



SURVEY EXPERT DIRECTORY



LITIGATION SURVEY EXPERTS

— APPLIED MARKETING SCIENCE, INC. —

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, Inc. 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.



BRIAN M. SOWERS, MBA

Principal

Applied Marketing Science, Inc.

Brian M. Sowers, MBA, is a principal at Applied Marketing Science, Inc. With over 30 years of market research experience, Brian serves 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 thousands 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 Insights Association, the Institute for Operations Research and Management Science (INFORMS), and the International Trademark Association (INTA). Through his INTA membership, Brian has served on the Impact Studies Committee and the Famous and Well-Known Marks Committee where he chaired the Dilution Subcommittee. Brian currently serves as an editor for *The Trademark Reporter*. In addition, Brian hosts an annual CLE accredited webinar that focuses on the topic of survey evidence used in intellectual property litigation.

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

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PATRICIA A. YANES, MBA

Principal

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Patricia A. Yanes, MBA, is a principal at Applied Marketing Science, Inc. (AMS) and serves as an expert witness for civil litigation, with a specialty in conjoint analysis for class actions. For more than a decade Patty has led both domestic and international research engagements in business-to-business and consumer markets at AMS. She has assisted leading affiliated academic experts and practitioners in the design and execution of high-stakes consumer litigation surveys and in preparing rebuttals. She has successfully managed projects with testifying experts working on cases related to deceptive advertising, class actions, patent infringement and more. She specializes in discrete-choice methodologies and is an expert of conjoint analysis, maximum-difference scaling (MaxDiff), total unduplicated reach and frequency (TURF), and choice-modeling techniques and has trained countless business executives on these methods.

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. Patty is a member of the American Association for Public Opinion Research (AAPOR), the Institute for Operations Research and Management Science (INFORMS), the Insights Association (IA), and Women in Research (WIRE). In addition, Patty has guest lectured on discrete-choice methodologies at several institutions, including the MIT Sloan School of Management, the Boston University Questrom School of Business, and the Boston College Carroll School of Management and has been a featured guest on the *Product Mastery Now* podcast discussing these topics.

Patty holds an MBA in marketing from the McCallum Graduate School of Business at Bentley University. She also holds a B.S. in business management with a concentration in marketing and finance from Boston College's Carroll School of Management, graduating cum laude.

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AMANDA T. BULIAN, MBA

Senior Manager
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Amanda T. Bulian, MBA, is a senior manager at Applied Marketing Science, Inc. (AMS) and serves as a testifying survey expert on matters related to intellectual property, false and deceptive advertising, and class actions. At AMS, she provides expert research consultation and rebuttal critiques for consumer survey evidence in federal and state civil litigation matters and cases brought to the National Advertising Division (NAD). She has comprehensive experience designing and executing consumer surveys for matters involving trademark and trade dress likelihood of confusion, secondary meaning, and genericness, as well as surveys assessing consumer perceptions and materiality of allegedly deceptive advertising and marketing claims.

Amanda's expert services include survey design, data collection, experimental data analysis, expert report preparation, critiques of opposing expert reports, expert testimony, and guidance on the deposition and trial questioning of opposing expert witnesses.

She is a member of the American Association for Public Opinion Research (AAPOR), the Insights Association, the International Trademark Association (INTA), and Women in Research (WIRe).

Her previous experience includes working in global brand management for Suntory Global Spirits, where she managed consumer insights, product innovation, brand performance and strategy, and creation of brand marketing plans.

Amanda holds an MBA from the University of Chicago Booth School of Business, where she was awarded the Kilts Center for Marketing Award for Academic Excellence and graduated with honors. She also holds a B.A. in psychology with minors in statistics and economics from Connecticut College.

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ROBERT L. KLEIN, S.M.

Founder

Applied Marketing Science, Inc.

Robert L. Klein has served as an expert witness in over 200 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, Inc. (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.M. in management and an S.B. in mechanical engineering from MIT.

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STEVEN GASKIN, S.M.
Independent Survey Expert

Steven Gaskin is an independent survey 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 served as a principal at Applied Marketing Science, Inc. from 2004-2020 and began testifying as an expert witness in 2011.

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. and S.M. degrees from the MIT Sloan School of Management, where he won the Brooks Prize for best Master's Thesis.

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ADAM ALTER, PH.D.

Professor of Marketing

New York University, Stern School of Business

Adam Alter, Ph.D., is a Professor of Marketing and the Robert Stansky Teaching Excellence Faculty Fellow at New York University's Stern School of Business. He also holds an affiliated professorship in the New York University Department of Psychology.

Dr. Alter is an expert in consumer behavior, decision-making, branding, and technology. He is the *New York Times* bestselling author of three books, which collectively focus on how consumers perceive and make consumption decisions, and how they choose to spend their time, money, and other resources. He has consulted for and advised dozens of companies and governments around the world, focusing on the regulation of new technologies and products. Alter has served as an expert witness on cases involving a wide variety of topics, including deceptive advertising, class action suits, predatory technology practices, and product misrepresentation.

Alter has published more than forty academic papers on a variety of marketing and consumer behavior topics. He has served on the editorial boards and as an associate editor at many of the field's major journals, including the *Journal of Consumer Research*, the *Journal of Consumer Psychology*, and the *Journal of Experimental Social Psychology*. He holds a Ph.D. and an M.A. in social and cognitive psychology from Princeton University and a B.Sc. in psychology and law from the University of New South Wales in Sydney, Australia.

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SUNEAL BEDI, J.D., PH.D.

Associate Professor of Business Law
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Indiana University, Kelley School of Business

Suneal Bedi, J.D., Ph.D., is an Associate Professor of Business Law and Ethics and a Jerome Bess Faculty Fellow at the Indiana University Kelley School of Business where his research focuses on intellectual property, marketing law and ethics, and litigation finance. Dr. Bedi is also an affiliated faculty member at the Center for Intellectual Property Research and the Center for Law, Culture, and Society at the Indiana University Maurer School of Law, where he teaches courses in business ethics, corporate law, and fashion law and ethics.

Dr. Bedi employs quantitative, philosophical, and experimental methods to answer research questions intersecting law, business, and public policy with real-world relevance. His work has been published or is forthcoming in *New York University Law Review*, *Cornell Law Review*, *Vanderbilt Law Review*, *Harvard Journal of Law & Technology*, *Journal of Business Ethics*, *Journal of Retailing*, and *Journal of Marketing Research*, among others. He has also written for media outlets such as *The New York Times*, *Forbes Magazine*, *U.S. News and World Report*, and *The San Francisco Chronicle*.

In addition, Dr. Bedi has served as a consumer behavior expert witness for legal cases, with a specialty in conjoint analysis for class action and intellectual property disputes. He also provides ongoing witness testimony for matters related to business ethics and litigation finance. Prior to his academic career, he worked as a corporate private equity attorney at Ropes & Gray LLP.

He holds a Ph.D. and an M.S. in marketing from the Wharton School of the University of Pennsylvania. He also holds a J.D. from Harvard Law School and a B.A. in economics from Swarthmore College.

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LUCAS CARDEN, PH.D.

Managing Partner
FocusMark LLC

Lucas Carden, Ph.D., is a research scientist and managing partner at FocusMark LLC and serves as a testifying survey expert on matters related to trademark and trade dress infringement and false and deceptive advertising. He has over a decade of experience designing, executing, and evaluating consumer surveys for complex litigation matters, corporate market research, and academic research.

Dr. Carden has been retained as a survey expert in multiple litigation matters before United States District Courts. He has experience supporting other litigation survey experts, as well as conducting survey research and preparing rebuttal critiques in disputes regarding likelihood of confusion, secondary meaning, genericness, false and deceptive advertising, materiality, and patent valuation. His litigation experience includes matters before federal and state courts, the Trademark Trial and Appeal Board (TTAB), and the National Advertising Division (NAD).

Beyond litigation, Dr. Carden has conducted survey research and served as a consultant on consumer behavior and perception for Fortune 500 companies including Procter & Gamble, Johnson & Johnson, and Intel. He has also held academic appointments as a Postdoctoral Scholar at the University of Southern California Marshall School of Business, a Visiting Assistant Professor of Psychology at Occidental College, and an invited Visiting Researcher at INSEAD Business School.

Dr. Carden has published research in peer-reviewed psychology and consumer behavior journals and contributed research support to scholarship on the psychology of trademark and false advertising surveys published in *Trademark and Deceptive Advertising Surveys: Law, Science, and Design* (ABA, 2022).

Dr. Carden holds a Ph.D. in psychology with a concentration in social and consumer psychology from the University of Southern California. He also holds an M.S. in human behavior from the University of Southern California and a B.A. in psychology from the University of Kentucky.

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RAVI DHAR, PH.D.

George Rogers Clark Professor of Marketing and
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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*, the *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 a Ph.D. and an M.S. from the University of California, Berkeley.

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GEOFFREY FONG, PH.D.

Professor of Psychology
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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 University and the University of Michigan and has held faculty positions at Northwestern University and Princeton University.

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RENÉE RICHARDSON GOSLINE, PH.D.

Senior Lecturer

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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 behavioral science and technology, and the implications for cognitive bias in human decision-making.

Dr. 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 a Ph.D. in business administration and marketing and an M.A. in sociology from Harvard University

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JOHN R. HAUSER, SC.D.

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John R. Hauser, Sc.D., 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 80 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 at Applied Marketing Science, Inc., 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 Sc.D. in operations research, an S.M. in civil engineering, and both an S.M. and S.B. in electrical engineering, all from MIT.

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HARRY LAWLESS, PH.D.

Professor Emeritus of Food Science
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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 Foods*. 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 Ph.D. and his M.Sc. from Brown University and his B.A. in psychology, with distinction, from Yale University.

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HIMANSHU MISHRA, PH.D.

David Eccles Professor of Marketing
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Himanshu Mishra, Ph.D., is the David Eccles Professor of Marketing at the University of Utah. Dr. Mishra's research focuses on behavioral decision theory, consumer psychology, and behavioral economics. He has designed, supervised, and conducted more than a thousand market research and consumer behavior surveys on a broad range of topics across a vast spectrum of populations. He has served as an expert witness in litigation involving trademark and trade dress infringement, and deceptive advertising. Along with consumer surveys, he leverages artificial intelligence (AI) and large language models (LLMs) to predict consumer behavior and decision-making in the marketplace.

Dr. Mishra has co-authored a book on how to harness AI and machine learning to tackle complex business challenges effectively. His research has appeared in numerous leading journals of marketing and psychology, such as the *Journal of Marketing Research*, *Journal of Consumer Research*, *Psychological Science*, *American Psychologist*, *Journal of Marketing*, *Marketing Science*, and *Management Science*, among others. He has also published research in the *Trademark Reporter* on conducting online intellectual property surveys for likelihood of confusion, trade-dress infringement, and false and deceptive advertising.

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*. Dr. Mishra holds a Ph.D. in marketing from the University of Iowa.

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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 a Ph.D. and an M.A. in social psychology from Princeton University.

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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*, the *Journal of Marketing*, and *Marketing Letters*, and is an associate editor at the *Journal of Consumer Psychology*, and the *Journal of Marketing Research*.

He received his Ph.D. and MBA from the University of California, Berkeley, and his B.A. in economics, with distinction, from Stanford University.

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DAVID STEWART, PH.D.

Emeritus 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 has served on the editorial boards of other leading marketing journals, such as the *Journal of the Association for Consumer Research*, the *Journal of Marketing Research*, the *Journal of Advertising*, the *Journal of Advertising Research*, the *International Journal of Advertising* and the *Journal of Interactive Marketing*, among others.

Dr. Stewart holds a Ph.D. in personality psychology and an M.A. in general experimental psychology from Baylor University.

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MORGAN WARD, PH.D.

Marketing Scholar and Consumer Behavior Expert
Emory University

Morgan Ward, Ph.D., is a marketing scholar specializing in branding, consumer perception, and consumer decision making. She serves as an expert witness for complex legal cases, offering opinions and consultation in matters related to trademark infringement, secondary meaning, likelihood of confusion, and false and deceptive advertising. Drawing on over two decades of expertise in consumer psychology, marketing strategy, and empirical research, she has provided expert testimony and submitted reports to the Federal Court.

Dr. Ward is recognized for her expertise in designing and evaluating consumer perception studies. Her work focuses on developing defensible surveys that assess likelihood of confusion and secondary meaning in trademark infringement disputes and matters concerning brand identity. This methodological focus complements her broader research examining the psychological drivers of brand perception and how consumers use products and brands to signal status, construct identity, and navigate cultural meaning.

Dr. Ward's research on how products and brands convey status and shape consumer identity has appeared in leading journals such as the *Journal of Consumer Research*, the *Journal of Marketing Research*, and the *Journal of Marketing*. Her work has been featured in prominent media outlets such as CNN, *Time*, and NPR. She has presented at academic conferences, executive forums, and industry events. Dr. Ward has also consulted with organizations ranging from early-stage companies to Fortune 500 firms on consumer insights, brand positioning, and marketing strategy. She is a member of the American Marketing Association (AMA), the Association for Consumer Research (ACR), the International Trademark Association (INTA), the Society for Consumer Psychology (SCP), and the Society for Personality and Social Psychology (SPSP).

Dr. Ward holds a Ph.D. in marketing and an MBA from the University of Texas at Austin. She was previously an Assistant Professor of Marketing at Southern Methodist University's Cox School of Business and at Emory University's Goizueta Business School, where she is now an Adjunct Professor.

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GAL ZAUBERMAN, PH.D.

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Gal Zauberaman, 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 Zauberaman 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 Zauberaman 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 Ph.D. in marketing from Duke University and a B.A. in psychology and economics from the University of North Carolina, Chapel-Hill.

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JUANJUAN ZHANG, PH.D.

John D. C. Little Professor of Marketing
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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 Education and the MIT Sloan School of Management's highest teaching award, the Jamieson Prize. She was also named a Top 50 Undergraduate Professor by Poets and Quants. Zhang holds a Ph.D. in business administration from the University of California, Berkeley and a B. Econ. from Tsinghua University.

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— APPLIED MARKETING SCIENCE, INC. —

LITIGATION SUPPORT STAFF

Our talented network of experts is supported by our equally impressive client service staff. Applied Marketing Science, Inc. (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 30 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.

— APPLIED MARKETING SCIENCE, INC. —
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Founded in 1989 with roots in the MIT Sloan School of Management, Applied Marketing Science, Inc. is a market research and consulting firm with an established practice focused on consumer surveys for litigation.



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