RICHARD A. MORTIMER, PH.D.
Managing Principal

Phone: 617 425 8180
Fax: 617 425 8001
richard.mortimer@analysisgroup.com

111 Huntington Avenue
10th Floor
Boston, MA 02199

Dr. Mortimer specializes in health economics, industrial organization, microeconomic theory, and econometrics. He has provided economic analyses in numerous antitrust matters involving questions of market power, pricing, and market exclusion and foreclosure in a variety of industries, with a focus on healthcare. He also has provided analyses and expert testimony on behalf of clients in the healthcare industry on litigation and government investigations involving allegations of improper promotion and kickback payments. Dr. Mortimer's experience includes leading analyses of large data sets to assess questions of market definition, class certification, liability, and damages. In addition to work in litigation, Dr. Mortimer has undertaken research in the area of healthcare policy, and he has authored several public policy studies related to pharmaceutical and general healthcare legislation. His research has been published in leading peer-reviewed journals, including *Health Affairs*, *Nature Reviews Drug Discovery*, *The Journal of Industrial Economics*, and the *Journal of Medical Economics*.

EDUCATION

Ph.D.	Department of Economics, University of California, Berkeley *Concentration in Industrial Organization and International Economics*
B.A.	economics, Johns Hopkins University

EMPLOYMENT

2001 – present	Analysis Group, Inc., Boston, MA *Managing Principal* *Vice President* *Manager* *Associate*
2000	Lecturer, University of California, Los Angeles (UCLA)
1997 - 2000	Teaching Assistant and Research Assistant, University of California, Berkeley and UCLA
1993 – 1995	Consultant/Senior Consultant, Tax Analysis & Economics Group, Ernst & Young, LLP

TESTIFYING AND EXPERT WITNESS EXPERIENCE

- ***United States of America, et al. v. Solvay S.A., et al.***
  Served as a testifying expert on behalf of Solvay S.A in litigation involving allegations of improper promotion of the drugs Aceon, AndroGel, and Luvox. Submitted an expert report and a declaration addressing issues related to causation and damages, and was deposed.
  - Expert Report, filed March 12, 2015
  - Deposition, April 10, 2015
  - Declaration, filed November 16, 2015
- ***Government investigations of pharmaceutical and medical device companies***
  Served as an expert witness on behalf of pharmaceutical and medical device companies in presentations to government investigators on issues related to liability and damages in False Claims Act and Anti-kickback Statute cases. Presented analyses to government investigators and mediators related to questions of liability, causation, and damages for:
  - Alleged improper promotion and kickback payments for pharmacy dispensed drugs
  - Alleged improper promotion, improper billing, and kickback payments for physician administered drugs
  - Alleged improper promotion and kickback payments for implantable medical devices
  - Alleged kickback payments and improper billing for an injectable medical device

SELECTED ADDITIONAL CONSULTING EXPERIENCE

- ***Antitrust litigation related to pharmaceuticals and generic entry***
  Supported expert testimony on behalf of pharmaceutical manufacturers in multiple cases related to claims that entry of generic versions of brand name drugs were improperly delayed. Addressed questions of market definition, liability, class certification, and damages.

- ***Contract disputes related to pharmaceuticals***
  Supported expert testimony on behalf of pharmaceutical manufacturers in several cases related to claims that a company failed to meet its contractual obligations with respect to either the production or promotion and commercialization of a pharmaceutical product.

- ***Pharmaceutical patent infringement litigation***
  Supported counsel in mediation by calculating damages estimates related to patent infringement in the production of a biologic drug.

- ***False advertising***
  Supported expert testimony on behalf of manufacturers in cases related to claims that the manufacturer falsely or misleadingly advertised certain characteristics of their products (e.g., labeling the product package “all natural”). Addressed questions of class certification, causation, and damages.

- ***New Mexico Oncology And Hematology Consultants, Ltd v. Presbyterian Healthcare Services and Presbyterian Network, Inc.***

Supported expert testimony and assisted in economic analysis on behalf of New Mexico Oncology and Hematology Consultants (NMOHC) in litigation associated with Presbyterian Healthcare Services decision to stop reimbursing for drugs administered by NMOHC and require NMOHC patients to receive their medications from Presbyterian associated hospitals.

- ***MasterCard multiple litigations***
  Supported expert testimony and assisted in economic analysis on behalf of MasterCard in government and consumer litigations focused on the pricing of credit card services. Assisted in the design and analysis of network effects and pass-through issues. Assisted in the analysis of foreign currency conversion pricing.

- ***Microsoft multiple litigations***
  Supported expert testimony in evaluating damages associated with alleged anticompetitive pricing and profitability related to Office and Windows software. Supported market survey design and implementation for allegations related to anticompetitive bundling of Internet browsers and media players with platform software. Assisted counsel in all aspects of opposing expert deposition and trial preparation.

- ***Pat Cason-Merenda et al. v. Detroit Medical Center et al.***
  Supported an expert in the analysis of class certification issues relating to allegations of wage fixing.

- ***NPM Adjustment Proceeding Under the Tobacco Master Settlement Agreement Between the Settling States and the Participating Manufacturers***
  Arbitration Proceeding Before Professor Daniel McFadden and the Brattle Group
  Supported expert witnesses in an analysis of the extent to which the 1998 Master Settlement Agreement contributed to the market share loss for Participating Manufacturers.

- ***Pharmaceutical pricing studies***
  Developed market surveys and demand models to evaluate optimal price responses for a number of pharmaceutical drugs distributed by multiple pharmaceutical companies.

- ***Pharmaceutical and medical device policy papers***
  Collaborated with multiple academics on various policy papers related to potential legislation involving both small-molecule drugs and biologics. Papers addressed questions of: the impact of Authorized Generic entry on incentives to generics to challenge patents and the impact on long-run generic prices and shares; the potential cost savings to the federal government from passage of legislation developing an accelerated pathway for biosimilar entry; the appropriate data exclusivity periods for biologics; and, the potential impact of payment reform measures proposed in PPACA on medical device adoption and incentives for future innovation.

PUBLICATIONS: Journals

- **"Updated Trends in US Brand-Name and Generic Drug Competition,"** *Journal of Medical Economics* April 2016, 17:3, (with Henry Grabowski, Genia Long, and Ani Boyo).

- **"Evolving Provider Payment Models and Patient Access to Innovative Medical Technology,"** *Journal of Medical Economics* December 2014, 17:12, (with Genia Long and Geoffrey Sanzenbacher).
- **"Recent Trends in Brand Name and Generic Drug Competition,"** *Journal of Medical Economics* March 2013, 17:3, (with Henry Grabowski and Genia Long).
- **"Evolving Brand-Name And Generic Drug Competition May Warrant A Revision Of The Hatch-Waxman Act,"** *Health Affairs*, November 2011, 30:11, (with Henry Grabowski, Margaret Kyle, Genia Long, and Noam Kirson).
- **"Implementation of the Biosimilar Pathway: Economic and Policy Issues,"** *Seton Hall Law Review*, Book 2 2011, 41:2 (with Henry Grabowski and Genia Long).
- **"The Effects of Capacity on Sales Under Alternative Vertical Contracts,"** *Journal of Industrial Economics,* March 2011, 59:1 (with Ioannis Ioannou and Julie Holland Mortimer).
- **"Data Exclusivity Periods for Biologics: Did Congress Get it Right?"** *Nature Reviews: Drug Discovery*, January 2011, 10:1, (with Henry Grabowski and Genia Long).
- **"Authorized Generic Drugs, Price Competition, and Consumer Welfare,"** *Health Affairs*, May/June 2007, (with Ernst R. Berndt, Ashoke Bhattacharjya, Andrew Parece, and Edward Tuttle).

PUBLICATIONS: Other

- **"The Potential For Litigation In New Era Of Biosimilars"** *Law 360*, September 20, 2016, (with Christian Frois and Alan White).
- **"Can The Life Sciences Industry Bank On Biosimilars?"** *Law 360*, April 13, 2016, (with Paul Greenberg and Tammy Sisitsky).
- **"Correlation Or Cause: Brand-Name Drug Prescription Rates,"** *Law 360*, March 23, 2016, (with Paul Greenberg and Tammy Sisitsky).
- **"Recent Average Price Trends for Implantable Medical Devices, 2007-2011,"** *mimeo*, September 2013, (with Genia Long and Geoffrey Sanzenbacher), available at: http://advamed.org/res.download/365.
- **"Data Exclusivity Periods and Next Generation Improvements to Innovator Biologics: Key Issues,"** *Duke University Department of Economics Working Paper*, No. 2009-5, April 29, 2009, (With Henry Grabowski, Iain Cockburn and Genia Long), available at: http://www.econ.duke.edu/Papers/PDF/ DWPaper2009-05.pdf.
- **"Data Exclusivity Periods for Biologics: Updating Prior Analyses and Responding to Critiques,"** *Duke University Department of Economics Working Paper*, No. 2008-10, December 22, 2008, (With Henry Grabowski and Genia Long), available at: http://www.econ.duke.edu/Papers/PDF/ Data_Exclusivity_Periods_for_Biologics.pdf.
- **"The Effect on Federal Spending of Legislation Creating a Regulatory Framework for Follow-on Biologics: Key Issues and Assumptions,"** *Duke University Department of Economics Working Paper*, No. 2007-9, August 2007, (With Henry Grabowski, Iain Cockburn, Genia Long, and Scott Johnson), available at:

http://www.econ.duke.edu/Papers/PDF/0907_H_Grabowski_ I_Cockburn_G_Long_et_al_Effect_on_Federal_Spending_of_Follow_on_Biologics.pdf.

- **"Do Authorized Generic Drugs Deter Paragraph IV Certifications? Recent Evidence,"** *mimeo*, April 2007, (With Ernst R. Berndt and Andrew Parece), available at: http://www.analysisgroup.com/analysisgroup/uploadedFiles/Publishing/Articles/PhRMA_Authorized_Generic_Entry.pdf.
- **"Investment and Cooperation Among Internet Backbone Firms,"** University of California, Berkeley Ph.D. thesis.

REFEREE

- *Health Affairs, Journal of Health Economics, Journal of Industrial Economics, Journal of Regulatory Economics, Review of Economics and Statistics*