

# DORSEY'S CONSUMER INSIGHTS GROUP



## Overview

In trademark and advertising disputes, the perceptions and impressions of consumers are often decisive. Survey research plays a critical role in shaping the outcome of litigation, as evidenced by the growing number of federal court decisions and TTAB rulings that turn on consumer surveys and related data.

Unfortunately, many litigants invest heavily in consumer surveys only to discover that their results are “flawed” or, worse, “inadmissible.” At Dorsey, we recognize the immense importance of precise survey research in helping shape the outcomes in trademark and advertising cases.

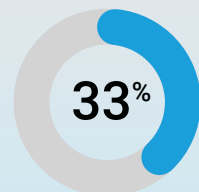
That’s why we established the Consumer Insights Group. We help lawyers and their clients in developing and executing sound consumer survey research. Michael Keyes is an IP litigation partner and leads our group. Mike is not only a distinguished trademark and advertising trial lawyer but also holds an advanced degree in Survey Research & Data Analysis.

With extensive experience overseeing, drafting, and critiquing litigation surveys, Mike is a leading voice on consumer survey evidence, frequently presenting at national conferences hosted by organizations like the ABA, AIPLA, PLI, Strafford, and AAPOR (the American Association for Public Opinion Research). He publishes frequently on the topic of consumer surveys and maintains an active following on LinkedIn where hundreds of lawyers and survey experts a like subscribe to his publication Lanham Act Surveys for Lawyers. He also imparts his survey expertise to law students at the University of Washington Law School, where he serves as an affiliate instructor, teaching Advanced Trademarks and IP Litigation Strategies. His insights on survey research have also been shared with students and faculty at esteemed law school institutions including the University of Notre Dame, Franklin Peirce Law Center, and Gonzaga University.

### How Often Is Survey Evidence Excluded?

#### In the Last 10 Years

- Nearly 33% of federal court decisions **found survey evidence to be either “flawed” or “inadmissible.”**



#### The Cost

- This equates to **tens of millions of dollars** spent on expert legal fees with **no return**.

## OUR CONSUMER SURVEY EXPERT WITNESS SERVICES

**With our deep expertise in survey design, research, and analysis, we can provide comprehensive support to ensure your survey efforts are both effective and legally sound. Our expert witness services include:**


- *Testing for likelihood of confusion, dilution, secondary meaning, and fame*
- *Assisting clients in interpreting and evaluating consumer survey data*
- *Collaborating directly with experts to ensure that survey designs and methodologies are robust and defensible*

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## HOW CAN DORSEY'S CONSUMER INSIGHTS GROUP ASSIST?

If you're looking to ensure that your survey research is executed correctly, we're here to help. Contact us today to discuss how our Consumer Insights Group can support your litigation needs and contribute to your team's success.



**Lanham Act Surveys for Lawyers**  
Making Consumer Survey Evidence Discussions  
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Here are some of Mike's critically-acclaimed articles and posts.

[Consumer Surveys – Separating Pseudo Science from Admissible Evidence](#)

[Class Actions and Consumer Surveys: 10 Tips for Trial Counsel](#)

[Does Your Survey Data Suffer From "F.D.R." Non-Response Bias?](#)

