RICHARD A. MORTIMER, PH.D.
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Dr. Mortimer specializes in health economics, industrial organization, microeconomic theory, and econometrics. He has extensive experience with issues involving competition, intellectual property, marketing, pricing, and valuation with a focus on pharmaceuticals and the health care industry. His analyses have addressed issues of pricing, profitability, and payment flows at all levels of the distribution chain for pharmaceuticals and other health care products and services. He has evaluated and provided expert testimony on questions of causation, damages, class certification, and valuation in a variety of health care cases, including cases involving allegations of False Claims Act (FCA) and Anti-Kickback Statute (AKS) violations, Lanham Act matters, and antitrust matters. In addition to his work in litigation, Dr. Mortimer has assisted pharmaceutical and medical device manufacturers on pricing and contracting issues and authored several public policy studies related to legislation establishing a biosimilar approval pathway, biosimilar competition, pharmaceutical pricing, generic drug competition and the role of authorized generic entry, and paragraph IV abbreviated new drug application (ANDA) filings. 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: Industrial Organization and International Economics*
B.A.	Economics, Johns Hopkins University

PROFESSIONAL EXPERIENCE

2001–Present	Analysis Group, Inc.
2000	University of California, Los Angeles (UCLA) *Lecturer*
1997–2000	University of California, Berkeley, and UCLA *Teaching Assistant* and *Research Assistant*
1993–1995	Ernst & Young, LLP *Consultant/Senior Consultant, Tax Analysis & Economics Group*

TESTIFYING AND EXPERT WITNESS EXPERIENCE

- ***United States of America, et al. v. Janssen Biotech, Inc., et al.***
  Unites States District Court for the District of New Jersey
  Serving as a testifying expert on behalf of Janssen. Testified on economic issues on causality and damages related to allegations of FCA and AKS violations involving patents associated with the drug Zytiga, the timing of generic entry, and associated payments for Zytiga prescriptions.
  - Expert Report, filed April 26, 2025
  - Deposition Testimony, August 12, 2025

- ***Lilly [Confidential Commercial Dispute]***
  International Court of Arbitration of the International Chamber of Commerce
  Serving as a testifying expert on behalf of Lilly. Testified on economic issues of causality and damages.
  - Expert Report, opening report filed fall 2024
  - Expert Rebuttal Report, filed winter 2025
  - Expert Second Rebuttal Report, filed spring 2025
  - Arbitration Testimony, May 14, 2025

- ***United States of America, et al. v. McKesson Corporation, et al.***
  Unites States District Court for the Eastern District of New York
  Serving as a testifying expert on behalf of McKesson. Testified on economic issues of causality and damages related to allegations of FCA and AKS violations involving the preparation and distribution of pre-filled syringes of certain oncology drugs.
  - Expert Report, filed September 20, 2024
  - Deposition Testimony, December 17, 2024

- ***Cipla USA, Inc. v. Ipsen Biopharmaceuticals, Inc.***
  Unites States District Court for the District of Delaware
  Served as a testifying expert on behalf of Ipsen. Testified on economic issues related to damages associated with Lanham Act allegations and counterclaims for the drug Somatuline Depot.
  - Expert Report, filed February 9, 2024
  - Expert Rebuttal Report, filed March 15, 2024
  - Expert Reply Report, filed April 3, 2024
  - Deposition Testimony, April 18, 2024

- ***In re: Seroquel XR Antitrust Litigation***
  Unites States District Court for the District of Delaware
  Served as a testifying expert on behalf of AstraZeneca. Testified on economic issues related to class certification and damages associated with allegations of improper reverse payments and delayed generic entry.
  - Expert Report, filed December 20, 2023
  - Deposition Testimony, January 26, 2024

- ***Burt Zweigenhaft v. Pharmacy Corporation of America, et al.***
  Unites States District Court for the District of Delaware
  Served as a testifying expert on behalf of PharMerica and the Pharmacy Corporation of America. Testified on economic valuation of a specialty pharmacy acquisition and economic damages associated with allegations of improper valuations used to determine acquisition payments.
  - Expert Report, filed May 31, 2021
  - Deposition Testimony, June 29, 2021

- ***Actavis Laboratories, FL, Inc. v. The United States***
  United States Court of Federal Claims
  Served as a testifying expert on behalf of the US Department of Justice. Testified on economic incentives facing generic drug manufacturers in the US Food and Drug Administration (FDA) drug approval process and related intellectual property litigation.
  - Expert Report, filed December 18, 2020
  - Deposition Testimony, February 17, 2021

- ***Kaveh Askari, et al. v. Pharmacy Corporation of America, et al.***
  Unites States District Court for the District of Delaware
  Served as a testifying expert on behalf of PharMerica and the Pharmacy Corporation of America. Testified on economic valuation of a specialty pharmacy acquisition and economic damages associated with allegations of improper valuations used to determine acquisition payments.
  - Expert Report, filed November 6, 2019
  - Expert Report, filed November 18, 2019
  - Deposition Testimony, December 17, 2019
  - Trial Testimony, July 8, 2020

- ***Carolyn Moya, et al. v. Healthport Technologies, LLC, et al.***
  State of Wisconsin Circuit Court, Milwaukee County
  Served as a testifying expert on behalf of Healthport Technologies. Testified on economic damages in litigation involving allegations of improper billing for patient medical records.
  - Expert Report, filed January 11, 2019

- ***Mylan Inc. & Subsidiaries v. Commissioner of Internal Revenue***
  United States Tax Court
  Served as a testifying expert on behalf of the Internal Revenue Service (IRS). Testified on economic incentives facing generic drug manufacturers in the FDA drug approval process and related intellectual property litigation.
  - Expert Report, filed October 9, 2018
  - Expert Rebuttal Report, filed November 2, 2018
  - Deposition Testimony, November 12, 2018
  - Trial Testimony, December 4, 2018

- ***United States of America, et al. v. Solvay S.A., et al.***
  United States District Court for the Southern District of Texas
  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.
  - Expert Report, filed March 12, 2015
  - Deposition Testimony, April 10, 2015
  - Declaration, filed November 16, 2015

- **Government investigations of pharmaceutical and medical device companies**
  Multiple United States Attorney Offices
  Served as an expert witness on behalf of pharmaceutical and medical device companies in settlement presentations to government investigators on issues related to liability and damages in FCA and AKS 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

PRESENTATIONS & SPEAKING ENGAGEMENTS

- **"Biosimilar Litigation: Navigating Patent Dance Trends and Developments,"** panelist, *The Knowledge Group* (January 24, 2019)
- **"Biosimilars in the Antitrust Spotlight,"** panelist, *IP Chat Channel* (October 4, 2018)
- **"The BPCIA Patent Dance,"** panelist, *The Knowledge Group* (June 28, 2018)
- **"The Nuts and Bolts of Reverse Payments,"** discussant, *ABA Section of Antitrust Law, Intellectual Property* (October 24, 2017)
- **"Economic Considerations for Biosimilar Litigation,"** discussant, *Food Drug Law Institute,* Annual Conference (May 5, 2017)
- **"Reverse Payment Settlements: What Lies Ahead?"** panelist, *The Knowledge Group* (September 13, 2016)
- **"Product Hopping Cases: Where Are We and Where Are We Headed?"** discussant, *ABA Section of Antitrust Law* (December 11, 2015)
- **"Paragraph IV Patent Challenges: Are You Prepared for Product Targeting?"** panelist, *The Knowledge Group* (March 23, 2015)

ARTICLES & PUBLICATIONS

Journals

- **"Continuing Trends in US Brand-Name and Generic Drug Competition,"** with Henry Grabowski, Genia Long, and Mehmet Bilginsoy, *Journal of Medical Economics*, 24:1 (August 2021)

- **"Cardiac Arrhythmia Detection Outcomes Among Patients Monitored with the Zio Patch System: A Systematic Literature Review,"** with Mihran Yenikomshian, John Jarvis, Cody Patton, Christopher Yee, Howard Birnbaum, and Mark Topash, *Current Medical Research and Opinion*, 35:10 (April 2019)
- **"Updated Trends in US Brand-Name and Generic Drug Competition,"** with Henry Grabowski, Genia Long, and Ani Boyo, *Journal of Medical Economics*, 19:9 (April 2016)
- **"Evolving Provider Payment Models and Patient Access to Innovative Medical Technology,"** with Genia Long and Geoffrey Sanzenbacher, *Journal of Medical Economics*, 17:12 (December 2014)
- **"Biosimilars,"** with Henry Grabowski and Genia Long, *Encyclopedia of Health Economics, Volume 1*, editor Anthony J. Culyer (2014)
- **"Recent Trends in Brand Name and Generic Drug Competition,"** with Henry Grabowski and Genia Long, *Journal of Medical Economics*, 17:3 (March 2014)
- **"Evolving Brand-Name and Generic Drug Competition May Warrant A Revision Of The Hatch-Waxman Act,"** with Henry Grabowski, Margaret Kyle, Genia Long, and Noam Kirson, *Health Affairs*, 30:11 (November 2011)
- **"Implementation of the Biosimilar Pathway: Economic and Policy Issues,"** with Henry Grabowski and Genia Long, *Seton Hall Law Review*, 41:2 (2011)
- **"The Effects of Capacity on Sales under Alternative Vertical Contracts,"** with Ioannis Ioannou and Julie Holland Mortimer, *Journal of Industrial Economics*, 59:1 (March 2011)
- **"Data Exclusivity Periods for Biologics: Did Congress Get it Right?"** with Henry Grabowski and Genia Long, *Nature Reviews: Drug Discovery*, 10:1 (January 2011)
- **"Authorized Generic Drugs, Price Competition, and Consumer Welfare,"** with Ernst R. Berndt, Ashoke Bhattacharjya, Andrew Parece, and Edward Tuttle, *Health Affairs*, (May/June 2007)

Other

- **"The Rise of Biosimilars and the Future of Healthcare Intellectual Property,"** with Brian Ellman, *IAM*, Issue 92 (November/December 2018), available at: https://www.iam-media.com/law-policy/rise-biosimilars-and-future-healthcare-intellectual-property
- **"The Economics of Biosimilar Drugs and New Considerations in Intellectual Property and Antitrust Litigation,"** with Brian Ellman, *Public Domain,* ABA Section of Antitrust Law Intellectual Property Committee Newsletter, (July 2018)
- **"Will "Biosimilar" Medications Reduce the Costs of Biologic Drugs?"** with Christian Frois and Alan White, *Scientific American*, Guest Blog (March 9, 2017)
- **"The Potential For Litigation In New Era Of Biosimilars,"** with Christian Frois and Alan White, *Law360* (September 20, 2016)
- **"Can The Life Sciences Industry Bank On Biosimilars?"** with Paul Greenberg and Tammy Sisitsky, *Law360* (April 13, 2016)
- **"Correlation Or Cause: Brand-Name Drug Prescription Rates,"** with Paul Greenberg and Tammy Sisitsky, *Law360* (March 23, 2016)

- **"Recent Average Price Trends for Implantable Medical Devices, 2007-2011,"** with Genia Long and Geoffrey Sanzenbacher, *mimeo* (September 2013), available at: https://www.advamed.org/resource-center/recent-average-price-trends-implantable-medical-devices-2007-2011-0
- **"Data Exclusivity Periods and Next Generation Improvements to Innovator Biologics: Key Issues,"** with Henry Grabowski, Iain Cockburn, and Genia Long, *Duke University Department of Economics Working Paper*, No. 2009-5 (April 29, 2009), available at: http://public.econ.duke.edu/Papers/PDF/DWPaper2009-05.pdf
- **"Data Exclusivity Periods for Biologics: Updating Prior Analyses and Responding to Critiques,"** with Henry Grabowski and Genia Long, *Duke University Department of Economics Working Paper*, No. 2008-10 (December 22, 2008), available at: http://public.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,"** with Henry Grabowski, Iain Cockburn, Genia Long, and Scott Johnson, *Duke University Department of Economics Working Paper*, No. 2007-9 (August 2007), available at: http://public.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,"** with Ernst R. Berndt and Andrew Parece, *mimeo* (April 2007), available at: https://www.analysisgroup.com/globalassets/content/insights/publishing/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*, *The Review of Economics and Statistics*