

ANDREW T. CLARKE, CFA
Vice President

Phone: 202 530 3994
andrew.clarke@analysisgroup.com

800 17th Street, NW
Suite 400
Washington, DC 20006

Mr. Clarke specializes in applying economic and financial theory to a range of complex business disputes in both litigation and non-litigation contexts. His experience spans numerous practice areas, including intellectual property (IP), commercial litigation, finance, and antitrust. Mr. Clarke has expertise in Section 337 investigations at the US International Trade Commission (ITC); damages estimation, including reasonable royalty and lost profits calculations; as well as asset and business valuation. His other engagements include commercial success inquiries, solvency and fraudulent conveyance analyses, class certification, analyses of economic substance related to tax shelters, and merger analyses. Mr. Clarke's non-litigation consulting work has focused on the modeling of economic damages related to environmental disasters and the evaluation of potential acquisitions.

Recently, his case work has included analyzing domestic industry, injury, remedy, bonding, commercial success, public interest, and enforcement issues at the ITC, as well as analyzing commercial success, determining the fair market value of businesses, and assessing damages related to patent infringement and trade secret misappropriation. Mr. Clarke has testified at the ITC on issues related to domestic industry, injury, remedy, and public interest, as well as providing testimony on commercial success for the US Patent and Trademark Office's Patent Trial and Appeal Board. He also provides support for clients and testifying experts at all stages of the litigation process, including pre-litigation consulting, assisting clients with discovery and depositions, assisting with preparation of expert reports, trial preparations, and post-trial appeals. He has published and presented on topics related to the ITC, standard essential patents, and IP damages. He has earned the right to use the Chartered Financial Analyst designation.

EDUCATION

2010 M.B.A., finance and law & business, NYU Stern School of Business
2000 B.A., economics, Swarthmore College

PROFESSIONAL EXPERIENCE

2015–Present Analysis Group, Inc.
Vice President (2019–Present)
Manager (2015–2018)

2009–2015 ARPC, Inc.
Director

2005–2009 The CapAnalysis Group, LLC
Economist

- 2004–2005 Microeconomic Consulting & Research Associates, Inc.
Economist
- 2000–2004 Glassman-Oliver Economic Consultants, Inc.
Senior Analyst (2002–2004)
Analyst (2000–2002)

EXPERT REPORTS/DECLARATIONS AND TESTIMONY

- ***In the Matter of Women’s Flats with Colored Outsoles Thereof, Inv. No. 337-TA-1428***
US International Trade Commission
Patent infringement: expert declaration (Jun. 2025) on behalf of complainant Gavrieli Brands supporting motion for summary determination regarding economic issues related to domestic industry, remedy (general exclusion order), and bond in case involving high-end luxury women’s ballet flats.
- ***In the Matter of Certain Smart Televisions, Inv. No. 337-TA-1420***
US International Trade Commission
Patent infringement: expert report (May 2025) and deposition testimony (Jun. 2025) on behalf of complainant Maxell regarding economic issues related to domestic industry, remedy, and bond in case involving consumer electronics such as laptops, tablets, mobile phones, and smart televisions.
- ***Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc. v. Ouraring, Inc., Case Nos. PGR2024-00030 and PGR2024-00039***
US Patent and Trademark Office, Patent Trial and Appeal Board
Commercial success: expert declarations (Apr. 2025) and deposition testimony (Jun. 2025) on behalf of patent owner Ouraring regarding commercial success covering patents directed to smart rings.
- ***In the Matter of Certain Disposable Vaporizer Devices and Components and Packaging Thereof, Inv. No. 337-TA-1381***
US International Trade Commission
Unfair methods of competition/false advertising: expert report (Aug. 2024) and deposition testimony (Oct. 2024) on behalf of respondents Breeze Smoke; Dongguan (Shenzhen) ShiKai Technology Co., Capital Sales Company, KMT Services d/b/a KMT Distribution, Shenzhen Weiboli Technology Co., Vapeonly Technology Co., iMiracle (Shenzhen) Technology Co., Guangdong Qisitech Co., Shenzhen Han Technology Co., American Vape Company a/k/a American Vapor Company, Pastel Cartel, Affiliated Imports, Shenzhen Innokin Technology Co., Shenzhen Funyin Electronic Technology Co., Magellan Technology, Shenzhen IVPS Technology Co., Hong Kong IVPS International, Ecto World d/b/a Demand Vape, Shenzhen Daosen Vaping Technology Co., Price Point Distributors d/b/a Price Point NY, SV3 d/b/a Mi-One Brands, and TheSy d/b/a Element Vape regarding economic issues related to injury in case involving electronic nicotine delivery system devices.

- ***In the Matter of Certain Electronic Devices, Including Smartphones, Computers, Tablet Computers, and Components Thereof, Inv. No. 337-TA-1373***
US International Trade Commission
Patent infringement: expert report (May 2024) and deposition testimony (Jun. 2024) on behalf of respondents Lenovo PC HK, Lenovo (United States), and Motorola Mobility regarding economic issues related to domestic industry and remedy in case involving consumer electronics.
- ***In the Matter of Certain Photovoltaic Connectors and Components Thereof, Inv. No. 337-TA-1365***
US International Trade Commission
Patent infringement: expert report (Jan. 2024), deposition testimony (Jan. 2024), and evidentiary hearing testimony (Mar. 2024) on behalf of respondents Hikam America; Hikam Electronica de Mexico, S.A. de C.V.; Hikam Tecnologis de Sinaloa, S.A. de C.V.; Hewtech (Shenzhen) Electronics Co.; Hewtech Philippines Corp.; Hewtech Philippines Electronics Corp.; Voltage; and Ningbo Voltage Smart Production Co. regarding economic issues related to domestic industry and bond in case involving solar connectors and harnesses used in solar power fields.
- ***In the Matter of Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same, Inv. No. 337-TA-1265 (Enforcement)***
US International Trade Commission
Patent infringement: expert reports (Jan. and Feb. 2024) and deposition testimony (Feb. 2024) on behalf of respondents iFIT, FreeMotion Fitness, and NordicTrack regarding economic issues related to the statutory maximum penalty and EPROM factors associated with alleged violations of remedial orders.
- ***In the Matter of Certain Selective Thyroid Hormone Receptor-Beta Agonists, Processes for Manufacturing or Relating to Same, and Products Containing Same, Inv. No. 337-TA-1352***
US International Trade Commission
Misappropriation of trade secrets: expert reports (Mar., Aug., & Sept. 2023), deposition testimony (Mar. and Sept. 2023), 100-day hearing testimony (Apr. 2023), and evidentiary hearing testimony (Nov. 2023) on behalf of respondents Ascleitis Pharma, Ascleitis Pharmaceuticals Co., Ascleitis BioScience Co., Gannex Pharma Co., and Jinxi Jason Wu regarding economic issues related to domestic industry, injury, remedy, bond, and public interest in case involving development of non-alcoholic steatohepatitis-related pharmaceuticals.

ADDITIONAL CONSULTING EXPERIENCE

IP

- Critiqued solar panel company's claims of domestic industry in the process of being established at the ITC (Inv. No. 337-TA-1422).
- Analyzed domestic industry, remedy, and bond on behalf of a GaN semiconductor company at the ITC (Inv. No. 337-TA-1414).
- Analyzed domestic industry, remedy, and bond on behalf of US-based action camera company at the ITC (Inv. No. 337-TA-1400).

- Analyzed domestic industry and bond on behalf of a surface cleaning device company at the ITC (Inv. No. 337-TA-1404).
- Analyzed domestic industry, bond, commercial success, and public interest on behalf of a smart wearable company at the ITC (Inv. No. 337-TA-1398).
- Analyzed domestic industry on behalf of a liquid cooler manufacturer at the ITC (Inv. No. 337-TA-1394).
- Analyzed domestic industry, remedy, and bond on behalf of a Wi-Fi networking company at the ITC (Inv. No. 337-TA-1361).
- Analyzed domestic industry, injury, remedy, and bond on behalf of a portable battery company in multiple investigations (Inv. No. 337-TA-1359; Inv. No. 337-TA-1360).
- Analyzed domestic industry, remedy, and bond on behalf of a consumer electronics company at the ITC (Inv. No. 337-TA-1338).
- Analyzed domestic industry, remedy, and bond issues for a US-based technology company in multiple investigations (Inv. No. 337-TA-1329; Inv. No. 337-TA-1330).
- Analyzed domestic industry based on respondent-licensee's investments as well as remedy and bond on behalf of a consumer electronics company at the ITC (Inv. No. 337-TA-1324).
- Analyzed domestic industry, remedy, and bond on behalf of toy manufacturers at the ITC (Inv. No. 337-TA-1325).
- Analyzed violations of cease-and-desist orders on behalf of a garage door opener company in enforcement proceeding at the ITC (Inv. No. 337-TA-1209 Enforcement).
- Analyzed public interest issues for a cellular infrastructure supplier at the ITC (Inv. No. 337-TA-1302).
- Critiqued alleged violations of cease-and-desist orders on behalf of fiber-optic equipment manufacturer in enforcement proceeding at the ITC (Inv. No. 337-TA-1194 Enforcement).
- Analyzed domestic industry, remedy, and bond for a semiconductor designer at the ITC (Inv. No. 337-TA-1287).
- Critiqued energy management company's claims of domestic industry and bond at the ITC (Inv. No. 337-TA-1277).
- Critiqued satellite and streaming service provider's claims of domestic industry and bond at the ITC (Inv. No. 337-TA-1265).
- Analyzed domestic industry, remedy, and bond issues for a domestic chemical manufacturer at the ITC (Inv. No. 337-TA-1264).
- Critiqued a smart thermostat system company's claims of domestic industry, remedy, and bond at the ITC (Inv. No. 337-TA-1258).
- Evaluated issues related to FRAND, intervening rights, domestic industry, and bond on behalf of two cellular communication manufacturers at the ITC (Inv. No. 337-TA-1253).
- Critiqued an international automobile manufacturer's claims regarding commercial success, domestic industry, and bond and analyzed public interest issues at the ITC (Inv. No. 337-TA-1235).

- Analyzed domestic industry, remedy, and bond issues for an automated storage and retrieval system manufacturer before the ITC (Inv. No. 337-TA-1228).
- Analyzed domestic industry of a mobile device licensee and remedy for patent owner before ITC (Inv. No. 337-TA-1215)
- Analyzed domestic industry, commercial success, remedy, and bond for an electronic nicotine delivery system manufacturer in multiple investigations before the ITC (Inv. No. 337-TA-1368; Inv. No. 337-TA-1211; Inv. No. 337-TA-1141; Inv. No. 337-TA-1139).
- Evaluated domestic industry, remedy, bond, and commercial success for a moveable barrier operator manufacturer at the ITC (Inv. No. 337-TA-1209).
- Analyzed bond-related issues for a smart speaker manufacturer before the ITC (Inv. No. 337-TA-1191).
- Calculated damages related to, among others, trade secret misappropriation by a medical equipment company.
- Analyzed domestic industry, injury, and bond for a medical equipment company before the ITC (Inv. No. 337-TA-1175).
- Critiqued an energy-efficiency software complainant's assertions regarding domestic industry, remedy, and bond before the ITC (Inv. No. 337-TA-1185).
- Analyzed domestic industry, remedy, and bond assertions by a financial technology firm before the ITC (Inv. No. 337-TA-1170).
- Critiqued a medical equipment complainant's assertions regarding domestic industry, injury, and bond before the ITC (Inv. No. 337-TA-1153).
- Analyzed patent infringement damages and commercial success related to digital mobile radios in district court.
- Critiqued a pharmaceutical complainant's assertions regarding domestic industry, injury, remedy, and bond before the ITC (Inv. No. 337-TA-1145).
- Calculated patent infringement damages related to assays and instruments used in medical diagnostics.
- Calculated patent infringement damages related to anti-cholesterol biologic pharmaceuticals.
- Analyzed alleged violations of exclusion and cease-and-desist orders in an enforcement proceeding at the ITC (Inv. No. 337-TA-1012 Enforcement).
- Critiqued a plaintiff's patent damages calculations pertaining to the value of a fitness technology for mobile devices.
- Critiqued a heavy machinery manufacturer's claims regarding domestic industry, bond, and commercial success before the ITC (Inv. No. 337-TA-1088).
- Analyzed domestic industry, commercial success, remedy, and bond for a road milling machine manufacturer before the ITC (Inv. No. 337-TA-1067).
- Critiqued a tape storage company's assertions regarding domestic industry, public interest, and bond in multiple investigations before the ITC (Inv. No. 337-TA-1012).

- Analyzed public interest issues related to potential remedies in multiple investigations for a major semiconductor designer at the ITC (Inv. No. 337-TA-1093; Inv. No. 337-TA-1065).
- Analyzed domestic industry, remedy, bond, and public interest issues for a medical device manufacturer before the ITC (Inv. No. 337-TA-1068).
- Analyzed domestic industry, remedy, and bond for a semiconductor manufacturer before the ITC (Inv. No. 337-1047).
- Critiqued a radio-frequency identification complainant's public interest, commercial success, and bond assertions before the ITC (Inv. No. 337-TA-979).
- Determined the necessity of a permanent injunction for a utility company alleging patent infringement.
- Analyzed domestic industry, public interest, remedy, and bond for a lithium ion-technology manufacturer and licensor before the ITC (Inv. No. 337-TA-951).
- Calculated patent infringement damages associated with a non-practicing entity's suit against multiple mobile device manufacturers.
- Determined domestic industry investments made by a mobile phone manufacturer as a complainant at the ITC (Inv. No. 337-TA-808).
- Calculated domestic industry investments related to licensing activities of a complainant (a non-practicing entity) before the ITC (Inv. No. 337-TA-809).
- Calculated damages from the infringement of a patent related to plastic consumer packaging in the Eastern District of Virginia.
- Analyzed EPROM factors related to a limited exclusion order extending to downstream products in a matter before the ITC (Inv. No. 337-TA-538).
- Calculated lost profits damages from the theft of trade secrets by a former employee in the electrical equipment distribution industry.
- Assisted in analysis of damages from trade dress claims in a dispute between lawnmower manufacturers.
- Calculated damages associated with the infringement of a patent covering composite decking material.

Commercial Disputes

- Evaluated incentives and performance by parent company in accordance with the earn-out provisions of an acquisition agreement and critiqued plaintiffs' damages analysis.
- Developed econometric model to support class-wide damages theory for a consumer fraud class action brought against an institution of higher education.
- Assisted in the valuation of multiple skilled nursing facilities for evidence of inadequate consideration paid in a fraudulent conveyance suit.
- Assisted with analysis of compensation methodology under Gulf Coast Claims Facility.

- Calculated damages stemming from breach of contract between a multinational restaurant franchisor and its Turkish franchisee, and critiqued opposing damages model.
- Critiqued a plaintiff's damages model and assisted in opposing expert's deposition in breach of contract suit between a local joint venture partner and a multinational cement manufacturer.
- Performed valuation of a start-up company in conjunction with binding arbitration regarding a breach of contract between joint venture partners in the food packaging industry.
- Assessed the solvency of a food service distributor at multiple points leading up to its bankruptcy.
- Valued a consumer herbicide product in conjunction with a breach of contract over marketing agreements.

Finance, Securities, Financial Products & Institutions

- Calculated the value of a high-end furniture retailer in Delaware Chancery litigation.
- Analyzed fair market value in the acquisition of a multinational automotive software company at Delaware Chancery.
- Valued a series of complex derivatives as part of an evaluation of economic substance in alleged tax shelters on behalf of a Big Four accounting firm.
- Calculated damages and stock price inflation due to multiple disclosures by a multinational pharmaceutical company's management.
- Analyzed the stock option pricing policies of multiple technology firms for evidence of backdating.
- Examined an investor's behavior and incentives in tax shelter litigation against a Big Four accounting firm.
- Assisted in the analysis of trading patterns in support of a mutual fund market timing investigation by the US Securities and Exchange Commission.
- Evaluated evidence of market inefficiencies in the trading of a mining company's share price in the class certification stage of a suit alleging Rule 10b-5 violations.
- Performed an event study examining the effect of an auditor's resignation on a publicly traded silver mining company's share price in conjunction with a failed attempt to raise capital.
- Calculated damages and stock price inflation related to financial reporting fraud by the management of a pharmaceutical distributor.

Antitrust & Competition

- Analyzed a pharmaceutical company's promotional spending and practices for use in an investigation before the Korean Fair Trade Commission.
- Analyzed pricing and contracting within the tank container industry for evidence of collusive behavior.
- Assisted in response to the European Commission regarding competition concerns relating to the acquisition of a mapping software company by a mobile device manufacturer.

- Performed analyses of discounting behavior in several geographic markets for a beer manufacturer in support of its acquisition by a foreign beverage company.
- Counseled a private equity firm regarding antitrust issues in its potential acquisition of a sports equipment manufacturer.
- Calculated damages associated with the alleged violation of a consent order agreed to between the Federal Trade Commission and a medical device manufacturer.
- Led case team in defending a Europe-based conglomerate in an arbitration related to a breach of contract claim arising from alleged collusive behavior in the sulfuric acid industry.
- Assisted in the analysis of antitrust concerns related to an announced acquisition in the consumer packaging industry.
- Evaluated potential antitrust risks associated with a trade association's collection and publication of pooled member data.
- Compiled data responsive to a second request issued by the FTC in its evaluation of the acquisition of one major packaged food company by another.
- Analyzed class damages related to vitamin price-fixing class action.

PUBLICATIONS

“Jury Bias and Big Numbers in the Patent Litigation Context,” *Law360* (February 2015)

“Is Intellectual Property Amenable to Securitization?” with Ilan Guedj, *Law360* (May 2014)

“What Old ITC Cases Tell Us About Pilot Program's Potential,” *Law360* (December 2013)

“Will Standard-Essential Patent Holders Be Shut Out of the ITC?” *Law360* (September 2013)

“Where Have All The ITC Investigations Gone?” *Law360* (January 2013)

“The Whole Is Not Always The Sum Of Its Parts,” with Donald L. Martin, *Law360* (June 2012)

PRESENTATIONS AND SPEAKING ENGAGEMENTS

“Demystifying the ITC Section 337: Investigations Amid the COVID-19 Pandemic,” with Jason Engel, The Knowledge Group Webinar (February 2021)

“Litigation and Enforcement Updates at the ITC: 2019 Landscape,” with Tony Pezzano, The Knowledge Group Webinar (April 2019)

“Calculating Intellectual Property Damages: How to Prepare for the 2019 Landscape,” with Richard Eichmann, Armando Chavez, and Eric Forister, The Knowledge Group Webinar (February 2019)

“Beyond the *Cammer* Criteria: Arguing Class Certification in Securities Fraud Cases,” Howrey, LLC Continuing Legal Education Course (June 2008)

PROFESSIONAL AFFILIATIONS

American Economic Association

CFA Institute

CFA Society of Washington, DC