

JOHN M. BROWNING
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Mr. Browning is an economist who specializes in applying microeconomic and statistical techniques for economic analyses and damages matters. His recent casework has included analyses of demand drivers, evaluations of survey evidence, and investigations into the appropriateness of permanent injunctions in patent disputes involving multi-function products. Mr. Browning has also designed and implemented economic studies that have examined the profitability of online advertising, evaluated the impacts of the bundling of cable programming, valued essential and non-essential telecommunications patents, and assessed best efforts in distribution contracts. He has assisted experts in developing expert testimony for multiple patent infringement, class certification, breach of contract, and antitrust matters, and has evaluated opposing experts' damages analyses and surveys. Mr. Browning has also provided assistance to attorneys on all phases of pretrial and trial practice, including assisting with the development and review of pretrial discovery and fact witness depositions. Mr. Browning has presented on intellectual property damages, economic analysis in patent litigation, and licensing in the presence of technological standards before legal audiences such as the Licensing Executives Society and the Wisconsin Intellectual Property Association. Prior to joining Analysis Group, Mr. Browning taught microeconomics courses at the University of Chicago.

EDUCATION

Ph.D. Candidate Economics (ABD), University of Chicago, Chicago, IL, 2000

M.A. Economics, University of Chicago, Chicago, IL, 1997

B.A. Economics (First Class Honours), McGill University, Montreal, Canada, 1995

PROFESSIONAL EXPERIENCE

2007 – current *Vice President*, Analysis Group, Washington, DC

2004 – 2006 *Manager*, Analysis Group, Washington, DC

- 2001 – 2003 *Associate, Analysis Group, Washington, DC*
- 1998 – 2000 *Teaching Assistant in Microeconomic Analysis and Competitive Strategy, Graduate School of Business, University of Chicago, Chicago, IL*
- 1998 – 1999 *Research Assistant, Graduate School of Business, University of Chicago, Chicago, IL*
- 1997 – 1999 *Lecturer and Teaching Assistant in Microeconomic Analysis, Department of Economics, University of Chicago, Chicago, IL*
- 1996 – 1997 *Research Assistant, Northwestern University / University of Chicago Joint Center for Poverty Research, Chicago, IL*

SELECTED PROJECT WORK

Litigation Consulting

Intellectual Property:

- Led case team that examined the drivers of demand of mobile wireless devices, assessed whether lost profits were warranted and evaluated the appropriate royalty in a matter involving the alleged infringement of non-essential utility patents.
- In a permanent injunction proceeding, evaluated whether a patent holder's reputation for innovation was put at risk by accused infringement.
- In multiple United States International Trade Commission proceedings, assessed whether a non-practicing entity's offers to license standards essential patents satisfied fair, reasonable and non-discriminatory ("FRAND") terms and evaluated whether economic circumstances pointed to the likelihood of holdup and/or reverse holdup.
- In a permanent injunction proceeding, led a case team that successfully critiqued a conjoint analysis that purportedly established patented features drove demand of an accused product.
- As part of a patent invalidity proceeding, assessed whether Plaintiffs' products that practiced the patent were commercially successful because of the patent.
- In multiple cases, calculated economic damages caused by patent infringement related to vacuum cleaner and refrigerator technologies.
- Assessed reasonable royalty damages in a matter involving the patent infringement of a nanotechnology patent used in cancer drugs owned by Elan.
- Examined reasonable royalty damages stemming from the infringement of patents involving automotive engine technologies.
- Managed econometric studies to determine whether and to what extent consumers valued particular features present in certain mobile wireless handsets.

- Conducted a telecommunications industry study of patents declared essential to various wireless standards.
- Analyzed the relative importance of MP3 player features.
- Estimated lost profit and reasonable royalty damages, drafted expert testimony, and assisted counsel with deposition and trial preparation for a patent infringement case involving coronary stent technology.
- Assessed lost profit and reasonable royalty damages in a patent infringement case involving specialty chemicals.
- Assisted client in analyzing the terms of wireless telecom license agreements.

Marketing, Breach of Contract, and False Advertising:

- In a class certification matter, analyzed the profitability of Google Adwords online advertising, as part of an assessment of the reliability of measures of alleged harm to individual advertisers as a result of having text ads of a class of plaintiffs placed on certain types of web pages.
- Related to the alleged breach of a distribution contract, determined whether a defendant used best efforts to market and distribute consumer products; analyses included using scanner data to estimate elasticity of demand of end users to assess whether appropriate pricing strategies were followed.
- In a breach of contract matter, worked with prominent marketing expert to assess the reasonableness of pursuing line extensions of a diet brand.
- Examined the assertion that a class of users of certain inkjet printers suffered harm related to allegedly exaggerated claims of ink efficiency.
- Assessed the impact of allegedly false advertising on competition between rival lawn and garden firms.
- Analyzed the impact of allegedly false promotional claims on exercise equipment sales.

Antitrust:

- Performed economic analyses on behalf of Microsoft Corporation in several consumer litigations; supported analyses of the economics of the computer software industry and the resulting implications for market structure and firm profitability.
- Performed various statistical analyses in support of an expert opinion relating to defining the relevant market and proving consumer harm in the real estate brokerage industry; analyses included an econometric study linking increased brokerage fees to the presence of alleged antitrust violations.

- Assessed whether certain terms in a satellite television distribution contract were anticompetitive.
- Examined the relevant market and analyzed the existence of monopoly power in support of an expert opinion concerning rival utility firms.

Finance and Tax:

- In a tax evasion matter, studied whether a real estate lender accounted for its portfolio of non-prime loans in accordance to U.S. GAAP and whether the interest rates the lender charged on its loans was warranted by the risk profiles of the borrowers and loans.
- Econometrically modeled the impact of the alleged backdating of employee stock options on the firms' share prices, with particular emphasis on whether declines in share price at times of earnings restatements related to the magnitude of the restatements.
- Analyzed the economic implications of an U.S. tax rule, conducted an industry analysis, and critiqued an opposing expert's damages methodology in support of expert testimony for a tax evasion case.

General Litigation and Damages:

- Calculated lost profits associated with a law firm's negligence in handling a patent directed to commercial nut-cracking machines.
- Examined economic damages stemming from alleged breaches of supplier agreements covering coronary stents.
- Performed event study analyses to help estimate damages for a fraud case in the consumer products industry.
- Assessed expert testimony in an arbitration hearing involving the alleged breach of a purchase agreement in the medical products industry.

Other Consulting Activities

- Performed an economic analysis of the Federal Communications Commission's rules limiting the subscribership of Multichannel Video Programming Distributors.
- Examined the economics of the bundling of cable television programming.
- Assisted in a theoretical and empirical analysis of the impact of local loop unbundling on telecom investment.
- Performed a valuation of a packaging-related patent.

PAPERS

“Licensing in the Presence of Technology Standards,” (with C. Mulhern) *Licensing Journal*, August 2009.

PRESENTATIONS

“Economics of False Patent Marking,” BNA Webinar and Audioconferences, Recent Developments in the Law and Economics of False Patent Marking, July 2010 (with A. Roth and J. Jarosz).

Licensing Executives Society, 2008 Annual Meeting, “Licensing in the Presence of Technological Standards,” (with C. Mulhern and L. Greenfield), October 2008.

Wisconsin Intellectual Property Law Association program, “IP Damages, Injunctions and Recent Damages Decisions,” (with R. Vigil), February 2008.

“Economic Analysis in Patent Litigation: The Law and Economics of Recent Patent Damages Rulings,” (with J. Jarosz), Presented at Morgan, Lewis & Bockiuswith, September 2007.

Department of Economics, University of Chicago presentation, “The Economics of Mandatory Prescriptions,” December 2000.