



College Station, Texas

DR. ROBERT MANESS

Senior Managing Director

EDUCATION

Texas A&M University, College Station, TX
Ph.D., Economics

Louisiana State University, Baton Rouge, LA
B.S., Economics

PRESENT POSITIONS

COHERENT ECONOMICS, College Station, TX
Senior Managing Director, 2022 – Present

TEXAS A&M UNIVERSITY, College Station, TX
Associate Professor of the Practice, 2016 – Present
Visiting Associate Professor, Fall 2000, Fall 2002, Spring 2005-2016
Adjunct Associate Professor, 2000-2003, Spring 2011
Visiting Assistant Professor, Spring 1998

PROFESSIONAL EXPERIENCE

CHARLES RIVER ASSOCIATES, Bryan, TX
Vice President, 2009 – 2022

LECG, College Station, TX
Director, 2004 – 2009
Senior Managing Economist, 1999 – 2004
Office Director, 1998 – 2009
Senior Economist, 1996 – 1998

FEDERAL TRADE COMMISSION, Washington, DC
Staff Economist, 1995-1996

ALTON OCHSNER MEDICAL FOUNDATION, New Orleans, LA
Adjunct Staff Economist, 1995-1996

LOUISIANA STATE UNIVERSITY, Baton Rouge, LA
Visiting Assistant Professor, 1992-1995

HONORS AND AWARDS

Bradley Dissertation Fellowship Recipient, 1990

E. Ralph Daniels Fellowship Recipient, 1990

GRANTS AND CONTRACTS

Co-principal Investigator with Dr. Richard Re and Dr. M.A. Krousel-Wood in a two-year, \$1.6 million contract awarded by Sandia National Laboratories to The Alton Ochsner Medical Foundation to study, “The Role of Technology in Reducing Health Care Costs.”

COURSES TAUGHT

Antitrust economics
Health economics
Financial economics
Principles of macroeconomics
Intermediate microeconomics
Industrial organization
Managerial economics (for MBA students)
International economics

PROFESSIONAL AFFILIATIONS

AMERICAN ECONOMIC ASSOCIATION

AMERICAN BAR ASSOCIATION
Associate Member – Antitrust Section

SELECTED CASE WORK

Testimony

Tidewell Hospice, Inc. v. Affinity Care of Manatee County, LLC and Agency for Health Care Administration, State of Florida Division of Administrative Hearings, Case No. 21-2329CON. 2022. Deposition and Hearing Testimony.

First Quality Tissue. LLC v. Irving Consumer Products Limited, and Irving Consumer Products, Inc., United States District Court, District of Delaware, Civil Action No. 19-cv-00428. 2022 and 2021. Deposition and Trial Testimony. Assessed patent damages.

Exela Pharma Sciences, LLC v. Eton Pharmaceuticals, Inc., United States District Court, District of Delaware. 2021. Deposition. Assessed commercial success in patent litigation.

Sunoco Partners Marketing & Terminals L.P. v. Powder Springs Logistics, LLC and Magellan Midstream Partners, L.P., C.A. No. 17-1390 (LPS – CJB), United States District Court, District of Delaware. 2021. Trial testimony. Assessed patent damages.

Genesys Telecommunications Laboratories, Inc. v. Talkdesk, Inc. et al., United States District Court for the Southern District of Indiana, Indianapolis Division, Civil Case No. 1:19-CV-695-TWP-DML, 2021. Deposition. Assessed damages from alleged theft of trade secrets and alleged tortious interference with contracts.

Bio-Rad Laboratories, et al. v. Stilla Technologies, et al., United States District Court for the District of Massachusetts, No. 1:19-cv-11587-WGY, 2021. Deposition. Assessed patent damages.

Jennifer Ann Smith, et al. v. State of Colorado, et al., United States District Court, District of Colorado, Civil Action No. 1:20-cv-03107, 2020. Hearing Testimony. Assessed impact of legislation setting minimum prices on tobacco products on youth smoking and on competition at the wholesale and retail level.

Tidewell Hospice, Inc. v. Agency for Health Care Administration and Continuum Care of Sarasota, LLC. State of Florida, Division of Administrative Hearings, Case No. 20-1712CON. 2020. Deposition and Trial Testimony. Assessed the competitive impact of potential new hospice facility in Sarasota County, Florida, as part of Florida's certificate of need process for new hospice facilities.

In Re: Chesapeake Barnett Royalty Litigation #2: Addax Mineral Fund L.P. et al. v. Chesapeake Operating LLC, et al, in the 96th Judicial Court of Tarrant County, Texas, Cause No. 096-287074-16, Trial Court No. DC-19-07867. 2020. Deposition.

Archer and White Sales, Inc. v. Henry Schein, Inc., et al. Civil Action No. 2:12-CV-00572-JRG, United States District Court, Eastern District of Texas, Marshall Division, 2019. Deposition. Assessed antitrust issues in a matter involving allegations of a group boycott to lessen competition in the sale and distribution of dental equipment and supplies.

Magellan Midstream Partners L.P., et al. v. Sunoco Partners Marketing & Terminals L.P., Cases IPR2019-00024 and 00025, United States Patent and Trademark Office. 2019. Deposition. Analyzed indicators of commercial success of certain patents to blend butane into gasoline.

In Re: Chesapeake Barnett Royalty Litigation #2. Village Creek Equities, et al. v. Chesapeake Exploration, LLC et al. Pretrial Court No. 96-278990-15, Trial Court No. DC-C201500227, In The 96th Judicial District Court, Tarrant County, Texas, 2019. Hearing Testimony

Duke University and Allergan Sales, LLC v. Sandoz, Inc., Civil Action No. 1:18-cv-00997-MSK-KLM, United States District Court, District of Colorado. 2019. Deposition. Assessed commercial success and patent damages related to alleged infringement of patents for a pharmaceutical compound.

In Re: National Prescription Opiate Litigation, MDL No. 2804, Case No. 17-MD-2804, United States District Court, Northern District of Ohio, Eastern Division. 2019. Deposition. Assessed amount of opioid sales through a distributor into certain areas of Ohio.

In The Matter of: Naples HMA et al. v. Medical Center of Southwest Florida, et al. Case No. 18-3371CON and Naples Community Hospital, Inc., et al. v. Lee Memorial Health System, et al. Case No. 18-3387. State of Florida, Division of Administrative Hearings, 2018-2019. Deposition and Trial Testimony. Assessed the competitive impact of two potential new hospital facilities in Lee County, Florida, as part of Florida's certificate of need process for new hospitals.

Consolidated Complaints of Targa Liquids Marketing and Trade, LLC, et al., Before the Texas Railroad Commission, Hearings Division, Gas Utilities Docket No. 10455. 2018. Written Testimony and Deposition. Assessed conditions and process for determining whether intrastate markets for the transportation of natural gas liquids were competitive.

Michael Cal Clary and Catherine Ann Hixson Clary v. State Farm Mutual Automobile Insurance Company, et al. 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana, Docket No. 2015-2657. 2018. Deposition. Assessed antitrust allegations and antitrust damages.

Immunomedics, Inc. v. Roger Williams Medical Center, et al. United States District Court, District of New Jersey, Civil Action No. 15-4526, 2018. Deposition. Assessed factors affecting the value of certain intellectual property that was allegedly sold to a third party in violation of contract terms.

DPWN Holdings (USA) Inc. v. United Airlines Inc, et al, United States District Court, Eastern District of New York, Civil Action No. 11-cv-0564, 2018. Deposition. Assessed antitrust liability and damages regarding allegations of price fixing in the air cargo industry.

Shell Offshore, Inc. v. Eni Petroleum US LLC, et al. Civil Action No. 16-cv-15537, United States District Court, Eastern District of Louisiana, 2017. Deposition. Assessed damages from alleged failure of a working interest owner to pay its share of costs to plug and abandon wells in the Gulf of Mexico.

Allergan v. Teva, et al., Case No. 2:15-CV-1455 WCB, United States District Court, Eastern District of Texas, Marshall Division, 2017. Deposition and Trial Testimony. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

Mylan Pharmaceuticals, Inc v. Allergan Inc., Case IPR2016-01132, United States Patent and Trademark Office. 2017. Deposition. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

Radiosurgical Center of Memphis, L.P., d/b/a Memphis Regional Gamma Knife Center v. Methodist Healthcare-Memphis Hospitals and The West Clinic, P.C. d/b/a West Canter Center, Case No. 2:15-cv-02709, United States District Court, Western District of Tennessee, 2017. Deposition. Assessed antitrust damages in an antitrust matter involving alleged collusion to suppress referrals to a radiosurgery center in Memphis.

GlaxoSmithKline LLC et al. v. Teva Pharmaceuticals and Glenmark Pharmaceuticals, Civil Action Nos. 14-878-LPS-CJB and 14-877-LPS0CJB, United States District Court, District of Delaware, 2017, Deposition and Trial Testimony. Analyzed patent damages.

Vantage Deepwater Drilling, et al. v. Petrobras America, Inc., et al. American Arbitration Association, Case No. 01-15-0004-8503. 2017. Testimony involving damages from an alleged breach of a contract for use of a deep water drilling ship in the Gulf of Mexico.

Allergan, Inc. v. Sandoz, et al., Civil Action No. 2:12-cv-00207-JRG-RSP, United States District Court, Eastern District of Texas, Marshall Division, 2016. Deposition and Trial Testimony. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

Engineered Arresting Systems Corporation v. Runway Safe LLC and Runway Safe, Inc., Case No. 1: 15-cv-546 United States District Court, Western District of Texas, Austin Division, 2016, Deposition, Patent Damages Calculation.

Texas Mesa Vista 2000 Ltd., et al. v. Chesapeake Operating, Inc., et al. Trial Court No. 348-271363-14, 348th District Court of Tarrant County, Texas. 2016. Deposition.

In Re: Chesapeake Barnett Royalty Litigation, Wright, et al. v. Chesapeake Energy Corporation, et al. and Haynie v. Chesapeake Energy Corporation, et al. Trial Court Nos. 017-267472-13 (Tarrant County) and C201300376 (Johnson County), 348th District Court of Tarrant County, Texas. 2016 Deposition.

Red Dog Mobile Storm Shelters, LLC v. KAT Industries, Inc. and KAT Machine, Incorporated, Case No. 3:13-CV-3756, United States District Court for the Northern District of Texas, Dallas Division, 2015, Deposition. Calculated patent damages and damages from alleged false claims.

Wallace B. Roderick Revocable Trust, et al. v. XTO Energy Inc., Civil Action No. 08-CV-01330-JTM-KMH, United States District Court for the District of Kansas, 2015, Deposition.

Kurian David, et al. v. Signal International LLC, et al., Civil Action No. 2:08-cv-01220-SM-DEK, United States District Court for the Eastern District of Louisiana, and related matters, 2015, Deposition and Trial Testimony.

Anesta AG, et al. v. Mylan Pharmaceuticals Inc, and Mylan Inc., Civil Action No. 08-899-SLR, United States District Court for the District of Delaware, 2014. Deposition and Trial Testimony. Calculated patent damages.

Princeton Biomedtech Corp. v. Nexus DX, Inc., Arbitration Pursuant to UNCITRAL Rules/JAMS, 2014, Testimony in Arbitration. Calculated damages from alleged failures in a joint venture agreement.

Retractable Technologies, Inc., and Thomas J. Shaw v. Becton Dickinson and Company, Civil Action No. 2:08-CV-16, United States District Court for the Eastern District of Texas, Marshall Division, 2013. Deposition and Trial Testimony. Analyzed antitrust damages.

TQP Development, LLC v. Branch Banking & Trust Company, Civil Action No. 2:12-cv-55, United States District Court, Eastern District of Texas, Marshall Division, 2013. Deposition. Analyzed patent damages resulting from alleged infringement of a patent claiming technology related to internet encryption.

Allergan, Inc. v. Sandoz Inc., et al. Case No. 6:11-cv-441, United States District Court, Eastern District of Texas, Tyler Division, 2013. Deposition. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

State of Louisiana v. Abbott Laboratories, Inc., et al. No. 59614, Louisiana District Court, 19th Judicial District, East Baton Rouge Parish, 2013. Deposition. Analyzed damages and liability regarding the pricing of pharmaceutical products to the Louisiana Medicaid program.

Exela Pharmsci, Inc. v. Teva Pharmaceuticals, USA, Inc., Case No. 00064707-00, Circuit Court of Loudon County, Virginia, 2012. Expert report. Calculated damages from a failed joint development agreement.

Dallas/Fort Worth International Airport Board, et al. v. Chesapeake Exploration, L.L.C. Cause No. 153-237052-09, District Court, 153rd Judicial District, Tarrant County, Texas, 2012. Deposition. Analyzed economic factors for determining comparability of transactions. Assessed empirical studies of factors of comparability.

Allen Rothpearl, M.D. P.C., d/b/a Jericho Specialty Imaging v. CareCore National, LLC, et al., Civil Action No. 08-CV-01917 LDW ETB, United States District Court for the Eastern District of New York, 2011. Deposition. Analyzed antitrust liability and antitrust damages.

OSI Pharmaceuticals, Inc., et al. v. Teva Pharmaceuticals USA, Inc. and Mylan Pharmaceuticals, Inc., Civil Action No. 09-185-SLR, United States District Court for the District of Delaware, 2011. Deposition and Trial Testimony. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

Stand-Up MRI of the Bronx, P.C., et al. v. CareCore National, LLC, et al., Civil Action No. 08 CV 294 LDW ETB, United States District Court for the Eastern District of New York, 2010. Deposition and Trial Testimony. Analyzed antitrust liability and antitrust damages.

The State of Texas, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Sandoz, Inc, et al., Cause No. D-1-GV-07-001259, District Court for Travis County, Texas, 201st Judicial District, 2009. Deposition testimony. Analyzed damages and liability regarding the pricing of pharmaceutical products to the Texas Medicaid program.

H.B. Krug, et al. v. Helmerich & Payne, Inc. v. American Natural Gas Production Company, et al. No. CJ-98-6012, District Court for Tulsa County, State of Oklahoma, 2008. Deposition and Trial Testimony, Analyzed unjust enrichment damages.

Medical Diagnostic Imaging, PLLC, et al. v. CareCore National, LLC, et al .and Park West Radiology P.C., et al. v. CareCore National, LLC, et al., Civil Action Nos. 06 CV 07764 (CS) and 06 CV 13516 (VM), United States District Court for the Southern District of New York, 2008, 2009 Deposition. Analyzed antitrust liability and antitrust damages.

Novartis Corporation, et al. v. Par Pharmaceutical Companies, et al., Civil Action No. 06-4788 / -6-6283 (HAA)(ES) and *Novartis Corporation, et al. v. Lupin Ltd and Lupin Pharmaceuticals, Inc.* Civil Action No. 06-5954 (HAA)(ES), United States Court for the District of New Jersey, 2008. Deposition. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

LifeNet, Inc. v. Musculoskeletal Transplant Foundation, Civil Action No. 3:06-cv-00387 (HEH), United States District Court, Eastern District of Virginia, 2007. Deposition and Trial testimony. Analyzed patent damages resulting from alleged infringement of several patents.

Novartis Corporation, et al. v. Teva Pharmaceuticals USA, Inc., Civil Action No. 04:4473 and 06-CV-01130 (Consolidated) (HAA), United States District Court, District of New Jersey, 2006. Deposition. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

Elan Corporation, plc, et al. v. King Pharmaceuticals, Inc, et al. Arbitration No. 50 180 T 00089 06, American Arbitration Association, 2006. Deposition and Testimony in Arbitration. Analyzed the factors driving sales of a pharmaceutical product and the commercial reasonableness of a decision to cease involvement in development of a new product.

7-Eleven, Inc. v. Philip Morris USA, Inc., Civil Action No. 3-05CV0099B, United States District Court, Northern District of Texas, Dallas Division, 2006. Deposition. Analyzed promotional payments from the manufacturer to the retailer and analyzed expert's damages model and calculations. Calculated potential damages in counterclaim.

Aventis Pharma Deutschland GMBH and King Pharmaceuticals, Inc., v. Lupin Ltd. and Lupin Pharmaceuticals, Inc., Civil Action No. 205-CV-421, United States District Court, Eastern District of Virginia, 2006. Deposition and Trial Testimony. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

HDC Medical Inc. v. Minntech Corporation, MN Case #4-CV-143 AD/AJB, United States District Court, District of Minnesota, Minneapolis Division, 2005. Deposition. Analyzed market definition and market power issues, as well as alleged anticompetitive behavior. Calculated antitrust damages.

Stephen L. Clinch, M.D. v. Heartland Health, et al., No. 03CV72021, Circuit Court of Buchanan County, Missouri, 2004. Deposition. Analyzed market definition and market power issues, as well as alleged anticompetitive conduct.

State of Oklahoma, ex rel. Oklahoma Tax Commission v. Texaco Exploration & Production, Inc., and Texaco Inc., Case No. CJ-2002-251-E, 2004. Deposition. Analyzed natural gas contracts between producers and a gas processing plant. Reviewed whether there existed a market at the wellhead for gas production and whether related party transactions were priced similarly to arm's length transactions.

In the Matter of North Texas Specialty Physicians, Docket No. 9312, Before the Federal Trade Commission, 2004. Deposition and Trial Testimony. Analyzed alleged anticompetitive coordination of physician pricing through an Independent Practice Association. Reviewed market definition and market power issues, as well as an analysis of the alleged anticompetitive acts.

W.E. Howell, et al. v. Texaco Inc., et al., No. CJ-2002-206E, District Court for Stephens County, Oklahoma, 2003, 2005. Deposition. Analyzed natural gas contracts between producers and a gas processing plant. Reviewed whether there existed a market at the wellhead for gas production and other market issues. Reviewed plaintiffs' damages calculations.

Johns Manville, f.k.a., Johns Manville International, Inc. v. New Pig Corporation, et al., American Arbitration Association, Case Reference No. 51-181-0194-02, 2003. Testimony in Arbitration.

Dr. Gerry Holland, DO, et al. v. Mr. Norm Lambert, et al., Civil Action No. 2-02CV-0157J, United States District Court, Northern District of Texas, Amarillo Division, 2003. Deposition.

Barb Bjerken, D.C., et al. v. Blue Cross Blue Shield of North Dakota, et al., Civil Action No. A-01-059, United States District Court, District of North Dakota, Southwestern Division, 2002. Deposition.

Acoustic Systems, Inc. v. Wenger Corporation and Steve Bright, Civil Action No. A-97-CA-436-ADA, United States District Court, Western Division of Texas, Austin Division, 2001. Deposition and Trial Testimony.

San Jacinto Surgery Center, Ltd. v. San Jacinto Methodist Hospital and Bill Simmons, Cause No. 98-11137, Harris County District Court, 334 Judicial District, Texas, 2000. Deposition.

Imagents v. The University of Texas Health Science Center, Cause No. 90-056735, Harris County District Court, 190th Judicial District, Texas, 1997. Deposition.

Other Expert Work

- For a major pharmaceutical company in a dispute over a joint development and marketing agreement for both U.S. and worldwide rights to market a novel migraine medication. Calculated damages from alleged breach of the agreement. Produced expert report detailing opinions and analyses in support of those opinions.
- For several natural gas trading companies. Assessed allegations of an anticompetitive conspiracy to fix the reported index prices of natural gas at certain trading hubs. Assessed whether industry conditions were conducive to the conspiracy alleged by plaintiffs and whether the actual economic evidence was consistent with the conspiracy. Produced expert report detailing opinions and analyses in support of those opinions.
- For an owner of certain standard essential patents in the telecommunications space. Assessed whether proposed royalty rates for the use of these patents represented fair, reasonable and non-discriminatory charges for the use of the intellectual property.

- For the World Bank and the Competition Protection Authority of the Government of Kuwait: Drafted market inquiry guidelines and internal procedures for market inquiries to be implemented by the newly constituted antitrust agency in Kuwait. Performed two market inquiries in order to train new staff at the Competition Protection Authority. Also drafted guidelines for reviewing requests for exemptions to the Kuwait competition laws.
- For a large health plan: Analyzed issues of competition in the marketplace for presentation to a legislative task force reviewing competition issues.
- For a generic pharmaceutical manufacturer: Analyzed potential damages exposure for internal deliberations on pharmaceutical launch decisions.
- For a branded drug manufacturer: Analyzed issues related to whether a pharmaceutical product achieved commercial success, and whether the commercial success was related to product characteristics or to other factors, such as the marketing of the product.
- For a pharmaceutical trade organization: Analyzed the impact of proposed legislation on competition, pricing, and innovation in the pharmaceutical and biotech industries. Proposed legislation and rule changes including changes in Medicare and Medicaid pharmaceutical reimbursement policies, and proposed legislation on biosimilars.
- For a manufacturer of industrial sorbents: Analyzed issues related to allegations of breach of contract. Calculated damages related to alleged breaches, as well as breaches alleged in a counterclaim. Analyzed plaintiffs' expert's damages model. Prepared expert report.
- For an institutional pharmacy: Analyzed competitive issues related to the acquisition of other institutional pharmacies. Participated in presentation of the results to the Federal Trade Commission.
- For a contact lens manufacturer: Analyzed competitive issues in the contact lens industry, including issues related to product distribution methods. Prepared report for presentation to the Federal Trade Commission.
- For a large HMO: Analyzed competitive issues related to the acquisition of an HMO. Participated in presentation of the results to the Department of Justice.
- For several retail pharmacy chains: Analyzed the potential for increased costs to payers from pharmaceutical benefits managers with integrated mail order pharmacy operations. Calculated the potential cost impact of certain PBM behaviors to the government under a proposed Medicare prescription drug benefit. Presented findings to the Congressional Budget Office, the Federal Trade Commission, and numerous members of Congress and Congressional committees.
- For a major consumer products company: Analyzed the relevant geographic and product markets in a merger involving consumer products.
- For a major cruise line: Analyzed an announced merger in the cruise industry and produced a report for use by the American Antitrust Institute to assist them in reaching a determination of whether to support or oppose industry consolidation. Issues included product and geographic market definition, market power, and an analysis of how the proposed merger would affect competition in a number of relevant markets.

- For a major oil company: Analyzed antitrust issues related to the merger of two major oil companies. Conducted an analysis of potential overlaps and anticompetitive issues relating to pipelines. Also analyzed competition issues related to certain intellectual property owned or licensed by the two companies. Presented findings to the Federal Trade Commission.
- For a Houston area hospital: Analyzed product and geographic market definition in a potential antitrust case involving the merger of two local hospitals.
- For a pharmaceutical manufacturer: Reviewed issues related to illegal tying allegations by the Texas Attorney General's Office.
- For a major chemical company: Provided competitive analysis and antitrust review to present to the FTC regarding the competitive effects and potential efficiencies of a proposed merger.

Selected Major Consulting Projects

- For several insurance companies and hospitals: Assessing allegations that the hospitals colluded to encourage insurance companies to boycott, including specialty hospitals in their hospital networks.
- For a major pharmaceutical company: Analyzed the antitrust implications of the settlement of a patent dispute between a brand-name drug manufacturer and a generic drug manufacturer. Analyzed the impact of certain laws and FDA regulations on the antitrust implications of these types of settlements.
- For a pharmaceutical manufacturer: Analyzed potential antitrust liability from the acquisition of a pharmaceutical product being investigated by the FTC for potential patent misuse.
- For a major Computer Reservation System: Performed a valuation of certain intellectual property as part of an analysis of the tax implications of a planned restructuring of the company.
- For a hospital and its HMO: Analyzed cost-effectiveness of various drug therapies, and helped in the development of a methodology to analyze the potential cost-effectiveness of health care technologies.
- For a major oil company: Analyzed gasoline distribution and wholesale pricing practices and provided damages analysis in a suit involving a franchised retailer and the oil company.
- For an oilfield waste disposal company: Provided analysis of antitrust issues and issues related to potential damages from a tortious interference claim.
- For a major air courier service: Analyzed transfer pricing issues related to compensation for delivery of packages shipped from abroad by its international subsidiary in a suit brought by the Internal Revenue Service.

- For a major aircraft manufacturer: Analyzed transfer pricing issues related to a special tax exemption granted to aircraft manufacturers on sales abroad in a suit brought by the Internal Revenue Service.
- For a major pharmaceutical manufacturer: Analyzed potential liability and damages related to a class action lawsuit alleging suppression of research on bioequivalence between brand name and generic synthetic hormone products.
- For a major pharmaceutical manufacturer: Analyzed potential liability and damages related to a class action lawsuit alleging conspiratorial pricing to retail pharmacies.
- For a major accounting firm: Provided analysis of potential liability and damages, and provided industry analysis in a case involving the auditing and eventual bankruptcy of a pharmaceutical wholesaler.
- For an independent physician practice association: Provided analysis of liability and damages in an antitrust suit brought against the association by an HMO regarding how the association contracted with physicians.
- For a major software company: Provided analysis of liability and potential damages related to allegations of anticompetitive pricing practices for certain types of mainframe software.
- For several major telecommunications companies: Provided analysis of competitive conditions and potential efficiencies for the merging parties in several telecommunications mergers. Results were presented to the DOJ, the FCC, and numerous state Public Utilities Commissions.
- For a food consumer product company: Provided an analysis of competitive implications of a merger to DOJ.

FTC Work

- Worked as an outside consultant on a pharmaceutical matter.
- Worked as an outside consultant assessing the potential competitive impact of a merger of two biotechnology companies.

As an FTC Employee

- Analyzed several cases involving pricing between retail pharmacies and pharmacy benefits managers. Issues included allegations of boycotts against the compensation arrangements between pharmacists and a pharmacy benefits manager. Studied whether the pharmacists' behavior was consistent with an organized group boycott, or was individually rational. Made recommendations to the Commission on whether to pursue legal remedies.
- Analyzed several mergers between pharmaceutical manufacturers and pharmacy benefits managers. Analyzed the competitive consequences of the mergers, as well as potential efficiencies and made recommendations to the Commission.

- Analyzed a merger between major pharmaceutical manufacturers. Analyzed the competitive consequences of the merger, as well as potential efficiencies and made recommendations to the Commission.
- Analyzed several cases involving boycotts by physicians of managed care entities in different parts of the country. Issues included contracting practices between physicians and their group practice associations, and whether the associations had market power sufficient for a boycott to be successful and to raise prices above their competitive levels.
- Analyzed a major retail pharmacy merger. Issues included the potential for the merger to result in increased market power in many individual markets. Made recommendations to the Commission regarding potential consent decrees to allow the merger to proceed.

PAPERS AND PUBLICATIONS

“Refusal to Deal Under FDA Imposed Risk Evaluation and Mitigation Strategies (REMS): Economic Considerations.” With Brian Segers, *CPI Antitrust Chronicle*, Competition Policy International, April 2014.

“The Evolving Modern Theory of the Firm.” With Steven N Wiggins. *Oxford Handbook of Managerial Economics*, eds. Christopher R. Thomas and William F. Shughart II, 2013, pp. 449-471.

“Innovation Markets.” With Mohan Rao. *Market Definition in Antitrust: Theory and Case Studies*, ABA Section of Antitrust Law, 2012, pp. 471-502.

“A Look at Hospital Mergers and Antitrust Enforcement Through the Lens of Willingness-to-Pay.” With Sean May and Greg Vistnes. *CRA Competition Memo*, June 2010.

“Thoratec-HeartWare and the Rebirth of Innovation Market Analysis at the FTC.” With Kristofer Buchan. *Antitrust Health Care Chronicle*, October 2009, pp. 7-12.

“The FTC’s Study of Pharmacy Benefits Managers.” With James Langenfeld. *Antitrust Health Care Chronicle*, January 2006, pp. 23-29.

“The Strategic Use of Patents: Implications for Antitrust.” With Daniel L. Rubinfeld. *Antitrust, Patents, and Copyright: EU and US Perspectives*, eds. Francois Leveque and Howard Shelanski, 2005.

“Price Competition in Pharmaceuticals: The Case of Anti-infectives.” With Steven N. Wiggins. *Economic Inquiry*, April 2004, pp. 247-263.

“The Cost of PBM ‘Self-Dealing’ Under a Medicare Prescription Drug Benefit.” With James Langenfeld. September 9, 2003.

“Analysis of the Proposed Carnival/Princess Merger.” With James Langenfeld. Prepared for the American Antitrust Institute, June 25, 2002.

“Demand Systems and the ‘True’ Subindex of the Cost-of-Living for Pharmaceuticals.” With Michael R. Baye and Steven N. Wiggins. *Applied Economics*, vol. 29, pp. 1179-1189, 1997.

“Incomplete Contracts and the Choice Between Vertical Integration and Franchising.”
Journal of Economic Behavior & Organization, September 1996.

UNPUBLISHED RESEARCH AND PRESENTATIONS

“Understanding the Economics of Commercial Success as a Secondary Consideration,”
Houston Intellectual Property Law Association, May 25, 2017

“The Antitrust Analysis of Product Design Modifications: Product Hopping and Other
Product Design Issues,” Dallas Bar Association Antitrust Section, March 15, 2016,
Houston Bar Association Antitrust Section, November 17, 2016

“Healthcare Contracts Referencing Rivals: Understanding the Antitrust Risks.” Houston
Bar Association, Antitrust Section, February 14, 2013.

“Intellectual Property Damages.” West LegalEdcenter conference on Patent Disputes
2012, Washington, DC, June 19, 2012.

“Recent Legal and Economic Developments in Antitrust Class Actions.” With William
Katz. Dallas Bar Association, Antitrust Section, July 20, 2010.

“Antitrust and IP Crossroads: Antitrust Enforcement of Innovation Markets.” Houston Bar
Association, Antitrust Section, October 29, 2009.

“The Use of Empirical Economic Analyses in Antitrust.” CLE Presentation for Lighthouse
Seminar Group, Austin, Texas, February 24, 2005.

“Antitrust Treatment of Patent Settlements.” Presentation to Latham & Watkins, August
27, 2002.

“Assessing Cost Savings from Technological Innovation in the Presence of Sample
Selection and Censoring: Application to Coronary Artery Disease.” With W. David
Bradford, Andrew N. Kleit, Marie A. Krousel-Wood, and Richard N. Re (Submitted).