

Eric D. DeRosia

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Academic Appointment

Associate Professor, Marketing Group, Marketing and Global Supply Chain Department,
Marriott School of Business, Brigham Young University, 2003-present

Education

Ph.D., Business Administration (marketing), University of Michigan, 2003

B.S., Business Management (minor in statistics), Brigham Young University, 1994

Business Experience

Project Director (ad hoc marketing research), Opinion Research Corporation, 1994-1997

Assistant Project Director (continuous and ad hoc marketing research), Fairfax Research, 1993-1994

Academic Memberships

American Marketing Association (AMA)

International Trademark Association (INTA)

Honors, Awards, and Appointments

Recipient, Outstanding Researcher Award, Marketing and Global Supply Chain Department,
Marriott School of Business, Brigham Young University, 2019

Member Commissioner, Utah Judicial Performance Evaluation Commission, 2013-2016,
appointed by the Utah Supreme Court

Recipient, Meritorious Teaching Award, Marketing Management Association, 2013

Recipient, Outstanding Researcher Award, Business Management Department, Marriott School of Management, Brigham Young University, 2009

Recipient, Outstanding Teacher Award, Business Management Department, Marriott School of Management, Brigham Young University, 2007

Recipient, Milton G. and Josephine Kendrick Marketing Award for outstanding doctoral work, University of Michigan, 2002

Fellow, AMA-Sheth Doctoral Consortium, Coral Gables, Florida, 2001

Appointed Representative, Albert J. Haring Symposium, Bloomington, Indiana, 2000

Publications

DeRosia, Eric D., Jesse Egbert, and Thomas R. Lee (2024), "Triangulating the Likelihood of Confusion: Consumer Survey Evidence and Corpus Linguistic Analysis," *BYU Law Review*, 50 (1) 1-47.

DeRosia, Eric D. and Ryan S. Elder (2019), "Harmful Effects of Mental Imagery and Customer Orientation During New Product Screening," *Journal of Marketing Research*, 56 (4), 637–651.

DeRosia, Eric D. (2019), "Fixing *Ever-Ready*: Repairing and Standardizing the Traditional Survey Measure of Consumer Confusion," *Georgia Law Review*, 53 (2), 613-682.

DeRosia, Eric D. and Edward McQuarrie (2019), "Lost and Found: Individual Differences in Propensity to Process Visual Elements of Persuasion," *Psychology and Marketing*, 36 (4), 266-275.

DeRosia, Eric D., Thomas R. Lee, and Glenn L. Christensen (2011), "Sophisticated but Confused: The Impact of Brand Extension and Motivation on Source Confusion," *Psychology and Marketing*, 28 (5), 457–478.

Lee, Thomas R., Eric D. DeRosia, and Glenn L. Christensen (2009), "An Empirical and Consumer Psychology Analysis of Trademark Distinctiveness," *Arizona State Law Journal*, 41 (4), 1033-1109.

DeRosia, Eric D., and Glenn L. Christensen (2009), "Blind Insights: A New Technique for Testing A Priori Hypotheses with Qualitative Methods," *Qualitative Marketing Research*, 12 (1), 15-35.

Lee, Thomas R., Glenn L. Christensen, and Eric D. DeRosia (2008), "Trademarks, Consumer Psychology, and the Sophisticated Consumer," *Emory Law Journal*, 57 (3), 575-650.

DeRosia, Eric D. (2008), "The Effectiveness of Nonverbal Symbolic Signs and Metaphors in Advertisements: An Experimental Inquiry," *Psychology and Marketing*, 25 (3), 298-316.

Lee, Thomas R., Eric D. DeRosia, and Glenn L. Christensen (2008), "Sophistication, Bridging the Gap, and the Likelihood of Confusion: An Empirical and Theoretical Analysis," *Trademark Reporter: The Law Journal of the International Trademark Association*, 98 (July/August), 913-949.

Forr, James, Glenn L. Christensen, and Eric D. DeRosia (2008), "Forecasting Deep Consumer Resonance: An Application of the Zaltman Metaphor Elicitation Technique (ZMET)," in *Advances in Business Management and Forecasting*, Kenneth D. Lawrence and Michael D. Geurts, eds., Oxford, UK: Elsevier Science, Vol. 5, 133-156.

DeRosia, Eric D. (2007), "Rediscovering Theory: Integrating Ancient Hypotheses and Modern Empirical Evidence of the Audience-Response Effects of Rhetorical Figures," in *Go Figure: New Directions in Advertising Rhetoric*, Edward F. McQuarrie, and Barbara J. Phillips (Eds.), Armonk, NY: M.E. Sharpe, 21-34.

DeRosia, Eric D. (2006), "Civil Metaphor," *Marketing Research*, 18 (1), 8-13.

DeRosia, Eric D., Glenn L. Christensen, and David B. Whitlark (2006), "Improving Sales Forecasts by Testing Underlying Hypotheses about Consumer Behavior: A Proposed Qualitative Method," in *Advances in Business Management and Forecasting*, Kenneth D. Lawrence and Michael D. Geurts, eds., Oxford, UK: Elsevier Science, Vol. 4, 183-197.

Conference Presentations

DeRosia, Eric D., Jesse Egbert, and Thomas R. Lee (2023), "Triangulating the Likelihood of Confusion: Consumer Survey Evidence and Corpus Linguistic Analysis," *Law & Corpus Linguistics Conference*. Provo, Utah.

DeRosia, Eric D. (2018), "Less Confused, Naturally: Common Advertising Techniques Reduce Source Confusion," *American Marketing Association's Marketing & Public Policy Conference*. Columbus, Ohio.

DeRosia, Eric D. (2017), "Fixing Eveready: Empirically Identifying 'Known Conservative' Versions of the Most Commonly Accepted Measure of Consumer Confusion," *Academy of Legal Studies in Business*. Savannah, Georgia.

DeRosia, Eric D. (2017), "Fixing Eveready: Empirically Identifying 'Known Conservative' Versions of Trademark Law's Most Accepted Measure of Consumer Confusion," *American Marketing Association Marketing & Public Policy Conference*. Washington, D.C.

DeRosia, Eric D. (2013), "The Imagination of Managers during New Product Development: Identifying and Preventing Bias," *American Marketing Association Summer Educator's Conference*. Boston, Massachusetts.

DeRosia, Eric D. (2013), "Competition Neglect and Individualism: When Managers Can't Think of Anyone But Themselves," *American Marketing Association Summer Educator's Conference*. Boston, Massachusetts.

DeRosia, Eric D. (2011), "Incorporating Consumer Responses into Active Learning Exercises," *Marketing Management Association Fall Educators' Conference*. St. Louis, Missouri.

McQueen, Grant, Keith P. Vorkink, Eric D. DeRosia, Glenn L. Christensen (2011), "Advertising, Visibility, and Stock Turnover," *Financial Management Association European Conference*. Porto, Portugal.

DeRosia, Eric D., Thomas R. Lee, and Glenn L. Christensen (2010), "Unintended Consequences: How Brand Extensions Make Brands More Vulnerable to Consumer Confusion," *American Marketing Association Winter Marketing Educators' Conference*. New Orleans, Louisiana.

Lee, Thomas R., Eric D. DeRosia, and Glenn L. Christensen (2009), "An Empirical and Consumer Psychology Analysis of Trademark Distinctiveness," *Intellectual Property Scholars Conference*. New York, New York. [plenary session]

Lee, Thomas R., Eric D. DeRosia, and Glenn L. Christensen (2008), "Trademarks and the Reasonably Prudent Buyer: A Theoretical and Empirical Analysis of Consumer Sophistication," *International Trademark Association Learned Professors Trademark Symposium*. New York, New York.

DeRosia, Eric D. and Glenn L. Christensen (2007), "The Stonewall Metaphor: Making an Impact with Transformative Consumer Research," in *Advances in Consumer Research*, Vol. 34, eds, Gavan J. Fitzsimons and Vicki G. Morwitz, Duluth, Minnesota: Association for Consumer Research, 8-9.

DeRosia, Eric D. (2005), "A New Sleeper Effect: The Temporal Effects of Making Messages More Challenging," *American Academy of Advertising Annual Conference*. Houston, Texas.

DeRosia, Eric D. and Rajeev Batra (2002), "The Cognitive Processes Underlying the Interpretation of Visual Metaphors," in *Advances in Consumer Research*, Vol. 29, Susan M. Broniarczyk and Kent Nakamoto, eds., Valdosta, Georgia: Association for Consumer Research, 265-266.

DeRosia, Eric D. (2001), "An Experimental Investigation of the Processes Underlying the Interpretation of Nonverbal Signs and Metaphors in Advertising," in *Advances in Consumer Research*, Vol. 28, Mary C. Gilly and Joan Meyers-Levy, eds., Valdosta, Georgia: Association for Consumer Research, 275.

Expert Witness

Within the last four years, I have been engaged as a testifying expert witness in the following cases: (**Bold** indicates client, with expert report, deposition, and trial testimony as noted)

Intellectual Reserve, Inc. and The Church of Jesus Christ of Latter-day Saints v. Heathertainment (USPTO Trademark Trial and Appeal Board, 91281170), report Jan. 2024.

GOLO, LLC v. Goli Nutrition Inc. (United States District Court, District of Delaware, 20-cv-667), reports Jan. and Mar. 2023, deposition Mar. 2023, trial testimony Aug. 2023.

Hangzhou Zhaohu Technology Co., Ltd v. **Boer Tech, Prohear and Johnson Tech** (United States District Court, Southern District of New York, 22-cv-5878), report Sept. 2022.

Federal Trade Commission v. **Simple Health Plans LLC** (United States District Court, District of Florida, 18-cv-62593), report Apr. 2020, deposition Sept. 2020.

Prior to the four-year disclosure window:

Vineyard Vines, LLC v. **Dazzle Up, LLC** (United States District Court, Western District of North Carolina, 3:18-cv-98), reports Aug. and Oct. 2018.

American Dairy Queen Corp. v. **Universal Investment Corp.** (United States District Court, Western District of Wisconsin, 16-cv-323), report May 2017, deposition July 2017.

Cue, Inc. v. General Motors LLC (United States District Court, District of Massachusetts, 1:13-cv-12647), reports June and Sept. 2015, depositions Aug. and Oct. 2015.

Dazzle Up, LLC v. LML Investments, LLC (United States District Court, Middle District of North Carolina, 1:13-cv-00381), report Jan. 2014.