



Curriculum Vitae

Phillip Johnson, Ph.D.

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EDUCATION

PhD, University of California, Los Angeles, Economics, 1997
MA, University of California, Los Angeles, Economics, 1993
BA, California State University Northridge, Economics, 1991

PROFESSIONAL EXPERIENCE

Econ One Research, Inc.,

Managing Director, 2012 – Present

Senior Economist, 2009 – 2012

Economist, 2000 – 2009

Instituto Tecnológico Autónomo de México (ITAM),

Assistant Professor, 1997-2000

AREAS OF ECONOMIC EXPERTISE

Competition and antitrust analysis
Damages assessment and pass-through
Common impact in class certification
Econometric and statistical analysis
Intellectual property damages

AWARDS

Jerry S. Cohen Memorial Fund Writing Award, for “Statistical Significance and Statistical Error in Antitrust Analysis,” <https://www.antitrustinstitute.org/awards>, June 21, 2018

PUBLICATIONS AND RESEARCH

“Testing for Bid Rigging in California Highway Construction Procurement,” 2020, with Nedko Yordanov and Alexander Berry

“Roundtable with Economists,” Antitrust, Spring 2018, with Dennis Carlton, Gregory Leonard, Maria Maher, and Carl Shapiro

- “Statistical Significance and Statistical Error in Antitrust Analysis,” *Antitrust Law Journal*, Vol. 81, 2017, with Edward Leamer and Jeffrey Leitzinger
- “Increasing Focus on Information Exchanges Among Competitors,” *Law360*, April 2017, with Niyati Ahuja
- “Regression Techniques for Estimating Overcharges Using Market Concentration Data,” *American Bar Association, Section of Antitrust Law, Economics Committee Newsletter*, Volume 12, Number 1, Summer 2012, with Armen Markosyan
- “Reasonable Royalty Damages and License Structure,” *Econ One Newsletter*, Spring 2007
- “A Surprising Result from Patent Infringement: Price Accretion Instead of Price Erosion,” *Econ One Newsletter*, Spring 2005
- “Lost Profits Damages When Infringement Raises the Patentee’s Prices,” *American Bar Association, Section of Intellectual Property Law, Newsletter*, Volume 23, Number 1, Fall 2004, with Tessie Su
- “Patent Damages and Price Erosion”, *Econ One Newsletter*, Fall 2003
- “Evolution and Information in a Gift-Giving Game,” *Journal of Economic Theory*, Volume 100, 2001, with David Levine and Wolfgang Pesendorfer
- “Mergers, Alliance and Welfare in Differentiated Markets with Quality-Improving Innovations in Markets with Complementary Goods,” with Tessie Su and Tridib Sharma
- “Evolution and Information in a Prisoners’ Dilemma,” with David Levine and Wolfgang Pesendorfer
- “The Stability of Monetary Institutions as a Social Institution”

PRESENTATIONS

- Economic Perspectives on Damages: What You Must Know, The Knowledge Group, October 2019
- Antitrust Class Certification: Recent Trends and Developments, The Knowledge Group, August 2019
- Statistical Issues with Regression Analysis for Antitrust Litigation, Kaplan Fox, 2015
- West LegalEdCenter Patent Disputes Conference, 2013
- Deposing the Expert Witness, NITA, 2012
- Cross Examining Expert Witnesses, Annual Meeting of the California State Bar, 2012
- West LegalEdCenter Patent Disputes Conference, 2011
- Deposing the Expert Witness, NITA, 2011
- Cross Examining Expert Witnesses, Trial Advocacy Group, 2011
- Patent Damages Webinar, Law.com, 2010
- Cross Examining Expert Witnesses, Trial Advocacy Group, 2009
- Deposing the Expert Witness, NITA, 2008
- Latin American Meetings of the Econometric Society, 1999
- Stony Brook Summer Festival on Game Theory, 1999
- University of California at Los Angeles, 1999
- Allied Social Sciences Association, 1998

Academica Sinica, Taiwan, 1997

National Taiwan University, 1997

Instituto Tecnológico Autónomo de México, 1997

Stony Brook Summer Festival on Game Theory, 1996

SUMMARY OF ENGAGEMENTS

Hunter et al v. Booz Allen Hamilton, Mission Essential, and CACI. Retained to analyze classwide impact and damages arising from alleged collusive no-poach agreement between Defendants. Expert report and deposition testimony. 2020 – Present.

In Re Keurig Green Mountain Single Serve Coffee Antitrust. Retained to analyze impact and damages to The McLane Company arising from alleged anticompetitive conduct by Keurig. Submitted an expert report. 2020 – Present.

In Re Keurig Green Mountain Single Serve Coffee Antitrust. Retained to analyze impact and damages to indirect purchasers arising from alleged anticompetitive conduct by Keurig. Settled. 2020.

In Re Rail Suppliers Antitrust. Retained to analyze data and issues relating to common impact and damages from an alleged no-poach agreement between manufacturers of rail equipment. Settled 2020.

Zephyr v. Compass et al. Retained to analyze damages arising from an alleged breach of no-poach provisions of a non-disclosure agreement during due diligence. Settled 2020.

HCF Insurance Agency v. Kevin Hamm et al. Retained to address antitrust issues involving an alleged group boycott relating to the provision of workers' compensation coverage for extended care facilities. Expert witness deposition testimony. Settled 2019.

Softwood Lumber. Retained to analyze claims that policies of Canada and its province, British Columbia resulted in below market stumpage fees that impacted trade in softwood lumber with the United States. 2015 – Present.

Chen-Oster vs. Goldman Sachs. Retained to analyze class certification issues and damages related to alleged gender discrimination. 2013 – Present.

In Re Duke/UNC Antitrust. Retained to analyze data and issues relating to common impact and damages from a no-hire agreement by Duke and University of North Carolina medical school faculty. Settled. 2016 - 2019.

L.A. Taxi Cooperative, et al. vs. Uber. Retained to address issues in an opposing expert economist's report regarding the analysis of Uber and taxi safety data. Submitted an expert report. Settled 2017.

In Re Lithium Ion Batteries Antitrust. Retained to analyze data and issues relating to common impact and damages for a proposed class of indirect purchasers of products containing cylindrical lithium ion batteries. Settled. 2015 - 2019.

Scott et al. vs. Chipotle Mexican Grill, Inc. Retained to analyze employee data and calculate damages related to the alleged misclassification of Chipotle Apprentices as salaried employees. Submitted an expert report and provided a deposition. 2015 – 2017.

Margie Daniel, et al. v Ford Motor Company. Conducted an analysis of Defendant's experts' statistical procedures and provided analyses regarding a class of Ford Focus owners alleging a product defect. 2013 – 2018.

- First Western Capital Management v. Kenneth D. Malamed. Retained to analyze damages relating to alleged misappropriation of trade secrets. Submitted an expert report. Settled. 2016 - 2017.
- Surf City Steel, Inc. et al. vs. International Longshore and Warehouse Union, et al. Retained to analyze the competitive effects of an agreement to exclude contractors employing Ironworkers Union members from port crane modification and structural maintenance projects. Expert report and deposition testimony. Case dismissed. 2014 - 2017.
- Kunkel et al v. John Wiley & Sons, Inc. Retained to analyze common impact and damages for a proposed class of photograph copyright holders who allege that Wiley infringed their copyrights in books it published. Expert report and deposition testimony. Settled. 2015 - 2017.
- In Re: CRT Antitrust Litigation. Analyzed economic issues relating to class certification, liability, and damages in a price-fixing case for a class of direct purchasers of cathode ray tubes against the major manufacturers. Class certified. Settled. 2011 – 2017.
- In Re: TFT-LCD Antitrust Litigation. Retained to analyze economic issues relating to antitrust liability and damages for Proview Technology Inc.'s (PTI) claims against manufacturers of TFT-LCD panels. Submitted an expert report. Settled. 2014 – 2015.
- Cobb et al. vs. BSH Home Appliances. Retained to analyze manufacturers' service data relating to the incidence of mold in front-loading washers. Expert report and deposition testimony. Settled. 2014 – 2015.
- Hemy vs. Perdue Farms. Retained to analyze class certification issues and damages relating to alleged product mislabeling of chicken meat products. Settled. 2014.
- Apodaca vs. Whirlpool Corporation. Retained to analyze data relating to alleged defects in Maytag dishwashers. Case settled. 2014.
- Symantec vs. Veeam. Retained to analyze lost profits, reasonable royalty, and irreparable harm resulting from alleged infringement of Symantec patents. Submitted an expert report. Case dismissed. 2013 – 2015.
- Ottenberg, et al v. XY, LLC and Inguran, LLC. Retained to analyze antitrust issues and damages arising from the misuse of patents and intellectual for bovine sexing technology and related equipment and sorted semen straw markets. Expert report and deposition testimony. Settled prior to trial. 2013.
- In Re: High Tech Workers Antitrust Litigation. Analyzed economic issues relating to class certification and damages for a class of employees of seven major technology companies (Apple, Adobe, Google, Intel, Intuit, Lucasfilm, and Pixar) alleging a series of agreements to limit competition for workers. Class settled. 2012 – 2015.
- In Re: TFT-LCD Antitrust Litigation. Analyzed economic issues relating to class certification, liability and damages for a class of direct purchasers of TFT-LCD panels against the major manufacturers of TFT-LCD panels. Class was certified and all defendants except Toshiba settled prior to trial. Toshiba was found liable and damages were awarded to Plaintiffs. Toshiba settled following trial. 2008 – 2012.
- Pecover v. Electronic Arts. Analyzed damages arising from the monopolization of football video games for a nationwide class of consumers. 2011 – 2012.
- Realtime Data v. Packeteer, et al. Retained by defendant Expand Networks as economic expert to provide analysis of markets for wide-area network acceleration products and calculate damages from alleged patent infringement. Expert reports and deposition testimony. 2008 – 2010.

- In Re: Korean Airlines Co., LTD. Antitrust Litigation. Analyzed economic issues, including market definition and common impact, relating to the certification of a class of direct purchasers of travel between the U.S. and Korea against the major Korean Airlines. 2008 – 2010.
- California State Foster Parent Assoc., et al. v. John A. Wagner, Director of the California Department of Social Services, in his official capacity, et al. Retained to analyze the economic and State budget impact of a change in foster care reimbursement policies. Submitted expert report. 2008 - 2009.
- High Point Sarl v. Sprint Nextel Corp., et al. Analyzed cellular communications markets and reasonable royalty rate in a patent case involving digital cellular communications technology. 2008 – 2009.
- Montana Food Distributors Assoc. v. International Outsourcing Services et al. Conducted preliminary damages analysis in a case involving allegations of anticompetitive behavior and fraud by coupon processors. 2008 – 2009.
- DealerTrack v. RouteOne, et al. Analyzed lost profits and reasonable royalty damages, and the commercial success of patented features in a case involving credit application aggregation systems used for automotive sales. 2007 – 2009.
- Silvaco v. Cypress Semiconductor. Analyzed lost profits and unjust enrichment in a theft of trade secrets case involving providers and customers for software for the design of chips used in devices. Provided expert declarations relating to the analysis of defendant's data. 2007 – 2009.
- Amado v. Microsoft. Analyzed post-trial royalty rate in a patent case involving office productivity software technology. 2008.
- Amex v. MasterCard, Visa, et al. Assisted in analyzing damages issues in a monopolization case involving the major providers of credit and charge cards. 2007 – 2008.
- M.I., LLC v. Halliburton Energy Services, Inc. Analyzed relevant market and damages issues in an attempted monopolization case involving the alleged misuse of a patent on deepwater oil drilling fluid technology. 2007 – 2008.
- In re: Kdur Antitrust Litigation. Analyzed relevant market and impact issues in a monopolization case involving branded and generic drugs. 2006 – 2007.
- In re: Tricor Direct Purchaser Antitrust Litigation. Analyzed relevant market and impact issues in a monopolization case involving branded and generic drugs. 2006 – 2007.
- In re: Nifedipine Antitrust Litigation. Analyzed relevant market and impact issues in a monopolization case involving branded and generic drugs. 2006 – 2007.
- Columbus Drywall, et al. v. Masco Corporation. Analyzed antitrust issues and assisted in drafting liability report in a price fixing conspiracy case alleged to involve a major insulation buyer and manufacturers. Analyzed issues relating to buyer power. 2006 – 2008.
- Synopsys v. Magma. Analyzed lost profits, reasonable royalties, and unjust enrichment in a patent infringement trade secret case relating to software for the design of computer chips. 2005 – 2007.
- The Regents of the University of California v. Monsanto. Analyzed reasonable royalties and license structure in a patent infringement case relating to bovine growth hormone. 2005 - 2006.
- Pixion v. PlaceWare. Analyzed reasonable royalties and unjust enrichment in a trade secret and patent infringement case relating to web conferencing technology. 2004 – 2005.

Novell, Inc. Retained by Novell to analyze damages for mediation with Microsoft. Microsoft was alleged to have harmed Novell through alleged anticompetitive conduct in the workgroup operating system market. 2003 – 2004.

Affymetrix v. Agilent. Analyzed damages in a breach-of-contract arbitration. 2004.

France Telecom v. Novell. Analyzed reasonable royalties in a copyright infringement case. 2003 – 2004.

University of California, San Francisco. Analyzed the value of bovine growth hormone technology in the milk market to assist a patentee in a potential license negotiation. 2004.

DOS Class v. Microsoft. Assisted plaintiffs' expert in the analysis of defendant's damages models. 2003.

CATC v. Catalyst. Analyzed lost profits and reasonable royalties in a trade dress and copyright infringement case. 2002 – 2003.

IFPC Shareholders v. AT&T et al. Analyzed the option value of a lost business opportunity due to a breach of contract. 2002.

Martha Chapman v. El Paso Energy Corporation. Analyzed economic evidence regarding the nature and extent of control of El Paso Natural Gas by its parent, El Paso Energy Corporation. 2001.

In re: Flat Glass Antitrust. Analyzed liability and damages issues in a price-fixing case, including industry analysis, entry barriers, concentration, firms' conduct, and facilitating industry practices. 2000 – 2005.

In re: Methionine Antitrust Litigation. Analyzed class certification issues for a price-fixing case, including industry analysis, market structure, and the impact of the alleged conspiracy on pricing. 2000 – 2001.