NERA
ECONOMIC CONSULTING

Dr. Kent Van Liere

Affiliated Consultant

Contact
kent.vanliere@vanliereconsulting.com
San Francisco: +1 415 291 1000

Dr. Van Liere is an Affiliated Consultant at NERA with expertise in the use of surveys, sampling, statistics, and market research in litigation. He has testified at trial and in deposition on the use of surveys, sampling, and statistics in a wide range of cases.

Intellectual Property

- *Trademark/ Trade Dress Infringement*: Dr. Van Liere has conducted surveys in a wide range of trademark/trade dress matters involving likelihood of confusion, secondary meaning, fame, and dilution. Example cases include: *Apple v Samsung*; *Rosetta Stone v Google*, and *Frito-Lay North America, Inc. v. Medallion Foods, Inc. and Ralcorp Holdings, Inc.*
- *Patent Infringement*: He has also conducted surveys and sampling analysis in patent infringement matters to assess rates of infringement, relative importance of patent in driving demand, and apportionment issues. Example cases include: *Rembrandt Social Media LP v. Facebook, Inc. and Adthis, Inc; Catalina Marketing Corporation v. Coupons, Inc*.; and *Convolve, Inc v. Dell Inc. et al*.

Consumer Class Actions

- *Food Labeling Class Actions*: Dr. Van Liere has conducted surveys in a range of food-labeling matters claiming deceptive advertising regarding consumer perceptions of Natural, All Natural, No Sugar Added, Antioxidants, and related terms. Example cases include *Astiana v Ben & Jerry's*; *Kosta et al. v. Del Monte Foods, Inc*.; and *POM Wonderful, LLC v. Welch Foods, Inc*.
- *Representations and Omissions*: He has conducted surveys in several product liability and deceptive advertising matters related to representations and omissions regarding consumer expectations and decision processes. Example cases include: *McAdams et al. v. Monier Lifetile* and *Khoday et al. v. Symantec Corp. and Digital River, Inc*.
- *Financial Products*: Dr. Van Liere has conducted surveys in consumer class actions related to deceptive advertising and consumer perceptions regarding financial products. An example case is: *Vaccarino et al. v. Midland National Life Insurance Company*.

Claim Substantiation

Dr. Van Liere has conducted sampling analysis and statistical analysis related to disputes over claim substantiation in court and before the NAD. Example cases include *Jackson Hewitt Inc. v. H&R Block, Inc. et al* and *Carfax, Inc v. AutoCheck*.

Labor and Employment Matters

Dr. Van Liere has reviewed surveys in employment-related matters addressing meal and rest breaks and exempt/nonexempt classifications. Example cases include: *Olguin v. Fed Ex Ground* and *Martinez, et al. v. Joe's Crab Shack Holdings, Inc*.

Dr. Van Liere has reviewed and designed sampling plans to sample records in labor matters related to such issues as workmen's compensation and FICA/FUTA payment disputes. Example cases include *Cencast Services, L.P., et al. v. The United States* and *Redwood Fire and Casualty Insurance Company v. Personnel Plus.*

Antitrust Matters

Dr. Van Liere has designed surveys and sampling plans in antitrust matters including merger analysis and antitrust class

actions. These studies have addressed issues of cross shopping behavior, conjoint analysis of choices, and variations in supply and demand conditions facing market participants. An example case is *Federal Trade Commission v. Whole Foods Market, Inc. and Wild Oats Markets, Inc*.

Commercial Disputes and Product Liability

Dr. Van Liere has conducted sampling and statistical analysis in a range of commercial disputes and product liability matters. These generally involve sampling records or products for purposes of extrapolation to a population. Examples include:

- *People of the State of California et al. v. Atlantic Richfield Company et al.* (developed an estimate of white lead carbonate shares in CA from historical records)
- *Hamlet-Cox v. Health Net of California, Inc.* (developed a sampling plan to sample health claims for insurance dispute)
- *Virgin Valley Water District v. Vanguard Piping Systems, et al.* (evaluated sampling and statistical models of leaks in polyethylene piping)

Prior to joining NERA, Dr. Van Liere served as President/CEO of Primen (an information services joint venture of the Electric Power Research Institute and the Gas Research Institute), a Senior Vice President of PHB/Hagler Bailly, and President of HBRS, Inc (a highly regarded survey research company). Early in his career, he was a tenured Associate Professor at the University of Tennessee, where he taught classes in statistics, sampling, and survey methodology.

Education

PhD and MA in sociology, Washington State University
BA in sociology, Hamline University

Publications

- *The Use of Surveys in Litigation: Recent Trends*
- *Emerging Issues in the Use of Surveys in Trademark Infringement on the Web*
- *Use of Sample Surveys in Product Liability Litigation*

Practice Areas

Intellectual Property
Labor and Employment
Product Liability and Mass Torts
Statistical Sampling and Analysis
Survey Research, Design, and Analysis

About NERA

NERA Economic Consulting (www.nera.com) is a global firm of experts dedicated to applying economic, finance, and quantitative principles to complex business and legal challenges. For over half a century, NERA's economists have been creating strategies, studies, reports, expert testimony, and policy recommendations for government authorities and the world's leading law firms and corporations. With its main office in New York City, NERA serves clients from more than 25 offices across North America, Europe, and Asia Pacific.