

DAVID T. SCHEFFMAN, PH.D.
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Dr. Scheffman is a noted scholar, with many years of experience in high level government positions. For many years he taught business strategy and marketing courses to MBAs, Executive MBAs, and business executives. He also taught economics courses on economic theory and econometrics to PhD students in economics. He has many years of experience as a business consultant, as an expert witness, and as a litigation and regulatory consultant in a wide variety of matters for many companies and attorneys.

Dr. Scheffman has testified in several jury and bench trials in federal, state, and administrative proceedings, in arbitrations, in other countries, and before the Congress and state legislatures.

He was the expert for Whole Foods in the FTC's challenge of Whole Foods acquisition of Wild Oats. He was cited numerous times in the decision. He was also the expert for the defendant insurance brokers in a class action in which Marsh McLennan was the lead defendant. Recently, he was the expert for Blue Cross Blue Shield of Michigan in a case brought by the U.S. Department of Justice that has been continued by Aetna.

As an expert witness and regulatory and litigation consultant, Dr. Scheffman has worked on matters involving antitrust, mergers and joint ventures, class certification, RP, complex business litigation (marketing practices, contracts, torts, management practices, etc.), damages, and intellectual property (patents, copyrights, and trade secrets). He has also been an expert in matters that involved Section 5 of the FTC Act. He has testified as an expert in economics, econometrics, antitrust, damages, business strategy and management, marketing, and advertising and consumer behavior. He has made many presentations to U.S. federal and state, Canadian, and European government agencies. He has experience with a large number of industries, including manufacturing, energy, services, consumer products, healthcare, defense, media, retailing, and distribution.

Dr. Scheffman has over 12 years of experience in a number of senior positions at the Federal Trade Commission (1979-88, 2001-3). He was Director of the Bureau of Economics (the head economist at the FTC) 1985-88 and 2001-3. The web page of the FTC Bureau of Economics identifies a number of notable achievements of the Bureau of Economics under his leadership. Dr. Scheffman has also served in many positions in the leadership of the Antitrust Section of the American Bar Association, including as a member of the Council of the Section.

Dr. Scheffman is a noted scholar in the area of industrial organization and antitrust economics (among others), having authored several important articles and books on topics such as monopolization, vertical restraints, market definition, merger analyses, and barriers-to-entry. He has also written on, taught, and consulted on issues involving business strategy, marketing, pricing, distribution, and intellectual property.

Dr. Scheffman taught for many years at the Owen Graduate School of Management at Vanderbilt University, where he was a chaired professor from 1989 until 1998, and taught as an Adjunct Professor until 2011. He won faculty-wide teaching awards in 2002 and 2006. He created and taught the Business Strategy curriculum at the Owen school and continues to teach one course a year (every other weekend in the Fall) on business strategy in the Executive MBA program, and has won a teaching award in this program. Dr. Scheffman has also taught MBA courses at the Owen School on marketing, distribution, pricing, and the management and valuation of intellectual property. Dr. Scheffman has also taught Business Strategy in the Executive MBA program at the Johnson Graduate School of Management at Cornell University. He has also taught PhD level courses on economic theory and econometrics. Finally, he taught Statistics for Lawyers at Georgetown University Law Center.

Dr. Scheffman earned a Ph.D. in Economics from the Massachusetts Institute of Technology, and a B.A., *magna cum laude*, from the University of Minnesota. He grew up in Minneapolis, MN.

CURRICULUM VITAE

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Undergraduate Studies

University of Minnesota, 1964 - 1967
Major: Mathematics, Minor: Economics
Degree: BA, Magna Cum Laude, 1967

Graduate Studies

Massachusetts Institute of Technology, 1967 - 1971
PhD in economics, 1971

Doctoral Dissertation

"Two Essays in Economic Theory," written under P.A. Samuelson, R.M. Solow, and F.M. Fisher.

Academic Honors

Magna Cum Laude, Phi Beta Kappa, Beta Gamma Sigma

Other Awards, etc.

Executive MBA Excellence in Teaching Award 2002, 2006
Owen Graduate School of Management
Vanderbilt University
Who's Who, various editions

Past Positions Held

Senior Advisor
Cornerstone Research (July 2009 – January 2011)

Adjunct Professor of Business Strategy and Marketing, Owen Graduate School of Management, Vanderbilt University 1999 – 2010.

Director (Civil Service SES 6)
Bureau of Economics
Federal Trade Commission
Washington, DC (6/2001 - 9/2003)

Adjunct Professor of Business Strategy
Johnson Graduate School of Management
Executive MBA Program
Cornell University (2001 - 2002)

Director, LECG,
1725 I St., N.W., Suite 800
Washington, DC 20006 (1993 – 2001, 2003-9)

Justin Potter Professor of American Competitive Enterprise
Professor of Economics, Business Strategy and Marketing
Owen Graduate School of Management
Vanderbilt University (1989 - 1999)

Visiting Scholar
U.S. Sentencing Commission
Washington, DC (8/88 - 6/89)

Director (Civil Service SES 6)
Bureau of Economics
Federal Trade Commission
Washington, DC (7/86 - 9/88)

Acting Director (Civil Service SES 5)
Bureau of Economics
Federal Trade Commission
Washington, DC (10/85 - 7/86)

Deputy Director
Antitrust and Competition Analysis (Civil Service SES 5)
Bureau of Economics
Federal Trade Commission
Washington, DC (5/83 - 7/86)

Adjunct Professor, Georgetown University Law Center (1985)

Associate Director for Special Projects
Bureau of Economics
Federal Trade Commission,
Washington, DC (3/82 - 5/83)

Professor of Economics and Director
Institute of Applied Economic Research
Concordia University
Montreal, Canada (1982 - 1983)

Senior Economist (GS 15)
Bureau of Economics, Federal Trade Commission
Washington, DC (7/79 - 3/83)

Associate Professor
University of Western Ontario (1975 - 1981)

Visiting Scholar, University of Minnesota (1978 - 1979)

Assistant Professor
University of Western Ontario (1971 - 1975)

Lecturer, Boston College (1970 - 1971)

Instructor, Massachusetts Institute of Technology (1970 - 1971)

Government Appearances, Testimony

Panelist, "Federal Trade Commission • Into Our Second Century," New York City, October 2008.

Comments on "Adapting Competition Policy to a Global Economic Environment," Canadian Competition Law Research Roundtable, Competition Policy Review Panel, Montreal, January 2008.

Testimony before DOJ/FTC Hearings on Single-Firm Conduct: Business Strategy and Section 2, "Business Strategy and Section 2," October 2006.

Report and testimony to The Privately Owned Health Care Organization Task Force of the Utah Legislature, 2006.

Testimony before the Antitrust Modernization Commission, "Assessment of U.S. Merger Enforcement Policy," 2005.

Presentations to FTC, DOJ, FERC, FCC, EU Competition Commission, UK Competition Authorities (OFT and Commission), Canadian Competition Bureau, Italian Competition Authority, and OECD, 2001-03.

"The Implications of the Proposed BP/Amoco Acquisition of ARCO for Alaska," State Legislature of Alaska, January 2000, and related presentations to the Federal Trade Commission.

Testimony on H.B. 315, Ohio State Legislature (May 1993); Written and oral testimony before House Insurance Committee, Ohio State Legislature, regarding H.B. 315 that would have legislated a merger of the three competing Blue Cross companies in Ohio.

"An Economist's Guide to Merger Enforcement in the U.S.," Canadian Competition Tribunal, 1988.

"On the Economic Causes and Effects of Takeovers," (Oral Testimony) House of Representatives, Representative Luken's Subcommittee, 1987.

Written and Oral Testimony on Merger Policy: Committee on Banking, Finance and Urban Affairs, Subcommittee on Economic Stabilization, House of Representatives, May 12, 1987.

"On the Economic Effects of Mergers" before United States House of Representatives Subcommittees on Economic Stabilization and on Transportation, Tourism, and Hazardous Materials, 1987.

General Testimony and Other Relevant Experience

Testimony in four jury trials, five bench trials, four administrative trials, and four arbitration hearings. Trial testimony in federal courts, state courts, FTC administrative trials, U.S. Tax Court, Competition Tribunal of South Africa, and arbitrations.

Experience with a large number of industries, including: consumer products and services, industrial products and services, commercial products and services, high technology, manufacturing, mining, agriculture, natural resources, wholesaling, distribution, and retailing.

Involved in a large number of antitrust, advertising, and consumer protection matters at the FTC during 1979 - 1983 and in all antitrust matters at the FTC from 1983 - 1988. Involved in all consumer protection

and advertising matters, economic studies and regulatory filings at the FTC 1985 - 1988. Dozens of presentations to the Commission at the FTC on antitrust and consumer protection matters.

Testimony and consulting on litigation involving: a great variety of antitrust issues (mergers and acquisitions, conspiracy, monopolization, mergers and acquisitions, vertical/distribution, Robinson Patman), distribution relationships, complex litigation, marketing, pricing, advertising, deception, brand equity, intellectual property, RICO, class certification, product defects, and damages.

Consulted on numerous merger and joint ventures and federal and state agency antitrust and consumer protection investigations, and have made numerous presentations at the FTC and at the Department of Justice. Retained to testify on several matters that were settled or otherwise resolved before deposition or trial testimony.

Professional Experience

Teaching and Training

Executive MBA Excellence in Teaching Award 2002, 2006
Owen Graduate School of Management, Vanderbilt University

MBA and Executive MBA

Teaching: Business Strategy, Pricing, Marketing Channels, Business Strategy for Consulting and Financial Analysts, The Management and Valuation of Intellectual Property, Brand Equity, Purchasing and Procurement, to MBA, Executive MBA students, International Executive MBA students, and various Executive Education groups.

Member of Owen Graduate School of Management Curriculum Review and Core Curriculum Revision Committees.

Co-led groups of MBA students on trips to Eastern Europe, Asia, and Latin America. The product of the trips was student papers on business and public policy issues in the countries that were visited.

Executive Education

Marketing, New Product Development, Pricing, Strategic Planning, Organizational Development, Strategy and Operations For Banking Executives, Strategy and Operations For Credit Union Executives.

Past Teaching

Statistics and the Law (at Georgetown University Law Center), Graduate and Undergraduate Economic Theory, Industrial Organization and Regulation, Statistics and Econometrics, International Trade, Capital Theory and Uncertainty.

Served as head or member of PhD examination committee for microeconomics, mathematical economics, industrial organization, and econometrics.

Thesis Supervision

Principal Supervisor of six PhD candidates at University of Western Ontario
Committee member for seven other PhD candidates at University of Western Ontario
Committee member for one PhD candidate at Vanderbilt

Professional Activities

Member of the Civil Redress Taskforce of the Antitrust Section of the ABA, 2011 -

Founding Co-Chair of the Economics Taskforce of the Antitrust Section of the ABA, 2010 – 2012.

Non-Attorney Member of the Council of the Antitrust Section of the ABA, 2008 - 2010.

Co-Chair, American Bar Association, Antitrust Section, Economics Committee, 2005 - 2008.

Vice Chair, American Bar Association, Antitrust Section, Economics Committee, 2001 - 2005.

Member of Owen MBA curriculum committee – participated in development of new curriculum for MBA program and new courses for EMBA program.

Refereeing for *American Economic Review*, *Journal of Economics and Management Strategy*, *Rand Journal*, *Journal of Industrial Economics*, *Journal of Law and Economics*, *Review of Industrial Organization*, *International Review of Law and Economics*, *Managerial and Decision Economics*, *Journal of Political Economy*, *Canadian Journal of Economics*, *Economic Inquiry*, *Review of Economic Studies*, and *Journal of Public Economics*. Refereeing of research proposals for NSF, SSHRC.

Research papers presented on numerous occasions at universities and national and international conferences.

Developed and organized national conferences in Canada and conferences held at U.W.O., Concordia University, and FTC. Director of Bureau of Economics Seminar Program, FTC, 1982 - 1986.

Community Service, Etc.

Ex Officio Member, Long Range Planning Committee, *Cumberland Museums*, Nashville, TN

Consultant to *The Vital Center*, Nashville, TN

Consulting Experience

Consultant to a number of companies on issues involving business strategy, strategic planning, leadership and organization development, new product development, brand equity and brand extensions, marketing, pricing, distribution, and purchasing.

Consultant and expert witness on antitrust, mergers and acquisitions, complex litigation, damages, class certification, distribution, contract, intellectual property, and consumer protection litigation.

Consultant to the Federal Trade Commission, US Sentencing Commission, state of Alaska, Canadian and Ontario government agencies, including the Canadian Bureau of Competition Policy and Competition Tribunal.

Consultant to *The Executive Committee*. Presentations on pricing strategy and tactics to groups of CEOs of small to medium sized companies.

Speeches, Paper Presentations, Conference Participation, Etc.

"Competition Policy and Section 5," Lessons Since the Reagan Revolution at the FTC: A 30-Year Perspective on Competition and Consumer Policies, First Annual Manne Law & Economics Conference, George Mason University, Law and Economics Center, School of Law.

"The Impact of the 2010 Horizontal Merger Guidelines on the Litigation of Merger Cases," George Mason University Law Review Conference on "Horizontal Market Power: The Evolving Law and Economics of Mergers and Cartels," February 2011.

"Trends in Antitrust Enforcement," Directors Roundtable, Washington, DC, November 2010.

"Consumer Protection Developments and Competition Consequences," American Bar Association Section of Antitrust Law, Post-Annual Meeting, August 2010.

"Competitive Effects Analyses," American Bar Association Section of Antitrust Law, Annual Spring Meetings, March 2009.

"Consumer Protection and Consumer Welfare in Communications and Technology 'Markets': Overview of Economics," Spring Meetings of the Antitrust Section of the ABA, March 2008.

"The Role and Proper use of 'Effects' Analyses in Merger Review," LECG Seminar, February 2008.

"Oligopoly: Theory and Policy," 34th Annual Conference on International Antitrust Law & Policy, Fordham Competition Law Institute, Fordham Law School, New York City, September 2007.

"The Economics of FTC v. Whole Foods," LECG Seminar, September 2007.

"Supermarket Antitrust Issues," FTC Bureau of Economics Conference: Grocery Store Antitrust: Historical Retrospective & Current Developments, May 2007.

"Expert Issues in Class Certification," Innovative Strategies for Litigating Class Action Suits," LSI, Seattle, May 2007.

"Economics and Data Issues re: UCC § 2-305," 2007 Petroleum Marketing Attorneys Meeting, April 2007.

"Empirical Analyses in Antitrust Litigation and Mergers," LECG, March and April 2007.

"Antitrust and IP Issues in Pharma," The Intersection of IP Rights and Antitrust Law, LECG Conference, March 2007.

"Economics and Marketing Analyses of RPM," as part of ABA/CLE Session, "The Per Se Rule for Minimum RPM Agreements: Is Time Up for Dr. Miles?" January 2007.

"Overview of the Economic and Business Analyses of RPM," ABA Antitrust Section Mid-Winter Leadership Meetings, January 2007.

"New" Developments in Merger Analyses," New York City Bar Association, October 2006.

"Prairie Farms/Hiland Dairy Acquisition of Turner Dairy: Efficiencies Analysis," Efficiencies and Failing Firm Analyses, September 2006.

"Economic and Business Analyses for Class Certification," "CAFA and Class Actions," LECG May 2006.

"Economic and Business Analyses for Class Certification," LECG XPRT Forum October 2005.

"The Economics of Exclusion," ABA Antitrust Section, Economics Committee, Economics for Attorneys Courses, May 2005.

The Proper Economic Roles of Market Definition and Competitive Effects Analyses, ABA Antitrust Section Spring Meetings, April 2005.

"Merger Investigations," and "The Evolving Business of Distribution," Dorsey & Whitney, Corporate Counsel Symposium XV, November 2004.

The New European Antitrust Regime: Implications for Multinationals, George Mason Law Review Symposium, "Antitrust Economics: Catalyst for Convergence," October 2004.

FTC 90th Anniversary Symposium, “Economics Comes of Age at the FTC,” September 2004.

“20 Years Later: Is It Time for New Vertical Guidelines?” George Mason University Law Review – The 2004 Antitrust and Consumer Protection Symposium, March 2004.

“New Trends in Antitrust Oversight of Mergers,” Conference Board, March 2004.

“Merger Investigations in U.S. — The Role of Efficiencies,” UCLA Law First Annual Institute on US and EU Antitrust Aspects Of Mergers and Acquisitions, February 2004.

“Coordinated Interaction,” UCLA Law First Annual Institute on US and EU Antitrust Aspects Of Mergers and Acquisitions, February 2004.

“Potential Non-Unilateral Effects From a Merger,” FTC/DOJ Joint Workshop on Merger Enforcement, February 2004.

“Efficiencies/Dynamic Analysis/Efficiencies,” FTC/DOJ Joint Workshop on Merger Enforcement, February 2004.

“Whither Merger Simulation?,” ABA Economics Committee Brown Bag, January 2004 (<http://www.ftc.gov/speeches/other/040129scheffman.pdf>)

“FTC History: Bureau of Economics Contributions to Law Enforcement, Research, and Economic Knowledge and Policy,” moderator and speaker at FTC program, September 2003.

“Economic Analysis of Economic Analysis at the FTC,” NY State Bar Association, September 2003.

“Economic Merger Analysis in the U.S.,” International Bar Association, San Francisco, September 2003.

“Issues in ‘Net Neutrality’,” Aspen Summit, Aspen, CO, August 2003.

“Empirical Antitrust Analyses in the U.S.,” Studi e Relazioni Istituzionali Autorità garante della concorrenza e del mercato, Rome Italy, July 2003.

“Empirical Antitrust Analyses in the U.S.,” Oxford Competition Policy Conference 2003, Oxford, UK, July 2003.

“Distribution Business and Economics, Antitrust Principles: Implications for ‘Net Neutrality’,” Progress and Freedom Foundation Conference, Washington, DC, July 2003.

“Merger Investigations,” 2003 Post-Merger Integration Conference, Conference Board/McKinsey, New York, June 2003.

“New Initiatives and Analyses at the FTC,” Minnesota State Bar Association, Minneapolis, May 2003.

“Empirical Merger Analyses,” UK Competition Commission and Office of Fair Trading, May 2003.

“What Do We Know About Food and Beverage M&A?” Northstar Conference, Atlanta, April 2003.

“What’s Going on at the FTC?” Chicago and Illinois Bar Associations, Chicago, April 2003.

“Quantitative Analyses of Potential Competitive Effects from A Merger,” Texas A&M Economics Department, April 2003.

“Hot Topics in Economics: Using New Economic Arguments and Evidence in Antitrust Investigations and Litigation. General Comments With Branded Products Mergers as an Example,” Conference Board, NY, March 2003.

"Empirical Analyses of 'Coordinated Interaction'," Competition Bureau, Ottawa, Canada, February 2003.

"Analyses of Branded Products Mergers," Competition Bureau, Ottawa, Canada, February 2003.

"Economic Issues in U.S. Antitrust," IBC Conference on The Use of Economics in EU Competition Law, Brussels, January 2003.
<http://www.ftc.gov/speeches/other/sourcesofinfobrussels03.pdf>

"Quantitative Merger Analyses," European Commission, DG IV, Competition, Brussels, and UK Competition Commission, London, January 2003.

"Making Economics Count in Decision Making," National Association of Business Economists, Washington, DC, January 2003.

"20 Years of Raising Rivals' Costs," George Mason Law Review Winter 2003 Antitrust Symposium: Moving From Theory to Enforcement, Washington, DC, January 2003.

"Making Economics and Economists Relevant in a Sea of Lawyers," National Economists Club, Washington, DC, January 2003.

"Recent Developments at the Bureau of Economics of the FTC," *Current Topics in Merger & Antitrust Enforcement*, Washington, DC, December 2002.

"Marketing and Other Analyses Relevant to Branded Products Mergers," (with Mary Sullivan), ABA Antitrust Section Economics Committee, Washington, DC, December 2002.

"Economic and Financial Analyses in the Cruise Lines Merger Investigation," European Commission, DG IV, Competition, Brussels, and UK Competition Commission, London, November 2002.

"The Role of Economists and Economic Evidence in Merger Investigations," International Merger Workshop on Investigative Techniques for Merger Review, International Competition Network, Washington, DC November 2002.

"Economic Analyses in the Cruise Ship Mergers Investigation," ABA Clayton Act Section Brown Bag, Washington, DC, November 2002.

"Current Economic Issues in Merger Enforcement," ABA Antitrust Section, Fall Forum, Washington, DC, November 2002.

Moderator, "Relationships Among Competitors and Incentives to Compete," FTC/DOJ Hearings: Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy, Washington, DC, November 2002.

"Efficiency Analyses in Mergers," EU/U.S. Working Group on Efficiencies, Washington, DC, October 2002.

"Quantitative Analyses in Merger Investigations," LECG, October 2002.

"The ABCs of Merger Investigations," University of Chicago Graduate School of Business/KPMG Conference 2002 M&A Forum, September 2002.

"The Privacy Agenda and Activities at the FTC," Aspen Summit 2002, Progress and Freedom Foundation, August 2002.

"Sources of Information and Evidence in Merger Investigations," Mergers and Acquisitions: Getting Your Deal Through in the New Antitrust Climate, Co-Sponsored by: The American Bar Association Section of Antitrust Law and The Association of the Bar of the City of New York, New York, NY, June 2002.

Co-Moderator, "Antitrust Analysis of Specific Intellectual Property Licensing Practices: Bundling, Grantbacks and Temporal Extensions," FTC/DOJ Hearings: "Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy," Washington, DC, May 2002.

"Breakfast with the Bureau Directors," ABA Antitrust Section Spring Meetings, Washington, DC, April 2002.

"New Economics Thinking at the FTC," ABA Antitrust Section Spring Meetings, Washington, DC, April 2002.

"The Use of Econometrics in Antitrust Investigations at the FTC," European Commission, DG IV, Competition, Brussels, April 2002.

"The Role of Economics at the FTC," European Commission, DG IV, Competition, Brussels, April 2002.

"Economic Analysis of Coordinated Interaction/Collective Dominance," European Commission, DG IV, Competition, Brussels, April 2002.

"Empirical Economic Analyses of Coordinated Interaction," ABA Antitrust Section Economics Committee, Washington, DC, March 2002.

"20 Years of Merger Guidelines," Conference Board, Washington, DC, March 2002.

"Sources of Evidence in Merger Investigations," Antitrust in Deer Valley, ABA New Challenges/Cutting Edge Solutions, February 2002.

"Merger Enforcement," Chamber of Commerce, Washington, DC, February 2002.

"Antitrust, Trade Associations and Professions, and Standards," ABA Antitrust Section Trade Association Committee, Washington, DC, January 2002.

Published Interview, The Antitrust Source, www.abanet.org/antitrust/source, January 2002.

"Efficiencies and Merger Enforcement," NY City Bar Association, New York, NY, January 2002.

"Economics Developments at the FTC," George Washington University, December 2001.

"Economic Approaches to Antitrust Issues," ABA Antitrust Section Fall Forum: New Technologies/New Administrations, Washington, DC, November 2001.

"Economic Issues at the FTC," ABA Antitrust Section, Economics Committee, Washington, DC, October 2001.

"Economics Perspectives at the 'New' FTC," ABA Antitrust Section, FTC Committee, Washington, DC, October 2001.

"Testing Coordinated Interaction," Western Economics Association Meetings, San Francisco, CA, July 2001.

"Economics and the Analysis of Efficiencies in the 'New Economy'," Annual Fall Conference on Competition Law, Canadian Bar Association, Ottawa, Canada, September 2000.

"The Use of Economists in Complex Litigation," LECG Millennium Conference, August 2000.

"Oil Industry Mergers – A Review of the Industry and Recent History," FTC-DOJ-Western States Common Ground Conference, Reno, NV, May 1999.

"Antitrust in Dynamic Markets," Fundacion Gobierno y Sociedad, Buenos Aires, Argentina, April 1999.

Invited participant, "What is the Value of a Patent and of the U.S. Patent System?" U.S. Patent and Trademark Office Conference, Washington, DC, October 1998.

Presentations to groups of CEOs of small to medium sized companies on pricing strategies and tactics.

Paper presentations at numerous academic meetings including the Strategic Management Society, American Economic Association, Econometric Society, Southern Economic Association, Industrial Organization Society, Western Economic Association.

Speaker on Program: "Dealer Terminations in New York," Association of the Bar of the City of New York, New York, NY, June 1, 1998.

"Mergers: Skills Training for Private, Corporate, and Government Lawyers," (member of teaching faculty) ABA Antitrust Section Program, Washington, DC November 13-14, 1997.

"Rethinking Antitrust Regulation," Competitive Enterprise Institute, Washington, DC, June 1997.

"The DOJ/FTC Health Care Guidelines and Business Reality," *Antitrust and Health Economics in a Managed Care Environment*, Institute for Health Services Research and Policy Studies, Northwestern University, and LECG, Inc., Evanston, IL, September 1996.

"The Economics and Law of Distribution," ABA Antitrust Section Spring Meetings, Washington, DC, March 1996.

"The Economics and Law of Distribution," Chicago Bar Association, Chicago, IL, April 1995.

"Trends in the Economy and Credit," Nashville Credit Officers Association, Nashville, TN, March 1995.

Lecture on the DOJ Draft Intellectual Property Guidelines, Stanford Law School CLE Program on Antitrust and Intellectual Property, October 1994.

"The Economics and Reality of Industrial Policy," Vanderbilt Institute for Public Policy, 1994.

Speeches on Business Strategy, OGSM alumni groups.

FTC Bureau of Economics, Presentation on Research on the Soft Drink Industry, Washington, DC, 1992.

Presentation at *The Cutting Edge of Antitrust: Market Power*, Antitrust Section of the American Bar Association, October 1991.

Lecture on Economics and Antitrust at Harvard Law School, 1990.

Invited Participant, National Science Foundation symposium on the Economics of the Patent System, Washington, DC, 1988.

ABA Antitrust Section Spring Meetings, Washington, DC, 1985, 1986, 1988-90, 1992.

ABA Annual Meeting, Washington, DC, 1989.

Council of ABA Antitrust Section, 1988.

Conference Board's "Antitrust Issues in Today's Economy," New York, NY, 1988.

Bar Association of City of New York, New York, NY, 1988.

Fraser Institute and University of Toronto School of Law, joint session on the Competition Act, Toronto, Canada, 1988.

WZB and German Cartel Office, Berlin, 1988.

Carolina Economic Association, 1988.

1987 Competition Law Seminar, McCarthy and McCarthy - The Law and Economics Program, Faculty of Law, University of Toronto, 1987.

Small Business Legislative Council, 1987.

National Association of Business Economists, Capital Chapter, 1987.

Conference on "Firm Ownership and Competition," Center for Economic Policy Research, Graduate School of Business, Stanford University, 1987.

Bentley College 7th National Conference on Business Ethics, 1987.

Fourth Annual Business/Academic Dialogue, "American International Competitiveness," Karl Eller Center, University of Arizona, 1987.

Machinery and Applied Products Institute Conference on Economics, Business Management, and Government, 1987.

National Economists' Club, 1986.

3rd Annual Natural Gas Symposium, 1986.

National Science Foundation Symposium on Mergers and R & D Activity, 1986.

Business Roundtable on Divestiture, University of Kansas, 1983.

Written Contributions

Contributions to various editions of *Antitrust Law Developments*, ABA Section of Antitrust Law.

Contributions to *Proof of Conspiracy Under Federal Antitrust Laws*, ABA Section of Antitrust Law, 2010.

Published Papers

1. "Raising Rivals' Costs," (with Richard S. Higgins), forthcoming, *Oxford Handbook on International Antitrust Economics*, Roger D. Blair and D. Daniel Sokol (eds.).
2. "Unilateral Effects with Differentiated Consumer Products: A Response to Werden," (with Joseph Simons), *Antitrust Source*, August 2010.
3. "Unilateral Effects for Differentiated Products: Theory, Assumptions, and Research," (with Joseph Simons), *Antitrust Source*, April 2010.
4. "Distribution, Vertical Integration, and the Net Neutrality Debate" (with Tom Lenard), *Net Neutrality or Net Neutering: Should Broadband Services Be Regulated*, Progress and Freedom Foundation, Springer, 2006, 1-24.

5. "Application of Research on Consumer Complaint Rates to the Estimation of the Financial Impact of Prospective Product Defects", (with Gary Ford and David Weiskopf), *Journal of Consumer Satisfaction, Dissatisfaction and Complaining Behavior*, Vol. 17, 2004, 130-141.
6. "Vertical Mergers: Theory and Policy," (with Richard Higgins), 12 *George Mason Law Review*, Summer 2004, 967.
7. "Non-Merger Enforcement At The FTC: An Aggressive Pro-Consumer Agenda," (with Joseph Simons), *Antitrust Bulletin*, Fall 2004, 471-519. (2005 *Burton Awards* Winner)
8. "What You Need to Know About the Agencies' HSR Review," *Access Antitrust*, Business Law Section of American Bar Association, Antitrust Committee, September/October 2004.
9. "A Daubert Discipline for Merger Simulation," (With Greg Werden and Luke Froeb), *Antitrust Magazine*, Summer 2004.
10. "The State of Critical Loss Analysis: Let's Make Sure We Understand the Whole Story," (with Joseph Simons), *Antitrust Source*, November 2003
11. "Empirical Analyses of Potential Competitive Effects of a Horizontal Merger: The FTC's Cruise Ships Mergers Investigation," (with Mary Coleman and David Meyer), *Review of Industrial Organization*, Volume 23, Number 2 / September 2003, 121-155.
12. "20 Years of Raising Rivals' Costs," (with Richard Higgins), 12 *George Mason Law Review*, 2004.
13. "Quantitative Analyses of Potential Competitive Effects From a Merger," (with M. Coleman), *George Mason Law Review* 2003, Winter Antitrust Symposium, (draft posted at <http://www.ftc.gov/be/quantmergeranalysis.pdf>).
14. "20 Years of Merger Guidelines Enforcement at the FTC: An Economic Perspective," (with M. Coate and L. Silvia) (FTC Bureau of Economics), 71 *Antitrust Law Journal*, 277-318 (draft posted at <http://www.ftc.gov/be/ftc20thanniversarypaper.pdf>).
15. "FTC Perspectives on the Use of Econometric Analyses in Antitrust Cases," (with M. Coleman) *Econometrics: Legal, Practical, and Technical Issues*, American Bar Association Section on Antitrust, J. Harkrider, ed. (FTC draft posted at <http://www.ftc.gov/be/ftcperspectivesoneconometrics.pdf>)
16. "Issues in Scanner Data," (with D. Hosken, D. O'Brien, and M. Vita), *Econometrics: Legal, Practical, and Technical Issues*, American Bar Association Section on Antitrust, J. Harkrider, ed. ("Demand System Estimation and its Application To Horizontal Merger Analysis," FTC Bureau of Economics Working Paper), April 2002 posted at <http://www.ftc.gov/be/workpapers/wp246.pdf>).
17. "Antitrust Economics and Marketing," *Journal of Public Policy and Marketing*, Fall 2002.
18. "Current Economic Issues at the FTC," (with M. Coleman), 21 *Review of Industrial Organization*, December 2002, 357-371.
19. "Competition Analysis in the New Economy: New Approaches Required for New Problems" (with A. Baziliauskas), *Papers of the Canadian Bar Association Annual Fall Conference on Competition Law-2000*, Juris Publishing, Inc., 2001.
20. "Bright Ideas, Big Money: Management and Valuation of Intellectual Property," (with W. Robert Thompson, Esq.) *The Owen Manager* Summer/Fall 1996. (See <http://www.round.table.com/scholars/articles/bright-ideas1.html>. See also <http://www.indian-express.com/fe/daily/20000222/ffe22091.html>)

21. "Econometric Market Delineation" (with P. Spiller), *Managerial and Decision Economics*, Vol. 17, No. 2, March-April 1996, pp. 165-178. (Cited with the Highest Quality Rating by ANBAR Electronic Intelligence. Also to be reprinted in *Series in Managerial Economics*, J.M. Wiley publishers). Cited with the Highest Quality Rating by ANBAR Electronic Intelligence.
22. "Buyers, Market Power, and Market Definition," in *The Economics of the Antitrust Process*, M. Coate and A. Kleit, eds., Kluwer Academic Publishers, 1996, pp. 117-134.
23. "Antitrust, Economics, and Reality," in *The Economics of the Antitrust Process*, M. Coate and A. Kleit, eds., Kluwer Academic Publishers, 1996, pp. 239-254.
24. "The Regulation of Vertical Relationships in the U.S. Telecommunications Industry" (with R. W. Oliver), *Managerial and Decision Economics*, Vol. 16, No. 4, July-Aug. 1995, pp. 327-48. Also published in *Deregulating Telecommunications: The Baby Bells Case for Competition*, R. Higgins and P. Rubin, eds., John Wiley & Sons, Ltd., 1995.
25. "Is it Time to Create a New Theory of the Firm? Discussion," *Journal of Economics and Management Strategy*, Vol. 2, No. 1, Spring 1993, pp. 15-22.
26. "Making Sense of Mergers," *Antitrust Bulletin*, Vol. 38, No. 3, Fall 1993, pp. 715-740.
27. "Introduction," in "Symposium on New 1992 Merger Guidelines," *Antitrust Bulletin*, Vol. 38, No. 3, Fall 1993, pp. 473-477.
28. "Ten Years of Merger Guidelines: A Retrospective, Critique, and Prediction," *Review of Industrial Organization*, Vol. 8, No. 2, 1993, pp. 173-189.
29. "Strategy and Transaction Costs: The Organization of Distribution in the Carbonated Soft Drink Industry" (with T. Muris and P. Spiller), *Journal of Economics and Management Strategy*, Vol. 1, No. 1, Spring 1992, pp. 83-128. Also published in *Case Studies in Contracting and Organization*, S. Masten (ed.), Oxford University Press, 1996, 255-294.
30. "Statistical Measures of Market Power: Uses and Abuses," *Antitrust Law Journal*, 1992, Vol. 60, No. 3, pp. 901-919.
31. "Buyers' Strategies, Entry Barriers, and Competition" (with P. Spiller), *Economic Inquiry*, Vol. 30, No. 3, July 1992, pp. 418-436.
32. "The Application of 'Raising Rivals' Costs' Theory to Antitrust," *Antitrust Bulletin*, Vol. 37, No. 1, Spring 1992, pp. 187-206.
33. "Statistical Measures of Market Power: Uses and Abuses," in *The Cutting Edge of Antitrust: Market Power*, Antitrust Section of the American Bar Association, October 1991.
34. "The Antitrust Sentencing Guideline: Is the Punishment Worth the Cost?" (with Mark Cohen), *American Criminal Law Review*, Vol. 27, No. 2, 1989, 331-366.
35. "The FTC in the 1980s," (with J. Langenfeld), *Review of Industrial Organization* Vol. 5, No. 2, Summer 1990, 79-98.
36. "Innovation and U.S. Competition Policy," (with J. Langenfeld) *The Antitrust Bulletin*, Vol. 34, No. 1, 1989, 1-63.
37. "Empirical Approaches to Market Power," (with P. Spiller) Introductory Essay for a Special Issue of *Journal of Law and Economics* edited by Scheffman and P. Spiller, Vol. 32, No. 2, Part 2, October 1989, S3-10.

38. "The Application of Raising Rivals' Costs Theory to Antitrust," in ABA Antitrust Section Handbook on Economics, 1989.
39. "The Economics and Ethics of Adjusting to a New Competitive Environment: Mergers and Takeovers," *The Ethics of Organizational Transformation: Mergers, Takeovers and Corporate Restructuring*, R. Frederick and E. Petry (eds), Quorum Books, 1989.
40. "Innovation and U.S. Competition Policy," (with J. Langenfeld) in *Technology and Public Policy*, H. Hauser (ed.), *Aussenwirtschaft*, Vol. 43, No. 1/2, University of St Gall, June 1988, 45-95. Also published in *Antitrust Bulletin*, Vol. 34, No. 1, Spring 1989, 1-63.
41. "Strategic Business Behavior and Antitrust" (with C. Holt), in R. Lerner and J. Meehan (eds.) *Economics and Antitrust Policy*, Quorum Books, 1989, 39-82.
42. "Cost-Raising Strategies" (with S. Salop), *Journal of Industrial Economics*, Vol. 36, No. 1, September 1987, pp. 19-34. (Reprinted in *Antitrust and Competition Policy*, Andrew Kleit (ed), Blackwell, forthcoming).
43. "Facilitating Practices: The Effects of Advance Notice and Best-Price Policies" (with C. Holt), *Rand Journal of Economics*, Vol. 18, No. 2, Summer 1987, 187-197. Also published as "Best Price Policies: Facilitating Practices: The Effects of Advance Notice and Best-Price Policies," in *Applied Industrial Economics*, L. Philips (ed.), Cambridge University Press, 1998, 174-187.
44. "Geographic Market Definition Under the Department of Justice Merger Guidelines" (with P. Spiller), *Journal of Law and Economics*, Vol. 30, No. 1, April 1987, pp. 123-148. (Reprinted in *The Journal of Reprints for Antitrust Law and Economics*).
45. "The Effects of Oil Price Changes on Urban Structure: Some Theoretical and Simulation Results," (with J. Melvin) in *Planning for Changing Energy Conditions*, Energy Policy Studies, Vol. 4, J. Byrne and D. Rich (eds.), *Transaction Books* (New Brunswick), 1988, pp. 215-246.
46. "Evolution or Revolution – What is the Future of Antitrust?" (with J. Langenfeld) *Antitrust Bulletin*, Vol. 31, No. 2, Summer 1986, pp. 287-300.
47. "The Impact of Government Policy on the U.S. Cigarette Industry: Comments," in P. Ippolito and D. Scheffman (eds.) *Empirical Approaches to Consumer Protection Economics*, FTC, March 1986, 483-484.
48. "Merger Policy and Enforcement at the Federal Trade Commission: The Economist's View," *Antitrust Law Journal*, Vol. 5/4, No. 1, 1985.
49. "A Bidding Analysis of Special Interest Regulation: Raising Rivals' Costs in a Rent Seeking Society" (with S. Salop and W. Schwartz), in B. Yandle and R. Rogowsky (eds.) *The Political Economy of Regulation: Private Interests in the Regulatory Process*, FTC, 1984.
50. "Raising Rivals Costs" (with S. Salop), *American Economic Review*, Vol.73, No. 2, May 1983, pp. 267-271.
51. "Advertising and Quality in Food Products: Some New Evidence on the Nelson Hypothesis," (with J. MacDonald and I. Whitten) in *Advertising and the Food System*, J. Connor and R. Ward (eds.), North Central Research Publication 287, University of Wisconsin - Madison, 1983.
52. "Comments on 'An Economic Definition of Predatory Product Innovation'" in *Strategy Predation, and Antitrust Analysis*, S. Salop (ed.), FTC, 1981 (Washington, DC), pp. 397-414.
53. "An Intercountry Comparison of Housing Market Trends in the 1970's," (with M. Slade) in *Proceedings of the BSA Seminar on House Price Determination*, M. Boleat (ed.), Building Societies Association, London, U.K., pp. 64-85, 1981.

54. "A Theory of Development Controls in a Small City," (with M. Frankena), *Journal of Public Economics*, Vol. 15, No. 2, April 1981, pp. 203-234.
55. "Some Evidence on the Recent Boom In Land and Housing Prices," in *Urban Housing Markets: Recent Directions in Research and Policy*, L. Bourne and J. Hitchcock (eds.) University of Toronto Press, 1978, pp. 57-85.
56. "Urban Structure, Gas Prices and the Demand for Transportation," (with A. Robson), *Journal of Urban Economics*, Vol. 6, No. 2, April 1979, pp. 148-155.
57. "The Crunch, the Boom and the Recreational Land Market," (with A. Robson), *Canadian Journal of Economics*, Vol. 11, No. 1, February 1978, pp. 38-55. Reprinted in *Appraisal Institute Magazine*, Vol. 23, Book 2, May 1979, pp. 33-40.
58. "Ownership Concentration and Market Power in Urban Land Markets," (with J. Markusen), *Review of Economic Studies*, Vol. 45, No. 3, October 1978, pp. 519-526.
59. "Ownership Concentration in the Urban Land Market: Analytical Foundations and Empirical Evidence," (with J. Markusen), in *Public Property? The Habitat Debate Continued: Essays on the Price, Ownership and Government of Land*, Fraser Institute, 1977.
60. "The Timing of Residential Land Development: A General Equilibrium Approach," (with J. Markusen), *Journal of Urban Economics*, Vol. 5, No. 4, October 1978, pp. 411-424.
61. "The Aggregate Excess Demand Correspondence and the Structure of Economies with Externalities," *Review of Economic Studies*, Vol. 42, No. 4, October 1975, pp. 597-604.
62. "A Definition of Generalized Correlation and Its Application for Portfolio Analysis," *Economic Inquiry*, Vol. 13, No. 2, June 1975, pp. 277-286.
63. "Some Remarks on the Net Production Possibilities Set in Models with Intermediate Goods," *Journal of International Economics*, Vol. 3, August 1973, pp. 291-295.
64. "Appendix A," in Samuelson and Merton, "A Complete Model of Warrant Pricing that Maximizes Utility," *Industrial Management Review*, Vol. 10, No. 2, Winter 1969.

Books

1. Editor, Special Issue of 38 *Antitrust Bulletin*, "Symposium on the New 1992 Merger Guidelines," Special Issue on the 1992 DOJ/FTC Merger Guidelines, Fall 1993.
2. *Strategy, Structure, and Antitrust in the Carbonated Soft Drink Industry* (with T. Muris and P. Spiller), Quorum Books, 1993.
3. Co-editor, *Journal of Law and Economics*, Special Issue on Empirical Approaches to Market Power, (with P. Spiller), 1989.
4. Co-editor, *Antitrust Bulletin*, Special Issue on the Future of Antitrust, (with J. Langenfeld), Vol. 31, No.2, Summer 1986.
5. Co-editor, *Empirical Approaches to Consumer Protection Economics* (with P. Ippolito), FTC, March 1986.
6. *An Economic Analysis of the Impact of Rising Oil Prices on Urban Structure* (with J. Melvin), University of Toronto Press, 1983.

7. *Social Regulation in Markets for Consumer Goods and Services*, (with E. Appelbaum), University of Toronto Press, 1982.

8. *An Economic Analysis of Provincial Land Use Policies in Ontario* (with M. Frankena), University of Toronto Press, 1980.

9. *Speculation and Monopoly in Urban Development: Analytical Foundations with Evidence for Toronto* (with J. Markusen), University of Toronto Press, 1977.