



## CURRICULUM VITAE

**John P. Bigelow, Ph.D.**

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### EDUCATION:

1981, *Ph.D. in Economics*, University of Pennsylvania, Philadelphia, PA  
Dissertation Title: Normative Aspects of Adverse Selection  
Fields of Specialization: Economic Theory, Industrial Organization  
1976, *B.A. in Economics, Summa Cum Laude*, Tufts University, Boston, MA

### PROFESSIONAL EXPERIENCE:

May 2013 – Present, *Executive Vice President*, Compass Lexecon  
October 1997 – April 2013, *Senior Economist*, Princeton Economics Group  
July 1994 – May 1997, *Associate Professor of Economics*, Louisiana State University  
Sept. 1987 – June 1994, *Assistant Professor of Economics*, University of Missouri, Columbia  
Sept. 1988 – June 1991, *Director of Undergraduate Studies in Economics*, University of Missouri  
June 1987 – August 1988, *Consultant*, Coopers & Lybrand  
September 1986 – June 1987, *Visiting Assistant Professor of Economics*, University of Iowa  
July 1981 – August 1986, *Assistant Professor of Economics*, Yale University  
September 1985 – December 1985, *Visiting Assistant Professor of Economics*, Cornell University  
January 1985 – May 1985, *Visiting Scholar*, Cornell University

### ACADEMIC HONORS:

- 1982, William Polk Carey Prize in Economics, University of Pennsylvania
- 1979 – 1980 and 1980 – 1981, Dean's Fellowship, University of Pennsylvania
- 1979 – 1980, Irwin Foundation Fellowship, University of Pennsylvania
- 1977, Lawrence Robbins Prize in Economics, University of Pennsylvania
- 1975, Marion Ricker Houston Prize Scholarship in Economics, Tufts University
- 1975, Phi Beta Kappa, Tufts University

## **PUBLICATIONS:**

- “Reverse Payments” in Settlements of Patent Litigation: Split Opinions on Schering Plough’s, K-Dur (2005 and 2012);” with Robert D. Willig; Case 7 in *The Antitrust Revolution* (6th edition); John E. Kwoka and Lawrence J. White (ed.s); Oxford University Press (2014), 213 – 245
- “Reverse Payments’ After Actavis;” *CPI Antitrust Chronicle*; September 2013 (2), 2 – 9
- “Competition and the Most Favored Nation Clause;” with Jason Wu; *CPI Antitrust Chronicle*; July 2013 (2), 2 – 10
- “Pharmaceutical Patents, Settlements, ‘Reverse Payments,’ and Exclusion: Update;” *CPI Antitrust Chronicle*; July 2012 (2), 2 – 5.
- “Pharmaceutical Patents, Settlements, ‘Reverse Payments,’ and Exclusion;” *CPI Antitrust Chronicle*; June 2012 (2), 2 – 7
- “The Fundamental Economics of Class Certification;” with Andrew Abernethy and Peter Bronsteen; American Bar Association, Section of Antitrust Law, Economics Committee Newsletter 9(2) (Fall 2009); 9 – 16
- “Reverse Payments’ in Settlements of Patent Litigation: Schering Plough, K-Dur, and the FTC (2005);” with Robert D. Willig; Case 9 in *The Antitrust Revolution* (5th edition); John E. Kwoka and Lawrence J. White (ed.s); Oxford University Press (2009), 248 – 275
- “Duality and Consumption Decisions under Income and Price Risk;” with Carmen F. Menezes and X. Henry Wang; *Journal of Mathematical Economics*; 2005 (41); 387 – 405
- “Antitrust Policy Towards Agreements That Settle Patent Litigation;” with Robert D. Willig; *Antitrust Bulletin*; Fall 2004; 655 – 698
- “Outside Risk Aversion and the Comparative Statics of Increasing Risk in Quasi-Linear Decision Models;” with Carmen F. Menezes; *International Economic Review*; 1995 (36); 643 – 673
- “The Area Monotonic Solution to the Cooperative Bargaining Problem;” with Nejat Anbarci; *Mathematical Social Sciences*; 1994 (28); 133 – 142
- “Consistency of Mean Variance Analysis and Expected Utility Analysis: A Complete Characterization”; *Economics Letters*; 1993 (43); 187 – 192
- “Non-Dictatorial, Pareto-Monotonic, Cooperative Bargaining: An Impossibility Theorem;” with Nejat Anbarci; *European Journal of Political Economy*; 1993 (9); 551 – 558
- “Inducing Efficiency: Externalities, Missing Markets, and the Coase Theorem;” *International Economic Review*; 1993 (34); 335 – 346

“Warranties Without Commitment to Market Participation;” with Russell Cooper and Tom Ross;  
*International Economic Review*; 1993 (34); 85 – 100

“Efficiency and Adverse Selection;” *Journal of Economic Theory*; 1990 (52); 380 – 405

“Experts Against Adverse Selection: A Note on the Existence of Equilibrium with Costly Private Information;” *Journal of Economic Theory*; 1985 (37); 379 – 393

### **PRESENTATIONS:**

The New Economics of Class Certification (with Peter Bronsteen and Andrew Abere); Arnold & Porter Antitrust Group Meeting, Washington, DC, October 25, 2007.

Antitrust Economics for Beginners; Pennsylvania Bar Institute Continuing Legal Education Program on the Fundamentals of Antitrust Law; Philadelphia, PA; June 24, 2004

Telecommunications Act of 1996 and Infrastructure Investment: Empirical Evidence (with Robert Willig, Steven Levinson, and William Lehr); Department of Justice Telecom Workshop; Washington, DC; July 23, 2002

Value Oriented Equilibria in Repeated Games with Complete Information; 1996 Southeastern Economic Theory and International Trade Conference; Miami, FL; November 1996

Outside Risk Aversion and the Comparative Statics of Increasing Risk (with Carmen Menezes); Spring 1993 Mid-West Mathematical Economics Meetings; Lexington, KY; May 1993

An Area Monotonic Solution to the Cooperative Bargaining Problem (with Nejat Anbarci); 1988 North American Winter Meetings of the Econometric Society; New York, NY; December 1988

Warranties Without Commitment to Market Participation (with Russell Cooper and Tom Ross); 1988 North American Summer Meetings of the Econometric Society; Minneapolis, MN; June 1988

The Endogenous Inducement of Efficient Behavior (Now re-titled as Inducing Efficiency: Externalities, Missing Markets, and the Coase Theorem); 1986 North American Winter Meetings of the Econometric Society; New Orleans, LA; December 1986

Efficiency and Adverse Selection; 1983 North American Winter Meetings of the Econometric Society; San Francisco, CA; December 1983

## **SELECTED CASES:**

For defendant Ortho Clinical Diagnostics analyzed damages from an alleged cartel agreement to fix the price of blood reagents.

(Continuing)

In Re: Blood Reagents Antitrust Litigation, MDL Docket No. 09-2081, United States District Court For The Eastern District Of Pennsylvania  
Expert Report, October 2012

For commercial television stations analyzed competitive conditions in the provision of copyrighted content, conducted statistical analysis of survey data to measure usage of copyrighted content in connection with judicially determined licensing fees, and analyzed reasonable licensing fees.

(Continuing)

In WPIX , Inc., et al., -against- Broadcast Music, Inc., Related to United States v. Broadcast Music, Inc., United States District Court for the District of New York:  
Expert Report, December 2011  
Expert Report, January 2012  
Deposed, March 2012  
Expert Report, April 2012

For defendants Visa and MasterCard in Payment Card Interchange Fee And Merchant Discount Antitrust Litigation analyzed claims that interchange fees and network operating rules created and/or constituted exercise of monopoly power.

(Continuing)

For Defendants Dow Chemical Company, BASF Corporation, and Huntsman International in Urethane Antitrust Litigation analyzed claims that defendants fixed prices of polyether polyols products.

(Continuing)

For defendant National Football League in American Needle v. New Orleans Louisiana Saints, et al. analyzed the relevant antitrust market and competitive effects of an exclusive licensing agreement with a manufacturer of NFL branded products.

(Through March 2015)

For commercial radio stations analyzed change in economic conditions since prior licenses for purpose of interim fee setting.

(Through July 2010)

In Withers Broadcasting Company Of Illinois, LLC et al., v. Broadcast Music, Inc., No. 10 Civ. 230 (LLS), Related to United States v. Broadcast Music, Inc., 64 Civ. 3787 (LLS), United States District Court for the Southern District Of New York:  
Declaration, April 2010  
Declaration, May 2010

In the Matter of the Application for the Determination of Interim License Fees for The Cromwell Group, Inc. and Affiliates, et al. No. 10 CV 0167 (DLC) (MHD), Related to United States of America v. American Society of Composers, Authors and Publishers, No. 41 CV 1395 (DLC) (MHD), United States District Court for the Southern District of New York:

Declaration, February 2010

Declaration, April 2010

For Defendant, GlaxoSmithKline analyzed class certification claims that impact and damages from allegedly anti-competitive conduct would be common to all members of proposed classes and could be proven with predominantly common evidence.  
(Through September 2010)

In re Wellbutrin SR Antitrust Litigation, No. 2:04-cv-5525, United States District Court for the District of Eastern Pennsylvania:

Declaration, December 2006

Deposed, January 2007

Sheet Metal Workers Local 441 v. GlaxoSmithKline, and IBEW – NECA Local 505 Health & Welfare Plan v. SmithKline Beecham Corporation No.s 04-cv-5898, 05-cv-2405

Declaration, December 2006

Deposed, February 2007.

For defendant Investment Banks in Public Offering Fee Antitrust Litigation and Issuer Plaintiff Initial Public Offering Antitrust Litigation analyzed class certification claims that impact and damages from an alleged conspiracy to fix underwriting fees could be proven with predominantly common evidence.  
(Through May 2008)

For Satellite Radio providers, Sirius and XM in proceedings before the Copyright Royalty Board analyzed fair and reasonable royalties for broadcast of copyrighted content.  
(Through August 2007)

For defendant manufacturers of automotive refinishing paint in Automotive Refinishing Paint Antitrust Litigation analyzed liability, impact, and damages from an alleged conspiracy to fix prices.  
(Through September 2006)

For the manufacturer of an industrial intermediate product, analyzed measures of damages from alleged participation in a conspiracy to fix prices.  
(Through October 2005)

For defendant, PPG, in Flat Glass Antitrust Litigation analyzed economic and statistical evidence of prices and supply and demand conditions to assess plaintiffs' allegation that defendant had been part of an effective conspiracy to fix prices.

(Through October 2005)

For defendant, Philip Morris USA, in Smith Wholesale Company, Inc., et al. v. Philip Morris USA Inc. analyzed market power and plaintiffs' allegation that marketing practices constituted anti-competitive price discrimination.

(Through November 2004)

For Bertelsmann Music Group and Sony Corporation of America in merger review before the United States Federal Trade Commission analyzed the effect on competition of the joint venture Sony-BMG.

(Through July 2004)

For defendants, Roche Vitamins Inc., Hoffmann-La Roche Inc., and F. Hoffmann-La Roche Ltd., analyzed pricing of mixed vitamin products relative to prices of their straight ingredients and calculated damages from alleged price fixing conspiracy.

(Through October 2003)

In Re Vitamins Antitrust Litigation, MDL 1285, United States District Court for the District of Columbia:

Expert Report, June 2002

Deposed, September 2002.

For A.T. & T. in the Triennial Review of Telecommunications Act of 1996 before the Federal Communications Commission carried out econometric analysis of the effect of unbundled network element prices on investment in telecommunications infrastructure.

(Through September 2002)

For a manufacturer of a patented pharmaceutical product analyzed economic and statistical evidence pertaining to allegations that a settlement of patent litigation with an allegedly infringing manufacturer amounted to an anti-competitive restraint of trade.

(Through August 2002)

For a manufacturer of a patented pharmaceutical product analyzed lost profits due to price suppression resulting from improper competition by patent licensee.

(Through April 2002)

For Schering-Plough in The Matter of Schering-Plough Corporation and Upsher-Smith Laboratories, and American Home Products before the Federal Trade Commission analyzed the incentives to settle patent litigation. Complaint Counsel alleged that a settlement to patent litigation was an anti-competitive agreement among competitors.

(Through March 2002)

For the United States Department of Justice, analyzed the competitive effect of a proposed business combination.  
(Through November 2000)

For defendant, Coca-Cola, in *Pepsico Inc. v. The Coca-Cola Company* analyzed plaintiff's allegation that defendant's agreements with food service distributors were anti-competitive.  
(Through November 2000)

For a Fortune 500 manufacturer of consumer products analyzed proposed business combinations and allegations of unfair business practices in connection with proceedings before the European Union and various member states.  
(Through September 2000)

For the United States Department of Justice, analyzed the competitive effect of a proposed business combination.  
(Through November 1999)

For defendant manufacturers of flat glass in Flat Glass Antitrust Litigation, analyzed data on the prices charged for various flat glass products to assess whether class certification claims that liability, impact, and damages from alleged price fixing could be proven using common or classwide evidence.  
(Through October 1999)

For the United States Department of Justice, analyzed the competitive effect of a proposed business combination.  
(Through December 1998)

For a Fortune 500 manufacturer of consumer products carried out a merger simulation analysis to assess the competitive effect of a proposed business combination.  
(Through July 1998)

For plaintiffs General Motors, Chrysler, Ford, USX, and Republic Steel in Industrial Silicon Antitrust Litigation, analyzed liability and damages issues arising from their claim that ferrosilicon and silicon metal producers conspired to fix prices.  
(Through March 1998)

#### **MEMBERSHIP IN PROFESSIONAL AND ACADEMIC SOCIETIES:**

- American Bar Association (Associate Membership) and Sections of Antitrust and Intellectual Property Law
- American Economic Association
- Econometric Society

**REFeree:**

Review of Industrial Organization  
Rand Journal of Economics  
International Economic Review  
Journal of Economic Theory  
National Science Foundation