

Palmatier Expert Experience and Testimony

1. **Trademark.** BraunHagey & Borden, LLP. *Stone Brewing Co., LLC, v. Millercoors*, 3:18-cv-00331-BEN-LL. Represented Stone Brewing in trademark infringement case which included numerous studies (Squirt surveys, regression analyses, brand association studies), multiple expert reports, deposition (2021), and trial testimony (2022). Stone Brewing won infringement and received 56M\$ settlement.
2. **Transfer Pricing, Brand and Customer Relationship Valuation.** Represented US Treasury (i.e., IRS commissioner) in *Western Digital Corporation v. Commissioner of Internal Revenue* (18984-18 U.S. Tax Court). The focus of the case was on transfer pricing issues. Dr. Palmatier's work evaluated relationship marketing and branding strategies and the relative value generated from sales and marketing activities.
3. **Trademark.** BraunHagey & Borden, LLP. *Waterloo Sparkling Water Corp. v. Treaty Oak Brewing and Distilling Co*, Civil Action no. 1:21-CV-161-RP. Represented Waterloo Sparkling Water in trademark infringement injunction. Conducted and evaluated multiple Squirt and Eveready studies and generated multiple reports. Treaty Oak Brewing and Distilling Co enjoined from using Waterloo trademark.
4. **Misleading Advertising-Class Action.** BraunHagey & Borden, LLP. *SABRINA SILVA and NANCY SHIER, on behalf of themselves and all others similarly situated, Plaintiffs, v. B&G FOODS, INC. and B&G FOODS NORTH AMERICA, INC.* (i.e., Ortega Taco Shells) US District Court, Northern District of California, No. 4:20-cv-137-JST. Represented B&G Foods and conducted misleading advertising surveys, analyses, and provided reports.
5. **Trademark.** BraunHagey & Borden, LLP. *Wave Soda v. Ocean Spray Wave Soda*. Represented Wave soda and conducted Squirt surveys and developed report. Settled.
6. **Survey Rebuttal-Class Action.** Summit Law Group in *Cathleen Robertson v. Valley Communications Center*, 16-2-06437-0 KNT (Wash. Supr. Ct.). Represented Valley Communication Center to provide expert opinions and report regarding survey instrument, process, and analyses, which resulted in opposing survey to be thrown out by court and case dismissed. **Testimonial**, "Dr. Palmatier was a very effective expert witness. His analyses and reports were impeccable. We found his knowledge of survey design and sample methodology to be especially strong." Quinn Oppenheim, Partner with Summit Law. 206-676-7106; quinno@SummitLaw.com
7. **Sales Attributed to Product Feature-Class Action.** Akin Gump, Strauss Hauer & Feld LLP in *Converse V. Vizio, Inc.* in 3:17-cv-05897-BHS (W.D. Wash.) represented Vizio to provide marketing research and a report in a class action suit regarding the evaluation of the relative importance of and the uniformity of importance of the YouTube application ("app") as a feature in Vizio's Smart TV across consumers that purchased a Vizio's products (Flash-based products, i.e., "VIA Smart TV"). Impact of and details about sales in retail channels were evaluated. Data pertinent to the decision

was found through a large-scale search of past published business and academic research from relevant time period.

8. **Patent Infringement-Value of Sales and Marketing.** Alston Bird in *Kroy IP Holdings, LLC v. Autozone, Inc.* in Civil Action No. 2:13-cv-888-WCB (E.D. Tex.) represented AutoZone to generate expert report, but the case was settled before depositions. The case involved patent infringement in loyalty and incentive programs in retail channels.

9. **Patent Infringement-Value Attributed to Product Feature.** Paul Hastings in *Power Integration, Inc. v. Fairchild Semiconductors International, Inc.* in 09-CV-05235-MMC (N.D. Cal.). Dr. Palmatier provided an expert report, dispositions, and rebuttal report. The case involved a past patent infringement and determining the value of the infringing feature in the damages case regarding both direct selling and sales channels.

10. **Sales Practices and Valuation of Lost Sales.** Value of McNaul, Ebel, Nawrot & Helgren PLLC in *Education Logistics INC. v. Datsopoulos, MacDonald & Lind, P.C.* No. 15-2-11342-9 (Wash. Supr. Ct.). Dr. Palmatier provided a report. The case involved a contract dispute, typical practice in sales and retail channels, market determination, and potential lost sales. **Testimonial**, “Dr. Palmatier is an effective expert witness in the sales and marketing domain. I especially like that his background includes both executive business experience as well as an exceptional academic practice.” Avi J. Lipman, Attorney at McNaul, Ebel, Nawrot & Helgren.

11. **Wrongful Salesperson Termination.** *Nadeau, et al., v. Wealth Counsel LLC, et al.*, No. 2:17-cv-00561-MCE-AC (E.D. Cal.). Dr. Palmatier provided a report evaluating sales, marketing, and selling strategies of a software firm in a case involving wrongful termination. The report evaluated best practices in sales channel strategies, surveys, and the potential impact of channel decisions.