

# SILVERMAN CONSULTING LLC

**Bruce Silverman** is one of America's most respected advertising and branding experts.

Prior to forming Silverman Consulting LLC in 2005, Bruce served as EVP/Executive Creative Director at three of America's largest advertising agencies (Ogilvy, Bozell and BBDO), as President of two of the nation's best independently-owned agencies (Asher/Gould and Wong Doody), and as President/CEO of the principal U.S. unit of the world's largest media planning and buying shop (Initiative Worldwide). A long-time member of the Board of Directors of the American Association of Advertising Agencies, he also served as Vice Chairman of the Western Region of the AAAA and Vice President of the Los Angeles Advertising Agency Association.



Bruce provides advice and counsel to companies both in the U.S. and abroad engaged in marketing consumer goods and services. In addition, he works with law firms as an expert witness on cases relating to false and misleading advertising, trademark infringement, consumer confusion, branding, publicity rights, advertising industry custom and practice and media. Bruce has testified numerous times in state and federal courts as well as before the Copyright Royalty Judges of the Library of Congress.

Bruce was the creative mind behind "Don't Leave Home Without It" for American Express, "Bullish on America" (Merrill Lynch), "Something Special in the Air" (American Airlines), "Not made in 'Nooo Yawk Ciddy" (Pace Picante), "The Shell Answer Man" and a dozen other award winning campaigns for such clients as IBM, Hershey's, Baskin-Robbins, Coldwell Banker, Sizzler, Suzuki, Pabst, Sanyo, Mattel, Greyhound and Post. He is particularly proud of the very successful tobacco-use prevention campaign he created and directed for the California Department of Health Services which became the prototype for virtually every anti-tobacco campaign in the world. At Initiative Media, he supervised more than \$10 billion in annual media planning and buying for more than 500 clients including Disney, Electronic Arts, Carl's Jr., Taco Bell, Albertson's, Acura, Bally's Health & Fitness, Six Flags, America Online, the United States Navy and Yahoo!

Bruce has appeared frequently on television and radio and has been interviewed by *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *The New Yorker* and many other

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newspapers and magazines on subjects relating to advertising and media. He has taught advertising at Pepperdine University and UCLA Extension, and has guest lectured at the UCLA Anderson School of Management, UCLA Fielding School of Public Health, USC, California State University Northridge, California State University San Diego, California State University San Francisco, Rice University, the University of Houston, the University of Texas, the Thunderbird School of Management, NYU, Stanford and the University of Hawaii.

Bruce has also served as a board director and/or advisory board member for a number of media-related companies including Triton Media, 24/6, Inc., NFH, Inc., Adam, Inc., Telecentris, Inc., Big Moving Pictures, Inc., NTB Media, Inc., Bulzi Media, Inc. and Madison Avenue Media, Inc.

A graduate of Adelphi University in New York (where he has been honored as a “Distinguished Alumnus”), Bruce is a confirmed theater, music and arts junkie, voracious reader, sports fan and world traveler. He is also very active in community activities. He was a founding board member of the Los Angeles Children’s Museum and later served as Chairman of the Resource Development Committee of the Starbright Foundation. In addition, he served for six years as a member of the Dean’s Advisory Board of UCLA Extension, for three years as a member of the County of Los Angeles Public Library Strategic Plan Advisory Council and he has been an active member of The Television Academy (the Emmy’s organization) for a quarter-century. Bruce is married to Nancy Cole Silverman, a former radio and publishing executive who is the author of the novels *Beyond a Doubt*, *Shadow of Doubt*, *Without a Doubt*, *Ode to Kokopelli*, *The Centaur’s Promise* and *The Salvationist*.

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## **BRUCE G. SILVERMAN** *CURRICULUM VITAE*

May 2005 – Present

### **SILVERMAN CONSULTING LLC (Los Angeles)** **Principal**

Advertising and branding consultant to advertisers and advertising agencies in the U.S., Europe and Asia engaged in marketing consumer goods and services. Consultant and expert witness for law firms throughout the U.S. on cases where false/misleading advertising, trademark infringement, advertising industry custom and practice, publicity rights and/or media are at issue.

January 2004 – April, 2005

### **WONG DOODY ADVERTISING (Los Angeles)** **President and Partner**

Privately-owned, award-winning advertising agency with offices in Los Angeles and Seattle. Clients included Alaska Airlines, Alpine Electronics, Autodesk, Clif Bar, Inc., Los Angeles Dodgers, MGM Home Entertainment, Sony Pictures, UCLA/Anderson School of Management.

April, 1997 – Dec., 2003

### **INITIATIVE PARTNERS (Los Angeles)** **President/CEO; Member, Initiative Worldwide Board of Directors**

Principal U.S. unit of world's largest (\$22BB+) advertising media planning and buying agency. Clients included Acura, Albertson's, Arco, Carl's Jr/Hardee's, Baskin-Robbins, Chevrolet, Cisco Systems, Intel, Walt Disney Company, E-Trade, The Home Depot, Johnson & Johnson, Kaiser-Permanente, Six Flags, Taco Bell, U.S. Navy Recruiting Command, Unilever, plus more than 100 advertising agencies operating throughout the United States and Canada.

January 86 – March ‘97

**ASHER/GOULD ADVERTISING, INC. (Los Angeles)  
President, Chief Creative Officer, Chief Operating  
Officer and Partner**

Privately-owned, top 100 advertising agency with offices in Los Angeles and Las Vegas. Clients included American Savings Bank, Avery Dennison, Baskin-Robbins, ITT/Sheraton, The Men’s Wearhouse, Pabst Brewing Company, Pizza Hut, MGM Resorts, Sanyo, Southern California Cable Marketing Council, Suzuki cars and trucks, State of California Department of Health Services, SunAmerica

January 84 – December ‘86

**BBDO/WEST, INC. (Los Angeles, San Francisco)  
Executive Vice President, General Manager, Chief  
Creative Officer and Director**

West Coast division of Top 10 global advertising agency. Accounts included Apple Computer International, Coldwell Banker, Hughes Supermarkets, Pepsi, PIP Printing, Sanyo/Fisher, Sebastiani Vineyards, Sizzler, Southern California Dodge Dealers, Union Bank

January 81 – December ‘83

**BOZELL & JACOBS, SOUTHWEST, INC. (Dallas)  
Executive Vice President, Chief Creative Officer**

Southwest division of Top 10 U.S. advertising agency. Accounts included American Airlines, Armour Foods, Avis, Greyhound, Mary Kay, Pace Foods, Quaker Oats, Southwestern Bell, Symantec, Zale Corporation.

August 67 – December ‘80

**OGILVY & MATHER, INC. (New York)  
Senior Vice President, Executive Creative Director,  
Member, O&M USA Council of Directors**

Top five global advertising agency. Executive Creative Director and General Manager, O&M Los Angeles (1977-80); Creative Director, O&M Houston (1974-77); Associate Creative Director, O&M London (1974), Associate Creative Director, O&M New York (1972-73).

Accounts included American Express, British Travel Association, Campbell Soup Co. (Pepperidge Farm, Swanson), General Foods (Country Time, Maxwell House, Post cereals) Hershey Foods, IBM, KLM, Korean Airlines, Panasonic, Puerto Rico Tourism, Mattel, MTV, Mercedes Benz, Merrill Lynch, Nabisco, Nickelodeon, Shell, Smith Barney, Trailways, TWA, Unilever (Dove, Imperial Margarine) Universal Studios.

**EDUCATION**

June 1966 BA, Adelphi University, Garden City, New York

**INDUSTRY**

Vice Chairman, Western Region – American Association of Advertising Agencies (industry trade association) (1995-2002)

National Board of Directors – American Association of Advertising Agencies (1995-2002)

Vice President – Los Angeles Advertising Agencies Association (1995-2002)

Member, Los Angeles Advertising Club (1978-1980; 1984-2005)

Vice President – Dallas Advertising Club (1981-1983)

Vice President – Houston Advertising Federation (1975-1977)

Member – The Television Academy

Director – Los Angeles Chapter, Forensic Expert Witness Association

**TEACHING POSITIONS**

Instructor: Pepperdine University, UCLA Extension

Guest Instructor: Arizona State University, California State University Northridge, California State University San Diego, California State University Los Angeles, California State University San Francisco, New York University, Rice University, Southern Methodist University, Stanford University, University of Arizona, University of California (Berkeley), UCLA Anderson School of Management, UCLA Fielding School of Public Health, University of Hawaii, University of Houston, University of Southern California, University of Texas, Thunderbird School of Management; Dean's Board of Advisors, UCLA Extension

**OTHER**

Author: *How to Create Tobacco-Use Prevention Advertising That Works*; University of Florida Press, 1996

Author: *How to Complain for Fun and Profit*; Schulzke Publishing, 2008

Media Appearances: Frequent “advertising/marketing guest authority” on Bloomberg News, NBC News, ABC 20/20; cited in articles in *Wall Street Journal*, *New York*

*Times, Los Angeles Times, Washington Post, USA Today, Advertising Age, AdWeek*

**AWARDS:**

Multiple Clios, One Show “Pencils,” multiple Beldings, two Gold Lions at Cannes International Advertising Festival; three “Effie” awards, two David Ogilvy Awards.

**BRUCE G. SILVERMAN**  
**EXPERT WITNESS EXPERIENCE**

1. I have been retained as an Expert Witness 77 times since the year 2000. (I have consulted on a number of other branding/trademark/marketing/advertising/media-related cases as well.)
2. I have been deposed as an Expert 39 times.
3. I have been qualified and have testified as an Expert in court and/or at arbitration hearings 17 times.
4. Approximately 33 percent of my professional time is spent as an “Expert Witness.”
5. Approximately 65 percent of my work has been for the plaintiff; 35 percent for the defendant.

**DEPOSITION, ARBITRATION AND/OR TRIAL TESTIMONY**

2013-2017

*XIOMARA MARTINEZ ARROYO et al vs. THE NEMOURS FOUNDATION d/b/a NEMOURS CHILDREN'S HOSPITAL, ORLANDO*

Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida  
Case No: 2015-CA-004791-O  
Deposed February 23, 2017

*AERO RUBBER COMPANY, INC. vs. UNITED STATES*

In The Court of International Trade  
Court No. 15-00174  
Deposed 8/24/2016

*KENNETH HOBBS, et. al. v. BROTHER INTERNATIONAL CORPORATION*

United States District Court, Central District of California  
Case No. 2:15-cv-01866-PSG-VBK  
Deposed 8/10/2016

*CHRISTOPHER LEWERT et. al. v. BOIRON, INC. et. al.*

United States District Court, Central District of California  
Case No. 2:11-cv-10803-SVW-SH  
Deposed 11/19/2015; Testified 6/10/2016, 6/13/2016

*ONE HOUR AIR CONDITIONING FRANCHISING, L.L.C. v. DALLAS UNIQUE COMFORT, LTD.*

United States District Court, Middle District of Florida, Tampa  
Case No. 8:13-cv-3278  
Deposed 6/18/2015; Testified 11/2/2015

*MERIDIAN CREATIVE ALLIANCE, LLC v. O'REILLY AUTOMOTIVE, INC.*

In the Circuit Court of Greene County, Missouri  
Case No. 0931-CV08770  
Deposed 4/28/2015; Testified 6/11/2015

*INFORM VENTURES LLC v. TOYOTA MOTOR SALES U.S.A., INC.,*

Judicial Arbitration and Mediation Services (JAMS)  
Arbitration No. 1220048952  
Deposed 5/8/2015; Testified 5/20/2015

*J.R. MATS, INC. v. INTERNETSHOPSINC.COM d/b/a/ D.W. QUAIL GOLF*

United States District Court for the Eastern District of Pennsylvania  
Case No.: 2:14-cv-03427-TJS  
Deposed 4/1/2015



SCOTT EHREDT v. MEDIEVAL TIMES et. al.  
Judicial Arbitration and Mediation Services (JAMS)  
Arbitration No. 1220047549  
Deposed 2/27/2015; Testified 3/10/2015

GLENNON MARRERO v. MICHAEL RAY NGUYEN-STEVENSON; UNIVERSAL  
MUSIC GROUP, INC.; TILLY'S, INC.; SHIEKH SHOES; AND DOE CORPORATION  
United States District Court, Central District of California, Western Division  
Case No. 13-Cv-09291-Cbm-Pjw  
Deposed 11/7/2014

POQUITO MAS LICENSING CORPORATION v. TACO BELL CORP  
United States District Court, Central District of California  
Case No. 8:13-Cv-01933-Doc-Jpr  
Deposed 10/16/2014

PRIME MEDIA GROUP LLC v. ACER AMERICA CORPORATION  
United States District Court  
Northern District of California, San Jose Division  
Case No. 5:12-cv-05020-EJD  
Deposed 9/11/2014

BASIC RESEARCH, LLC v. JASPER PRODUCTS, LLC  
In the Third Judicial District Court in and for Salt Lake County, State of Utah  
Case No. 110903662  
Deposed 7/16/2014

ZENON KESIK v. NATIONAL TV SPOTS, INC.  
The Arbitration Tribunals of the American Arbitration Association  
AAA No. 72 147770 12 S1M  
Testified 11/25/2013

YU HSIANG M. ALEXANDER and CAROL A. WETTERLING-FOOS v. L'OREAL U.S.A.  
INC.  
Superior Court of the State of California, County of Los Angeles  
Case No: BC 431491  
Deposed 10/21/2013

IN RE: POM WONDERFUL LLC MARKETING AND SALES PRACTICES LITIGATION  
(Retained by Plaintiffs)  
United States District Court, Central District of California  
Master File No. 2:10-ml 2199-DDP (RZx) [MDL No. 2199]  
Deposed 5/29/2012 and 8/23/2013