



Robert Maness, Director, LECG

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BIO/SUMMARY

Dr. Robert Maness is a director in LECG's College Station and Houston offices. Dr. Maness has worked extensively in large-scale antitrust litigation and merger analysis, as well as in matters involving intellectual property, transfer pricing, and commercial damages. Dr. Maness has been an expert in antitrust matters and commercial litigation in both federal and state district courts. In addition, Dr. Maness has consulted on numerous mergers, providing support and analysis for presentation to the Federal Trade Commission and the Department of Justice as part of their merger review process. He has experience in a wide range of industries including pharmaceuticals, healthcare, telecommunications, energy, chemicals, and computer software. Prior to joining LECG, Dr. Maness was a staff economist with the Federal Trade Commission from 1995 to 1996, and an economics professor at Louisiana State University from 1992 to 1995.

EDUCATION

PhD, Economics, Texas A&M University, 1992
BS, Economics, Louisiana State University, 1985

PRESENT POSITION

LECG, Director, 1996 to present

TEACHING EXPERIENCE

Texas A&M University, Visiting Associate Professor, 2000 to present (various semesters)
Louisiana State University, Visiting Assistant Professor, 1992–1995

OTHER POSITIONS HELD

Federal Trade Commission, Staff Economist, 1995–1996
Alton Ochsner Medical Foundation, Adjunct Staff Economist, 1995–1996

HONORS AND AWARDS

Bradley Dissertation Fellowship Recipient, 1990
E. Ralph Daniels Fellowship Recipient, 1990

GRANTS AND CONTRACTS

Co-principal Investigator with Dr. Richard Re and Dr. M.A. Krousel-Wood in a two-year, \$1.6 million contract awarded by Sandia National Laboratories to the Alton Ochsner Medical Foundation to study, "The Role of Technology in Reducing Health Care Costs."

PUBLICATIONS

"The FTC's Study of Pharmacy Benefits Managers," with James Langenfeld, *Antitrust Health Care Chronicle*, January 2006, pp. 23-29.

"The Strategic Use of Patents: Implications for Antitrust," with Daniel L. Rubinfeld, *Antitrust, Patents, and Copyrights*, eds. Francois Leveque and Howard Shelanski, 2005.

"Price Competition in Pharmaceuticals: The Case of Antiinfectives," with Steven N. Wiggins, *Economic Inquiry*, April 2004, pp 247-263.

"The Cost of PBM 'Self-Dealing' Under a Medicare Prescription Drug Benefit," with James Langenfeld, September 9, 2003.

"Analysis of the Proposed Carnival/Princess Merger," with James Langenfeld, Prepared for the American Antitrust Institute, June 25, 2002.

"Demand Systems and the 'True' Subindex of the Cost-of-Living for Pharmaceuticals" with Michael R. Baye and Steven N. Wiggins, *Applied Economics*, vol. 29, pp. 1179-1189, 1997.

"Incomplete Contracts and the Choice Between Vertical Integration and Franchising," *Journal of Economic Behavior & Organization*, September 1996.

PRESENTATIONS

"The Use of Empirical Economic Analyses in Antitrust," CLE Presentation for Lighthouse Seminar Group, Austin, Texas, February 24, 2005, Houston, Texas, March 17, 2005.

"Antitrust Treatment of Patent Settlements," Presentation to Latham & Watkins, August 27, 2002.

EXPERT TESTIMONY

Novartis Corporation, et al. v. Teva Pharmaceuticals USA, Inc., Civil Action No. 04:4473 and 06-CV-01130 (Consolidated) (HAA), United States District Court, District of New Jersey, 2006, deposition. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

Elan Corporation, plc, et al. v. King Pharmaceuticals, Inc., et al. Arbitration No. 50 180 T 00089 06, American Arbitration Association, 2006, deposition and testimony in arbitration. Analyzed the factors driving sales of a pharmaceutical product and the commercial reasonableness of a decision to cease involvement in development of a new product.

7-Eleven, Inc. v. Philip Morris USA, Inc., Civil Action No. 3-05CV0099B, United States District Court, Northern District of Texas, Dallas Division, 2006, deposition. Analyzed promotional payments from the manufacturer to the retailer and analyzed expert's damages model and calculations. Calculated potential damages in counterclaim.

Aventis Pharma Deutschland GMBH and King Pharmaceuticals, Inc., v. Lupin Ltd. and Lupin Pharmaceuticals, Inc., Civil Action No. 205-CV-421, United States District Court, Eastern District of Virginia, 2006. Deposition and trial testimony. Analyzed indicators of commercial success of a pharmaceutical product involved in patent litigation.

HDC Medical Inc. v. Minntech Corporation, MN Case #4-CV-143 AD/AJB, United States District Court, District of Minnesota, Minneapolis Division. 2005. Deposition.

Stephen L. Clinch, M.D. v. Heartland Health, et al., No. 03CV72021, Circuit Court of Buchanan County, Missouri. 2004. Deposition.

State of Oklahoma, ex rel. Oklahoma Tax Commission v. Texaco Exploration & Production, Inc., and Texaco Inc., Case No. CJ-2002-251-E. 2004. Deposition.

In the Matter of North Texas Specialty Physicians, Docket No. 9312, Before the Federal Trade Commission, 2004. Deposition and trial testimony.

W.E. Howell, et al. v. Texaco Inc., et al., No. CJ-2002-206E, District Court for Stephens County, Oklahoma. 2003, 2005. Deposition.

Johns Manville, f.k.a., Johns Manville International, Inc. v. New Pig Corporation, et al., American Arbitration Association, Case Reference No. 51-181-0194-02. 2003. Testimony in arbitration.

Dr. Gerry Holland, DO, et al. v. Mr. Norm Lambert, et al., Civil Action No. 2-02CV-0157J, United States District Court, Northern District of Texas, Amarillo Division, 2003. Deposition.

Barb Bjerken, D.C., et al v. Blue Cross Blue Shield of North Dakota, et al, Civil Action No. A-01-059, United States District Court, District of North Dakota, Southwestern Division, 2002. Deposition.

Acoustic Systems, Inc. v. Wenger Corporation and Steve Bright, Civil Action No. A-97-CA-436-ADA, United States District Court, Western Division of Texas, Austin Division, 2001. Deposition and trial testimony.

San Jacinto Surgery Center, Ltd. v. San Jacinto Methodist Hospital and Bill Simmons, Cause No. 98-11137, Harris County District Court, 334 Judicial District, Texas, 2000. Deposition.

Imagents v. The University of Texas Health Science Center, Cause No.: 90-056735, Harris County District Court, 190th Judicial District, Texas, 1997. Deposition.

OTHER EXPERT WORK

- For a large health plan. Analyzed issues of competition in the marketplace for presentation to a legislative task force reviewing competition issues.
- For a generic pharmaceutical manufacturer. Analyzed potential damages exposure for internal deliberations on pharmaceutical launch decisions.
- For a branded drug manufacturer. Analyzed issues related to whether a pharmaceutical product achieved commercial success, and whether the commercial success was related to product characteristics or to other factors, such as the marketing of the product.
- For a manufacturer of industrial sorbents. Analyzed issues related to allegations of breach of contract. Calculated damages related to alleged breaches, as well as breaches alleged in a counterclaim. Analyzed plaintiffs' expert's damages model. Prepared expert report.
- For an institutional pharmacy. Analyzed competitive issues related to the acquisition of other institutional pharmacies. Participated in presentation of the results to the Federal Trade Commission.
- For a contact lens manufacturer. Analyzed competitive issues in the contact lens industry, including issues related to product distribution methods. Prepared report for presentation to the Federal Trade Commission.
- For a large health management organization (HMO). Analyzed competitive issues related to the acquisition of an HMO. Participated in presentation of the results to the Department of Justice.
- For several retail pharmacy chains. Analyzed the potential for increased costs to payers from pharmaceutical benefits managers with integrated mail order pharmacy operations. Calculated the potential cost impact of certain pharmacy benefit manager (PBM) behaviors to the government under a proposed Medicare prescription drug benefit. Presented findings to the Congressional Budget Office, the Federal Trade Commission, and numerous members of Congress and congressional committees.
- For a major consumer products company. Analyzed the relevant geographic and product markets in a merger involving consumer products.
- For a major cruise line: Analyzed an announced merger in the cruise industry and produced a report for use by the American Antitrust Institute to assist them in reaching a determination of whether to support or oppose industry consolidation. Issues included product and geographic

market definition, market power, and an analysis of how the proposed merger would affect competition in a number of relevant markets.

- For a major oil company: Analyzed antitrust issues related to the merger of two major oil companies. Conducted an analysis of potential overlaps and anticompetitive issues relating to pipelines. Also analyzed competition issues related to certain intellectual property owned or licensed by the two companies. Presented findings to the Federal Trade Commission.
- For a Houston area hospital: Analyzed product and geographic market definition in a potential antitrust case involving the merger of two local hospitals.
- For a pharmaceutical manufacturer: Reviewed issues related to illegal tying allegations by the Texas Attorney General's Office.
- For a major chemical company: Provided competitive analysis and antitrust review to present to the FTC regarding the competitive effects and potential efficiencies of a proposed merger.

SELECTED MAJOR CONSULTING PROJECTS

- For a major pharmaceutical company: Analyzed the antitrust implications of the settlement of a patent dispute between a brand-name drug manufacturer and a generic drug manufacturer. Analyzed the impact of certain laws and FDA regulations on the antitrust implications of these types of settlements.
- For a pharmaceutical manufacturer: Analyzed potential antitrust liability from the acquisition of a pharmaceutical product being investigated by the FTC for potential patent misuse.
- For a major computer reservation system: Performed a valuation of certain intellectual property as part of an analysis of the tax implications of a planned restructuring of the company.
- For a hospital and its HMO: Analyzed cost-effectiveness of various drug therapies, and helped in the development of a methodology to analyze the potential cost-effectiveness of health care technologies.
- For a major oil company: Analyzed gasoline distribution and wholesale pricing practices and provided damages analysis in a suit involving a franchised retailer and the oil company.
- For an oilfield waste disposal company: Provided analysis of antitrust issues and issues related to potential damages from a tortious interference claim.
- For a major air courier service: Analyzed transfer pricing issues related to compensation for delivery of packages shipped from abroad by its international subsidiary in a suit brought by the Internal Revenue Service.
- For a major aircraft manufacturer: Analyzed transfer pricing issues related to a special tax exemption granted to aircraft manufacturers on sales abroad in a suit brought by the Internal Revenue Service.
- For a major pharmaceutical manufacturer: Analyzed potential liability and damages related to a class action lawsuit alleging suppression of research on bioequivalence between brand name and generic products.
- For a major pharmaceutical manufacturer: Analyzed potential liability and damages related to a class action lawsuit alleging conspiratorial pricing to retail pharmacies.
- For a major accounting firm: Provided analysis of potential liability and damages, and provided industry analysis in a case involving the auditing and eventual bankruptcy of a pharmaceutical wholesaler.
- For an independent physician practice association: Provided analysis of liability and damages in an antitrust suit brought against the association by an HMO regarding how the association contracted with physicians.
- For a major software company: Provided analysis of liability and potential damages related to allegations of anticompetitive pricing practices for certain types of mainframe software.



- For several major telecommunications companies: Provided analysis of competitive conditions and potential efficiencies for the merging parties in several telecommunications mergers. Results were presented to the Department of Justice (DOJ), the Federal Communications Committee (FCC), and numerous state public utilities commissions.
- For a food consumer product company: provided and analysis of competitive implications of a merger to DOJ.