

MICHAEL J. SCHRECK, PH.D.
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Dr. Schreck specializes in economic and quantitative analysis in complex litigation matters, including intellectual property and trademark, antitrust, tax, and commercial disputes. He has worked with academic and industry experts to analyze a wide variety of industries, including fashion apparel, technology, consumer goods, e-commerce, sports, agriculture, automobiles, and pharmaceuticals. Dr. Schreck's case work includes litigation related to damages estimation, class certification, trademark and trade dress issues, brand valuation, false advertising, and other alleged Lanham Act violations. He has testified at trial in a trademark matter before the US International Trade Commission, and has testified at deposition in a Lanham Act matter related to estimation of damages and class certification. In addition, Dr. Schreck led an Analysis Group team supporting a signatory group of 12 marketing professors in submitting an amicus brief to the Supreme Court in *United States Patent and Trademark Office, et al. v. Booking.com B.V.*, which analyzed whether a "generic.com" domain name could be a trademark. He has published book chapters and articles in refereed journals on a variety of topics, including trademark secondary meaning, lost profits analysis, and consumer behavior. Dr. Schreck has taught undergraduate courses in experimental economics and the economics of the public sector.

EDUCATION

- 2013 Ph.D., economics, University of Virginia
- 2008 M.A., economics, University of Virginia
- 2005 B.S., mathematics, and B.S., economics (Highest Honors and Outstanding Economics Major), Saint Vincent College

PROFESSIONAL EXPERIENCE

- 2013–Present Analysis Group, Inc.
Vice President
Manager
Associate
- 2007–2013 University of Virginia
Instructor, Experimental Economics
Instructor, Economics of the Public Sector
Teaching Assistant, Ph.D. Microeconomics Sequence
- 2006 National Youth Science Foundation
Associate Director

SELECTED EXPERT CASE WORK

- ***In the Matter of Certain Casual Footwear and Packaging Thereof***
Provided trial and deposition testimony and an expert report related to analyses of consumer-facing promotional efforts and empirical consumer perception evidence
- ***Bruce Corker d/b/a Rancho Aloha, et al. v. Costco Wholesale Corporation, et al.***
Provided deposition testimony and expert reports related to damages estimation, class certification, and the value of injunctive relief on behalf of the plaintiffs in a Lanham Act false designation of origin proceeding

SELECTED PRACTICE AREA EXPERIENCE

Intellectual Property

- **Publications and Presentations**
 - Coauthored book chapter on marketing-based principles for secondary meaning analysis in trademark litigation
 - Presented webinar on trademark litigation issues (“IP Rights in the Food and Beverage Industry: Risk Management Strategies and Techniques”)
- **Case Work**
 - Supported marketing experts in numerous trademark litigations, including on issues of secondary meaning (brand name, product packaging, and product design), genericness, and likelihood of confusion
 - Supported experts in the analysis of alleged false advertising, including advertising at the Super Bowl and other major sporting events, as well as claims related to product and package labeling
 - Supported experts in the design and analysis of surveys to quantify alleged harm to plaintiffs in cases of alleged false advertising
 - Analyzed such industries as high tech, fashion apparel, food, beverage, e-commerce, automobiles, sports, retail, and consumer goods
 - Supported expert trial testimony in multiple trademark disputes

Regulatory and Commercial Disputes

- **Publications and Presentations**
 - Coauthored book chapter on principles for conducting industry and economic research in lost profits analysis
- **Case Work**
 - Supported experts in the analysis of factors affecting the success of commercial launch for certain pharmaceutical products, including claims of damages from breach of contract
 - Supported an expert in the analysis of harm to a consumer electronics startup pertaining to claims of alleged counterfeiting in an e-commerce marketplace
 - Supported an expert in analyzing the likelihood of irreparable harm regarding a commercial dispute over ownership of a brand asset
 - Supported an expert in the analysis of damages related to allegedly defective products and alleged fraud
 - Analyzed such industries as agriculture, beverages, e-commerce, pharmaceuticals, and hospitals

- Supported expert trial testimony in Delaware's Chancery Court, resulting in a \$70 million judgment in favor of client

Antitrust and Competition

▪ Publications and Presentations

- Coauthored article on litigation developments related to no-hire and employee non-compete agreements

▪ Case Work

- Supported experts in the analysis of liability and damages pertaining to alleged conspiracies to fix prices
- Supported an expert in the analysis of damages pertaining to allegedly anticompetitive reverse payment settlements
- Analyzed such industries as food, pharmaceuticals, home construction, consumer electronics, and pharmacy
- Supported expert trial testimony in a price-fixing dispute

Finance, Valuation, and Tax

- Supported experts in the analysis of liability and damages pertaining to alleged manipulation of financial markets
- Supported an expert in analyzing the value of sales and marketing activities and associated intangibles related to transferred assets
- Supported experts in estimating the useful economic life of marketing assets related to transfer pricing valuations
- Analyzed such industries as high tech, wholesale electricity trading, interbank loans, international currency trading, precious metals, e-commerce, and hedge funds
- Supported expert trial testimony in one of the largest transfer pricing disputes in US history, resulting in a favorable judgment for client in US Tax Court

SELECTED PUBLICATIONS AND RESEARCH

(*refereed journal, *invited book chapter)**

**"Taking a Second Look at Secondary Meaning: A Marketing Perspective on Circuit Court Factors," with Peter N. Golder and Aaron C. Yeater, *The Cambridge Handbook of Marketing and the Law*, Cambridge University Press (2023)

**"Industry and Economic Research in Lost Profits Analysis," with Benjamin March and Samuel Weglein, *Lost Profits Damages: Principles, Methods, and Applications*, Valuation Products and Services, LLC (2022)

***"From Lab to Field: Social Distance and Charitable Giving in Teams," with Laura K. Gee and Ankriti Singh, *Economics Letters* (July 2020)

"Recent Developments in Litigation and Regulation Related to No-Hire and Employee Non-Compete Agreements: Implications for Franchise Systems," with Aaron Fix and Jee-Yeon Lehmann, *Distribution: The Newsletter of the Distribution & Franchising Committee of the Section of Antitrust Law of the American Bar Association*, Vol. 22, No. 1 (February 2018)

***“Do Donor Beliefs Matter for Donation Matching? Experiments in the Field & Laboratory,” with Laura K. Gee, *Games and Economic Behavior* (January 2018)

INVITED PRESENTATIONS

US Department of Justice, Federal Trade Commission, Science of Philanthropy Initiative Conference (hosted by The University of Chicago Booth School of Business), Whitman College, University of Puget Sound, Institute for Defense Analyses, The Brattle Group, Middle Tennessee State University, University of Virginia, National Youth Science Foundation, Economic Science Association Conference, University of Virginia Quantitative Collaborative Research Symposium, The Knowledge Group, Northeastern University, Boston College, Legal Applications of Marketing Theory Conference (hosted by Harvard Law School)