



## **Andres V. Lerner**

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Andres Lerner is a Senior Vice President of Compass Lexecon. He has extensive experience consulting in antitrust matters. He has conducted economic analysis on matters involving tying, bundled discounts, price squeezes, exclusive dealing, exclusive territories, refusals to deal, predatory pricing, monopolization, mergers, joint ventures, price fixing, and patent misuse. Dr. Lerner also has extensive expertise conducting econometric and statistical analysis, estimating complex damages, and assessing the appropriateness of class certification. Dr. Lerner has consulted on a wide range of industries, including payment cards, pharmaceuticals, cable television, music, motion picture, semiconductors, automotive, airline, food and beverage, Internet, franchising, and energy. Dr. Lerner has published articles in leading academic journals, including the American Economic Review and the Antitrust Law Journal, and has co-edited a collection of seminal articles in antitrust economics. He has taught Economics as a Visiting Professor at the University of Southern California Marshall School of Business. Dr. Lerner holds a Ph.D. in Economics from the University of California at Los Angeles. Prior to joining Compass Lexecon, Dr. Lerner served as a Director at LECG.

### **EDUCATION**

PhD, Economics, University of California at Los Angeles, 1999

MA, Economics, University of California at Los Angeles, 1996

BA, Economics, University of California at Berkeley, 1993

### **PROFESSIONAL EXPERIENCE**

Senior Vice President, Compass Lexecon, Los Angeles, CA, March 2009 to present.

Director, LECG, Los Angeles, CA, April 2007 to March 2009.

Principal, LECG Los Angeles, CA, March 2004 to March 2007.

Visiting Professor, University of Southern California, Department of Economics, Los Angeles, California, May to August 2004.

Vice President, Economic Analysis LLC, Los Angeles, California, July 2003 to February 2004.

Senior Economist, Economic Analysis LLC, Los Angeles, California, June 2001 to June 2003.

Economist, Economic Analysis LLC, Los Angeles, California, 1999 to June 2001.

Teaching Associate, Department of Economics, University of California at Los Angeles, 1997 to 1999.



Teaching Associate, School of Public Policy, University of California at Los Angeles, 1998.

Teaching Associate, Anderson Graduate School of Management, University of California at Los Angeles, 1997.

Summer Associate, Resources for the Future, Washington DC, 1997.

Research Associate, Anderson Graduate School of Management, University of California at Los Angeles, 1997 to 1999.

Research Associate, Department of Economics, University of California at Los Angeles, 1996 to 1997.

### **FIELDS OF SPECIALIZATION**

Antitrust, Industrial Organization, Intellectual Property, and Econometrics.

### **PUBLICATIONS**

“The Law and Economics of Bundled Pricing: *LePage’s*, *PeaceHealth*, and the Evolving Antitrust Standard,” (with Benjamin Klein) *Antitrust Bulletin*, 2008.

“The Firm in Economics and Antitrust Law,” (with Benjamin Klein), in W. Collins (ed.), *Issues in Competition Law and Policy*, American Bar Association Antitrust Section, 2008.

“The Economics Revolution in Antitrust Law,” in *Economics of Antitrust Law, Economic Approaches to Law Series*, (with Benjamin Klein), Benjamin Klein and Andres V. Lerner (eds.), Series editors Richard A. Posner and Francesco Parisi, Edward Elgar Publishing Ltd., April 2008.

“The Expanded Economic of Free-Riding: How Exclusive Dealing Prevents Free-Riding and Creates Undivided Loyalty,” (with Benjamin Klein), *Antitrust Law Journal*, Vol. 74, No. 2 (2007), pp. 473-519.

*Economics of Antitrust Law, Economic Approaches to Law Series*, (co-edited with Benjamin Klein), Series editors Richard A. Posner and Francesco Parisi, Edward Elgar Publishing Ltd., April 2008.

“Competition in Two-Sided Markets: The Antitrust Economics of Payment Card Interchange Fees,” (with Benjamin Klein, Kevin Murphy, and Lacey Plache), *Antitrust Law Journal*, Vol. 73, No. 3 (2006), pp. 571-626.

“The Economics of Copyright ‘Fair Use’ in a Networked World,” (with Benjamin Klein and Kevin Murphy), *American Economic Review Papers & Proceedings*, Vol. 92, No. 2 (May 2002), pp. 205-208.



## **AFFILIATIONS**

American Bar Association, Associate Member

## **SELECTED CONSULTING EXPERIENCE**

### Electronic Arts

*Pecover et al. v. Electronic Arts, Inc.*

United States District Court, Northern District of California, Case No. 08-cv-02820 VRW

Served as consulting expert on matter involving alleged monopolization in the video game industry. (July 2009 to present)

### Comcast Corporation

*Behrend et al. v. Comcast Corporation et al.*

United States District Court, Northern District of Pennsylvania, Case No. 03-6604

Served as consulting expert on matter involving acquisitions in the cable industry. (April 2008 to present)

### Elpida Memory, Inc. and NEC Electronics

*Sun Microsystems, Inc. v. Hynix Semiconductor Inc., et al.*

United States District Court, Northern District of California, Case No. C-07-01381-PJH

Served as consulting expert on matter involving alleged conspiracy between memory chip manufacturers. (June 2006 to April 2008)

### The DIRECTV Group, Inc.

*News Corporation and The DIRECTV Group, Inc. (Transferors) and Liberty Media Corporation (Transferee), Federal Communications Commission*

Submitted expert report to the Federal Communications Commission in connection with the purchase by Liberty Media Corp. of a controlling stake in DIRECTV from News Corp. (April 2007 to January 2007)

### Federal Trade Commission

*In the Matter of Realcomp II LTD.*

United States of America, Before Federal Trade Commission, Docket No. 9320

Served as consulting expert on matter involving antitrust claims in the real estate brokerage industry. (November 2006 to June 2007)

### Abbott

*In Re Abbott Labs Norvir Antitrust Litigation*

United States District Court, Northern District of California, Case No. C-04-1511 CW.

Served as consulting expert on matter involving alleged monopolization in the pharmaceutical industry. (November 2006 to present)

### Visa U.S.A. Inc.

*Visa U.S.A. Inc. v. First Data Corp.*

U.S. District Court, Northern District of California, Case No. C 02-1786-JSW.

Served as consulting expert on matter involving alleged tying and monopolization in the processing of payment card transactions. (June 2004 to May 2006)



GlaxoSmithKline

*AIDS Healthcare Foundation v. GlaxoSmithKline*

U.S. District Court, Central District of California, Case No. 02-5223-TJH.

Provided economic analysis related to claims of patent fraud and monopolization in the pharmaceutical industry. (June 2004 to April 2006)

General Motors Corp., DaimlerChrysler Corp., Ford Motor Co., and OEConnection LLP

*ChoiceParts LLC v. General Motors, DaimlerChrysler, Ford Motor, and OEConnection*

U.S. District Court for the Northern District of Illinois, Case No. 01 C 0067.

Provided consulting support related to the calculation of damages in case involving alleged refusal-to-deal in the automobile parts industry. (August 2002 to December 2004)

Northwest Airlines, Inc.

*Spirit Airlines, Inc., v. Northwest Airlines, Inc.*

U.S. District Court for the Eastern District of Michigan, Case No. 00-71535.

Served as consulting expert on the estimation of alleged damages in case involving claims of predatory pricing in the airline industry. (January to December 2002)

Philip Morris Inc.

*Holiday Wholesale Grocery Co., et al. v. Philip Morris, et al.*

U.S. District Court, Northern District of Georgia, Case No. 1:00-cv-447-JOF.

Served as consulting expert on matter involving alleged price-fixing conspiracy in the cigarette industry. (April 2001 to January 2002)

Illinois Tool Works

*Illinois Tool Works v. Independent Ink, Inc and related counterclaims.*

U.S. District Court, Central District of California, Case No. CV 98-6686-NM.

Provided consulting support related to tying claims in the commercial printing industry. (April 2001 to April 2007)

Motion Picture Association of America

*Metro-Goldwyn-Mayer Studios Inc., et al. v. RecordTV.com and David Simon*

United States District Court, Central District of California, Case No. 00-06443 MMM (MANx).

Provided consulting support in connection with copyright infringement in the entertainment industry. (February 2001 to March 2001)

Subaru of New England, Inc.

*George Lussier Enterprises Inc. et al. v. Subaru of New England et al.*

U.S. District Court, District of New Hampshire, Case No. 03-2715.

Served as consulting expert on matter involving tying claims by a class action of Subaru automobile dealers. (February 2001 to December 2002)

Universal Avionics

*Universal Avionics Systems Corporation v. Rockwell International Corporation, et al.*

United States District Court, District of Arizona, Case No. CV97-28 TUC-ACM.

Provided consulting support related to alleged tying and monopolization in the market for aircraft avionics systems. (December 2000 to June 2001)



Time Warner Inc., MediaOne Group, and Road Runner LLC

*Arthur Simon et. al. v. American Telephone and Telegraph Corp., et. al.*

United States District Court, Central District of California, Case No. CV 99-11641 RSWL

Provided consulting support related to the assessment of class certification in case involving claims of tying and monopolization in the supply of cable Internet broadband services.

(April 2000 to January 2001)

Securities and Exchange Commission

*SEC v. Ogle et. al.*

U.S. District Court, Northern District of Illinois.

Conducted analysis of stock market manipulation claims. (March to April 2000)

Visa U.S.A.

*Wal-Mart, et al. v. Visa, et al.*

United States District Court, Eastern District of New York, Case No. CV-96-5238.

Conducted economic analysis related to claims of tying and monopolization in the payment card industry. (February to April 2000)

The Coca-Cola Company

*The Coca-Cola Company, et al. v. Omni Pacific Company, et al.* and related counterclaims.

United States District Court, District of Northern California, Case No. C-98-0784-SI.

Estimated alleged damages related to exclusive territory distribution system in the beverage industry. (November 1999 to October 2000)

Johnson & Johnson

*Kropinski, et al. v. Johnson & Johnson, et al.*

Superior Court of New Jersey, Case No. 8886-96.

Conducted economic analysis of price discrimination claims in connection with the sale of contact lens products. (September 1999 to January 2000)