management Science (INFORMS), and currently serves on the Famous and Well-Known Marks Committee of the International Trademark Association (INTA). In addition, he co-hosts an annual CLE accredited webinar that focuses on the topic of survey evidence used in intellectual property litigation.

Brian holds a B.A. in history from Roanoke College and an M.B.A. in marketing from the University of Colorado.

Contact Brian:
(781) 250-6313
bsowers@ams-inc.com

## STEVEN GASKIN, S.M.
Consultant
Applied Marketing Science

Steven Gaskin is a consultant at Applied Marketing Science (AMS) and serves as an expert witness for legal cases, with a specialty in conjoint analysis for class action. Steve began his marketing career in the ASSESSOR Division of Management Decision Systems, Inc., where he became head of research and development. He is also the developer of RAPIDS, a sales force optimization tool that helps managers determine the best size and structure for their sales force. In addition, he was president of The Delphi Group, working on worldwide new vehicle sales forecasting for the Ford Motor Company. Steve co-authored an article with MIT Professor Glen Urban on market share rewards to pioneering brands, which won the TIMS College of Marketing award for best paper of 1986. He has also published a number of articles on new choice modeling methodologies, most recently in the *Journal of Marketing Research*.

Steve has developed proprietary models for measuring the sales lift from trade promotions at the store-item level, as well as models for household-level targeting for major consumer packaged goods manufacturers and grocery chains. He also implemented the first commercial application of Fastpace, a new adaptive conjoint analysis technique developed as part of MIT's Virtual Customer Initiative. The journal article describing FastPace was published in *Marketing Science* and won the John D. C. Little Award for Best Marketing Science Paper for 2003.

Steve received his S.B. degree from the Sloan School of Management at M.I.T. in 1977. He received his S.M. degree in 1983 at the Sloan School, winning the Brooks Prize for best Master's Thesis.

Contact Steve:
(781) 250-6311
sgaskin@ams-inc.com

# RAVI DHAR, PH.D.

George Rogers Clark Professor of Marketing and
Director of the Center for Consumer Insights
Yale School of Management

Ravi Dhar, Ph.D. is the George Rogers Clark Professor of
Management and Marketing and the Director of the Yale Center
for Customer Insights at the Yale School of Management.
An expert in consumer behavior and branding, marketing
management, and marketing strategy, Professor Dhar has served
as an expert on cases involving trademark and trade dress
infringement, misrepresentative and deceptive advertising,
and in matters related to antitrust and market definition.

Professor Dhar has written more than 50 articles and
serves or has served on the editorial boards of leading
marketing journals such as the *Journal of Consumer
Research*, *Journal of Marketing*, the *Journal of Marketing
Research,* and *Marketing Science* (former area editor).

His research awards include the William F. O'Dell Award, the
American Marketing Association Doctoral Dissertation Award,
and the Paul Green Award. Professor Dhar holds an M.S. and
Ph.D. from University of California, Berkeley.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# GEOFFREY FONG, PH.D.

Professor of Psychology
University of Waterloo

Geoffrey Fong, Ph.D. is a social psychologist with research expertise in several domains including judgment and decision-making, consumer perception, and global health. An expert in survey and experimental methods, program evaluation, and statistics, Professor Fong has served as an expert witness in a number of cases involving trademark and trade dress infringement, most involving the design, execution, and data analysis of consumer surveys.

Professor Fong is the founder and chief principal investigator of a project involving extensive national surveys of tobacco users across 20 countries inhabited by over 50% of the world's population and 70% of the world's tobacco users. He has published over 130 scientific journal articles and has contributed to major monographs.

Additionally, Professor Fong is the recipient of numerous awards in Canada for his work in research and education. He is a graduate of Stanford and the University of Michigan and has held faculty positions at Northwestern and Princeton.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# RENÉE RICHARDSON GOSLINE, PH.D.

Senior Lecturer
MIT Sloan School of Management

Renée Richardson Gosline, Ph.D. is a Senior Lecturer in the Management Science Group at the MIT Sloan School of Management. She is an expert on the convergence of behaviorial science and technology, and the implications for cognitive bias in human decision-making.

Gosline has consulted to companies on issues such as brand strategy, brand imitation and counterfeits, and the intersection of artificial intelligence and human choice. She has been featured in publications including The Economist, Forbes, Fortune, and The New York Times, and has presented conference keynotes and a TedX talk. Gosline is a 2020 honoree on the Thinkers50 Radar List of thinkers who are "putting a dent in the universe," and has been named one of the World's Top 40 Professors under 40 by Poets and Quants.

Gosline is also a principal research scientist with the MIT Initiative on the Digital Economy and a fellow at Stanford University's Digital Economy Lab. Earlier in her career, she held marketing positions at LVMH Moët Hennessy Louis Vuitton and Leo Burnett. She holds an M.A. in Sociology and a Ph.D. in Business Administration and Marketing from Harvard University.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# JOHN R. HAUSER, SC.D.

Kirin Professor of Marketing
MIT Sloan School of Management

John R. Hauser is the Kirin Professor of Marketing at the MIT Sloan School of Management. He has co-authored textbooks on product development and is a former editor of *Marketing Science* and published over eighty scientific papers.

Among his many awards, Professor Hauser has won the Converse Award for contributions to the science of marketing, the Parlin Award for contributions to market research, and the Buck Weaver Award for contributions to the theory and practice of marketing science. He has consulted on various topics, including product development, sales forecasting, market research, Voice of the Customer, defensive strategy, and R&D management, and has been an expert witness in over fifty cases.

A co-founder of and a senior consultant for Applied Marketing Science (AMS), Professor Hauser is a former trustee of the Marketing Science Institute, a fellow of INFORMS, an inaugural fellow of ISMS, and serves on many editorial boards. Professor Hauser holds an S.B. and an S.M. in electrical engineering, an S.M. in civil engineering, and an Sc.D. in operations research, all from MIT.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# HARRY LAWLESS, PH.D.
## Professor Emeritus of Food Science
## Cornell University

Harry Lawless, Ph.D. is a Professor Emeritus in Food Science at Cornell University. He is an expert in sensory evaluation of foods and consumer products, sensory test methods, and statistical evaluation of sensory and consumer data, and flavor science.

Professor Lawless taught courses on sensory evaluation and flavor perception and his research concerns methods for measuring food perception. Before his academic career, he performed consumer testing on a variety of products for S. C. Johnson. He has served as an expert on cases involving advertising claims substantiation, patent infringement, and product liability.

He has written more than 100 articles and co-authored the widely-adopted textbook, *Sensory Evaluation of Food*s. He serves on the editorial boards of leading food and sensory science journals. He was a member of the American Society for Testing and Materials (ASTM) and a founding sponsor of the Society of Sensory Professionals. Professor Lawless received his B.A. in psychology, with distinction, from Yale University and his M.Sc. and Ph.D. from Brown University.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# HIMANSHU MISHRA, PH.D.
David Eccles Professor of Marketing
University of Utah

Himanshu Mishra, Ph.D. is the David Eccles Professor of Marketing at the University of Utah. Dr. Mishra investigates research questions in the domains of behavioral decision theory, cognitive biases, consumer psychology, and behavioral economics. He uses predictive analytics to understand and predict decisions made by consumers in the marketplace.

His research has appeared in numerous leading journals of marketing, business, and psychology, such as the *Journal of Marketing Research, Journal of Consumer Research, Psychological Science, Journal of Marketing, Marketing Science*, and *Management Science,* among others.

Dr. Mishra's research has received media coverage from a variety of outlets such as MSNBC, *The Wall Street Journal, Scientific American*, NPR, *SmartMoney,* CBS, *The New York Times,* and *The Washington Post.* He has served as an expert witness in Lanham Act trademark litigation involving secondary meaning, likelihood of confusion, and deceptive advertising surveys. Dr. Mishra holds a Ph.D. in Marketing from the University of Iowa.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# NATHAN NOVEMSKY, PH.D.
Professor of Marketing, Yale School of Management
Professor of Psychology, Yale University

Nathan Novemsky, Ph.D. is an expert in the psychology of judgment and decision-making, an area that overlaps heavily with behavioral economics and consumer behavior. He has offered expert testimony and consulting in a wide range of areas, including deceptive advertising, defamation, and consumer understanding of contracts.

A member of the Yale Center for Customer Insights, Dr. Novemsky actively partners with practitioners to develop new insights into customer behavior. He has published numerous research articles and serves on the editorial boards of several publications, including *Journal of Consumer Research*, *Journal of Marketing Research*, *Journal of Consumer Psychology*, as well as *Organizational Behavior and Human Decision Processes*.

Dr. Novemsky holds an M.A. and Ph.D. in Social Psychology from Princeton University.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# STEPHEN NOWLIS, PH.D.

Professor of Marketing
Olin School of Business, Washington University

Stephen Nowlis, Ph.D. is the August A. Busch Jr. Distinguished Professor of Marketing at Washington University in St. Louis. His research focuses on consumer behavior, decision making, branding, choice, and consumption. Professor Nowlis has served as an expert witness on a number of cases involving marketing and consumer behavior issues. In particular, he has worked on cases involving trademark infringement, trade dress, materiality, deceptive advertising, secondary meaning, survey design, class action certification, vicarious liability, grey markets, and celebrity endorsements.

A winner of several awards, including the William F. O'Dell Award, Professor Nowlis has published numerous papers in top-tier marketing and consumer behavior journals. He is on the editorial review boards of the *Journal of Consumer Research*, *Journal of Marketing*, and *Marketing Letters*, and is an associate editor at the *Journal of Consumer Psychology*, and the *Journal of Marketing Research*.

Professor Nowlis received his B.A. in economics, with distinction, from Stanford University, and his M.B.A. and Ph.D. from the University of California at Berkeley.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

## ROBERT PALMATIER, PH.D.
Professor of Marketing and
John C. Narver Chair of Business Administration
Foster School at the University of Washington

Robert Palmatier, Ph.D. is a Professor of Marketing and John C. Narver Chair of Business Administration at the Foster School at the University of Washington. He founded and serves as the research director of the University's Center of Sales and Marketing Strategy. He has served as an expert witness in a number of matters, including patent infringement and contract disputes.

Dr. Palmatier's research interests focus on marketing strategy, relationship marketing, customer loyalty, marketing channels, and sales management. His research has appeared in leading journals, including the *Journal of Marketing Research*, *Journal of Marketing* (where he is Area Editor), and *Journal of Academy of Marketing Science* (where he is Editor-in-Chief).

Prior to entering academia, Dr. Palmatier held various industry positions, including president and COO of C&K Components (global electronics company) and European general manager and sales and marketing manager at Tyco-Raychem Corporation. He earned his B.S. and M.S. in electrical engineering from Georgia Institute of Technology, as well as an MBA from Georgia State University and Ph.D. from the University of Missouri.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# DAVID STEWART, PH.D.

President's Professor of Marketing and Business Law
Loyola Marymount University

David Stewart, Ph.D. is the President's Professor of Marketing and Business Law in the College of Business Administration at Loyola Marymount University in Los Angeles, California. His research focuses on market analysis, consumer behavior, market definition and structure, branding, marketing communication, marketing research and marketing management, and he has offered testimony in these areas as well as deceptive advertising and intellectual property.

Previously, Professor Stewart held tenured faculty positions and administrative roles at Vanderbilt University, the University of Southern California, and the University of California, Riverside. He has also served as a research manager for a major advertising agency.

Professor Stewart has published more than 250 papers and a dozen books, and has served as editor of the *Journal of Marketing, Journal of the Academy of Marketing Science*, and the *Journal of Public Policy and Marketing.* He holds an M.A. in general experimental psychology and a Ph.D. in personality psychology from Baylor University.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# OLIVIER TOUBIA, PH.D.
## Glaubinger Professor of Business
## Columbia University

Olivier Toubia, Ph.D. is the Glaubinger Professor of Business at Columbia Business School. His research focuses on various aspects of innovation (including idea generation, preference measurement, and the diffusion of innovation), social networks, and behavioral economics.

Professor Toubia has won several awards, including the John Little award (twice), the Bass award, the John A. Howard award, and the Don Lehmann award. He is a senior editor at *Customer Needs and Solutions,* an associate editor at *Operations Research, International Journal of Research in Marketing,* and the *Journal of Consumer Research*, and a member of the editorial boards of *Marketing Science* and the *Journal of Marketing Research*. Additionally, Professor Toubia co-authored book chapters on conjoint analysis and new product development.

Professor Toubia teaches a course on customer-centric innovation in the executive MBA program and the core marketing course in the MBA program. He holds an S.M. in operations research and a Ph.D. in marketing from MIT.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# GAL ZAUBERMAN, PH.D.
## Professor of Marketing
## Yale School of Management

Gal Zauberman, Ph.D. is a Professor of Marketing at the Yale School of Management. He studies consumer judgment and decision making, and in particular, the role of time in judgment and decision making.

Among his numerous awards, Professor Zauberman has won the Paul Green best paper award and the Early Career Award for Distinguished Contributions to Consumer Psychology. His research has been published in top-tier academic journals including the *Journal of Consumer Research*, *Management Science*, and *Psychological Science*, and has received international media coverage in several publications, including *The New York Times* and *Scientific American*.

Professor Zauberman is an associate editor for *Management Science (Judgment and Decision Making)*, and sits on the editorial board of the *Journal of Behavioral Decision Making* and the *Journal of Marketing Research*. He holds a B.A. in psychology and economics from the University of North Carolina, Chapel-Hill, and a Ph.D. in marketing from Duke University.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# JUANJUAN ZHANG, PH.D.
John D. C. Little Professor of Marketing
MIT Sloan School of Management

Juanjuan Zhang, Ph.D. is the John D. C. Little Professor of Marketing at the MIT Sloan School of Management. An expert in quantitative modeling, Professor Zhang combines economic theory with data science to optimize various business decisions in this fast-changing world.

Professor Zhang has won multiple research awards, including the Frank Bass Award, the INFORMS Society for Marketing Science Long Term Impact Award, and the inaugural Marketing Science Institute Scholar title. Professor Zhang has served as Department Editor of Management Science, Associate Editor of several other top journals in her field, and VP of the INFORMS Society for Marketing Science. Professor Zhang currently teaches Marketing Innovation at MIT Sloan.

She is a recipient of the MIT d'Arbeloff Fund for Excellence in Eduation and MIT Sloan's highest teaching award, the Jamieson Prize. She was also named a Top 50 Undergraduate Professor by Poets and Quants. Professor Zhang holds a B. Econ. from Tsinghua University and a Ph.D. in Business Administration from the University of California, Berkeley.

Contact Jason Och:
(781) 250-6317
joch@ams-inc.com

# LITIGATION SUPPORT STAFF

Our talented network of experts is supported by our equally impressive client service staff. Applied Marketing Science (AMS) researchers and consultants have conducted some of the most ambitious and impactful survey research for intellectual property, class action, and patent matters.

The AMS team is comprised of a diverse and highly credentialed group of researchers, with graduate training and degrees in disciplines such as psychology, marketing, statistics, law, research methodology, economics, and consumer behavior. Our researchers and consultants have taught at renowned universities and worked at leading market research firms, global strategy consulting firms, and Fortune 500 companies.

Most importantly, the AMS team has a singular focus on survey research for litigation matters. Other companies may offer litigation surveys as one of many types of market research support, but consumer surveys for litigation is our specialty. It's what we do every day. Our team has a deep knowledge of the legal constructs relevant to surveys used for litigation. We have an extraordinary understanding of the relevant legal process, including case law surrounding these surveys and the rules of discoverability.

Our team's professional experience and academic credentials, along with a genuine understanding of research methodology, relevant case law, and the legal process, have allowed us to provide our clients with an unrivaled level of service, expertise, and support for more than 20 years.

## TRADEMARK INFRINGEMENT SURVEYS

Consumer opinions, behavior, and potential confusion are key issues in Lanham Act litigation and TTAB proceedings. Our experts develop surveys and analyze these issues in relation to trademark or trade dress infringement, dilution, secondary meaning, and genericness or descriptiveness.

## DECEPTIVE ADVERTISING SURVEYS

Deceptive advertising surveys provide an analysis of whether, and to what degree, consumers have been misled, and also whether the allegedly deceptive element materially influenced consumers' purchase decisions. Our testifying experts create surveys that provide a measure of consumer perceptions in a quantifiable way.

## CLASS ACTION SURVEYS

Class action surveys are used to determine the similarity or dissimilarity of potential class members in order to argue whether class certification should be granted. Our survey experts analyze the extent to which homogeneity or heterogeneity exists, as well as the extent of financial harm, if any, in the proposed class, often employing conjoint analysis as the basis for the calculation of damages.

## CLAIM SUBSTANTIATION SURVEYS

Claim substantiation surveys are used to support claims made in advertising, point of sale materials, and other types of marketing communications. Our survey experts make sure that any potential advertising claims are substantiated by valid and reliable scientific survey evidence so they can withstand potential challenges.

## PATENT INFRINGEMENT SURVEYS

Patent infringement surveys are used to measure consumer preferences and perceptions, and to determine liability and damages calculations. Our survey experts assess issues such as valuation of allegedly infringing product features and the degree to which consumers attribute importance of product features, as well as their willingness to pay for them.

## CONTENT ANALYSIS

AMS has extensive experience conducting content analysis to interpret and code textual material. This type of analysis can be helpful in cases in which there is dispute over the degree to which a party has disseminated a particular message, especially when it is pervasive across one or more advertising campaigns.

## ANTITRUST SURVEYS

Antitrust surveys define markets, and assess market power, based on consumers' current use of products and services as well as their perceptions of the available market choices. Our survey experts help to identify the relevant market for products and services and show the effects of a merger or acquisition on the market.

## REBUTTAL SURVEYS AND REPORTS

Thorough review and response to an opposing expert's survey work is a critical component of a successful rebuttal strategy. Our survey experts provide guidance on how to approach the opposing counsel's evidence in order to make a strong, effective rebuttal, including crafting effective critiques or constructing rebuttal surveys.