RICHARD A. MORTIMER, PH.D.
Principal

Phone: 202 530 2041
richard.mortimer@analysisgroup.com

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

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 the health care industry. He has evaluated questions of class certification, damages, liability, and market definition in antitrust matters. He also has provided economic analyses and expert testimony on causation and damages in a variety of health care cases, including cases involving allegations of False Claims Act (FCA) and Anti-Kickback Statute (AKS) violations. 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

- ***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 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 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, and was deposed.
  - 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

SELECTED 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 class certification, market definition, liability, 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.

- **Valuation disputes related to pharmaceutical manufacturer acquisitions**
  Supported expert testimony in litigation and arbitration on disputes related to the valuation of generic and brand drug manufacturers in acquisitions.

- **National Prescription Opiate Litigation**
  Supported expert testimony in litigation related to the distribution and dispensing of prescription opiates and alleged implications for harms to US counties. Addressed questions of causality and liability.

- **Regulatory taking of a chemical fungicide**
  Supported expert testimony in litigation related to the cost to a chemical manufacturer of a US Environmental Protection Agency Stop Sale, Use, or Removal Order with respect to a chemical fungicide used in turf and agricultural applications.

- **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's 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. These 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
  - The potential impact of payment reform measures proposed in PPACA on medical device adoption and incentives for future innovation

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* (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*