

**REBECCA KIRK FAIR**  
**Managing Principal**

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Ms. Kirk Fair has extensive experience leading the development of economic and market analyses, assessing class certification and damages, evaluating consumer behavior, and testifying in a wide range of matters in the US, Canada, and Europe. She has been deeply involved in merger investigations and major antitrust litigation, as well as intellectual property (IP), false advertising, and tax matters. She also is a founder of the Analysis Group's Surveys & Experimental Studies practice.

Ms. Kirk Fair specializes in evaluating competition and substitution patterns to examine potential competitive effects in mergers and "but-for" outcomes in antitrust litigation. She has significant analytical and testifying experience in cartel matters, notably in a number of prominent cases in the technology, consumer products, and financial services industries. She also has evaluated competition, pricing, and outputs in connection with merger investigations in the US, Canada, and the EU. In addition to having served as a compliance monitor for several years, she has supported the US Department of Justice (DOJ), the Federal Trade Commission (FTC), and the Canadian Competition Bureau (CCB) in a variety of merger investigations.

Ms. Kirk Fair also has particular expertise in the development, administration, and analysis of consumer surveys for use in antitrust, false advertising, and IP matters, as well as merger reviews and strategy cases. She has testified in arbitration, deposition, and trial in matters involving the design and implementation of consumer surveys, as well as the evaluation of opposing parties' surveys and of statistical sampling and analyses. Her work has been used to support and critique damages models and to provide insights into the role of consumer choice in market definition.

Ms. Kirk Fair serves as a Vice-Chair to the American Bar Association (ABA) Antitrust Law Section's Pricing Conduct Committee. She has received numerous awards for her accomplishments, including the W@ "40 in Their 40s: Notable Women Competition Professionals" and the Concurrences Antitrust Writing Award for her coauthored article "The Tyranny of Market Shares: Incorporating Survey-Based Evidence into Merger Analysis" (*Corporate Disputes*).

## **EDUCATION**

M.B.A. MIT Sloan School of Management, Cambridge, MA

B.A. Economics (with honors), Middlebury College, Middlebury, VT

## **SELECTED EXPERT TESTIMONY**

- ***Maximilian Klein, et al. v. Meta Platforms, Inc.***  
*US District Court, Northern District of California, San Francisco Division*  
Expert rebuttal witness on behalf of Meta Platforms in a class action matter related to the collection and/or use of personal data. Submitted an expert rebuttal report evaluating the survey design of the plaintiff's expert. Testified at deposition.

- ***Jenale Nielsen v. Walt Disney Parks and Resorts U.S., Inc.***  
*US District Court, Central District of California*  
Expert witness on behalf of Disney in a breach of contract class action litigation. Submitted an expert rebuttal report in response to the damages assessment conducted by the plaintiff's expert. Testified at deposition.
- ***In the Matter of Intuit, Inc.***  
*Before the FTC*  
Expert witness on behalf of Intuit in an administrative proceeding before the FTC. Conducted a materiality survey and submitted an expert report on consumer choices for online tax preparation support. Testified at deposition and trial.
- ***Earl L. McClure, et al. v. State Farm Life Insurance Company***  
*US District Court, District of Arizona*  
Expert witness on behalf of State Farm Life in a class action matter related to consumer decision making when purchasing life insurance. Submitted an expert report and testified at deposition.
- ***District of Columbia v. Maplebear, Inc. d/b/a Instacart***  
*Superior Court of the District of Columbia – Civil Division*  
Expert witness on behalf of Instacart. Submitted an expert rebuttal report analyzing consumer behavior following interface design changes and the materiality of the at-issue fees. Testified at deposition.
- ***Pegasystems Inc. v. Appian Corporation and Business Process Management, Inc.***  
*US District Court, District of Massachusetts*  
Expert witness on behalf of Pegasystems. Assessed disgorgement damages resulting from false advertising claims. Submitted an expert rebuttal report in response to counterclaims of Appian. Testified at deposition.
- ***Gettys Bryant Millwood, et al. v. State Farm Life Insurance Company***  
*US District Court, District of South Carolina, Spartanburg Division*  
Expert witness on behalf of State Farm Life in class action breach of contract litigation. Submitted expert report describing and assessing the ways in which consumers evaluate information and make decisions to purchase life insurance policies. Testified at deposition.
- ***Eric Fishon, et al. v. Peloton Interactive, Inc.***  
*US District Court, Southern District of New York*  
Expert witness on behalf of Peloton. Conducted consumer perception and materiality surveys and submitted an expert report analyzing survey results and evaluating the survey design of the plaintiff's expert. Testified at deposition.
- ***Jennifer Hasemann and Debbie Hoth v. Gerber Products Company***  
*US District Court, Eastern District of New York*  
Expert rebuttal witness on behalf of Gerber. Submitted an expert rebuttal report in response to the survey conducted by the plaintiff's expert, addressing the survey's theoretical framework and design. Testified at deposition.

- ***Kieran O’Hara et al. v. Diageo-Guinness UAS Inc. et al.***  
*United States District Court District of Massachusetts*  
Expert witness on behalf of Diageo. Conducted a purchase intent survey and submitted an expert report analyzing the survey results and the heterogeneity in consumer beer purchasing decisions. Testified at deposition.
- ***Bond v. Berkshire Bank, et al.***  
*US District Court, District of Massachusetts, Western Division*  
Expert witness on behalf of Berkshire Bank. Conducted a survey and testified at deposition on banking consumers’ purchase decisions and heterogeneity in consumer banking behaviors, specifically with regard to overdraft services. Testified at deposition.
- ***YETI Coolers, LLC., v. RTIC Coolers, LLC***  
*US District Court, Western District of Texas*  
Testified at deposition on an experiment designed to evaluate the likelihood of confusion in the high-end cooler market. Testified at deposition.
- ***PersonalWeb Technologies LLC and Level 3 Communications, LLC. v. International Business Machines Corporation***  
*US District Court, Northern District of California*  
Expert witness on behalf of IBM in a patent infringement case. Conducted an online survey of IT professionals and analyzed the survey results in an affirmative report. Testified at deposition.
- ***United States of America and the States of California, Illinois, North Carolina, and Ohio v. DISH Network, LLC***  
*US District Court, Central District of Illinois*  
Expert witness on behalf of Dish. Submitted an expert report evaluating the sampling methodology and statistical analysis put forth by the plaintiffs’ expert witness. Testified at deposition and at trial.
- ***Sterling Jewelers Inc. v. Artistry Ltd.***  
*US District Court, Northern District of Ohio, Eastern Division*  
Expert witness on behalf of Sterling Jewelers in a trademark infringement case. Assessed whether Artistry Ltd. suffered damages and determined whether Sterling had been enriched by the alleged infringement in an affirmative report. Testified at deposition.

## SELECTED CONSULTING EXPERIENCE

### Antitrust Litigation

- **Damages litigation in the gig-worker/delivery platform industry**  
Assisted in economic analyses assessing the impact of allegedly misleading conduct on consumer and gig-worker behavior. Supported analyses of driver transaction data and consumer tipping patterns in connection with a government investigation. Developed damages models related to consumer tipping behavior. Filed a rebuttal report related to a consumer survey.

- **Google litigations in various forums**  
Supported economic experts in qualitative analyses and industry research to evaluate competition and data privacy in the search engine market. Supported an economic expert in the evaluation of market definition and market power in the digital content transaction market. Supported an economic expert in the assessment of competition within evolution of the US advertising industry.
- ***Watson v. Bank of America Corporation***  
*Supreme Court of British Columbia*  
Provided consulting support to several banks in a class action brought by merchants in British Columbia alleging that they were forced to pay excessive interchange fees because of anticompetitive agreements between Visa, MasterCard, and various banks.
- **Large price-fixing cases in the airline travel industry**  
Worked with multiple airlines in a joint defense group to provide analytical support in litigation matters in which the plaintiffs claimed that the airlines conspired to limit domestic air travel capacity below competitive levels.
- ***In re: Transpacific Passenger Air Transportation Antitrust Litigation***  
*US District Court, Northern District of California*  
Assisted ANA and Japan Airlines International Co., in a class action in which ANA was accused of colluding with Japan Airlines to fix prices for flights and set fuel surcharges. Case settled favorably for the defendant.
- ***Dahl, et al. V. Kohlberg Kravis Roberts & Co., et al.***  
*US District Court, District of Massachusetts*  
Worked with the joint defense group in support of numerous experts on issues of class certification and damages for group and individual private equity firms in a matter involving allegations of collusion.
- **Large price-fixing cases in IT manufacturing industries**  
Assisted in quantitative analysis and industry research to evaluate competition, pricing, and outputs in connection with two separate international price-fixing investigations in IT manufacturing industries.
- **Large price-fixing cases in various sectors of the financial service industry**  
Assisted in quantitative analysis and market research to examine consistency of plaintiffs in multiple class certification matters.
- ***GO Computer v. Microsoft***  
*Superior Court of California, County of San Francisco*  
Supported Professor Catherine Tucker of the Massachusetts Institute of Technology in an analysis of competition among operating systems and computing platforms.
- **Microsoft litigations in various forums**  
Economic analysis on behalf of Microsoft in numerous competitor and consumer litigations on issues of competition, pricing, and damages. Supported survey design and research related to server software. Developed and critiqued damages models related to computer security, software pricing, and product development.

## Class Certification Litigation

- ***Jeffrey Koenig v. Vizio, Inc.***  
*Superior Court of California, County of Los Angeles*  
Supported experts Tülin Erdem and Christopher Knittel in a consumer class action regarding the impact of Vizio Inc.'s marketing of the refresh rates of its televisions on consumer behavior. Case work included the evaluation of a conjoint survey conducted by the plaintiff's expert. Case settled favorably for the defendant.
- **State Farm Life Insurance litigation matters**  
Expert witness on behalf of State Farm Life in class action breach of contract litigations. Submitted expert reports describing and assessing the ways in which consumers evaluate information and make decisions to purchase life insurance policies.
- ***Elizabeth A. Bally v. State Farm Life Insurance Company***  
*US District Court, Northern District of California*  
Served as expert witness on behalf of State Farm in a class certification matter. Submitted an expert report describing and evaluating the ways in which consumers make decisions to purchase life insurance policies.
- ***Kenneth Hobbs, et al. v. Brother International Corporation, et al.***  
*US District Court, Central District of California*  
Supported marketing expert Joel Steckel in a consumer class action regarding alleged misrepresentations in the marketing and sale of multi-function printers.
- **Financial exchange cartel litigation**  
*Supported multiple experts on issues of class certification, marketplace analyses, and damages models for the defendant in a matter alleging collusion related to a financial instrument exchange platform.*
- **Air cargo litigations**  
Evaluated industry dynamics, transaction data, and damages exposure for several Air Cargo defendants, including an evaluation of impact of plea agreements. Marketplace analysis included comparison of pricing patterns in areas covered and excluded from plea agreements.
- **Antitrust litigation in the transportation sector**  
Case work included assisting with settlement negotiations and developing affirmative analyses in connection with ongoing class certification proceedings, on behalf of the defendants.
- **Auto parts litigation**  
Supported affirmative and rebuttal analyses for an indirect purchaser class action in an auto filters cartel case. Analyzed wholesale and retail transaction data, evaluated pass-through, and calculated firm and product profitability.
- **Light cigarettes marketing litigations**  
Worked with plaintiffs in class action lawsuits in California, Massachusetts, and Missouri filed against the makers of "light" cigarettes. Supported marketing expert Joel Steckel to conduct conjoint analyses of consumer preference of light tobacco and nicotine in connection with a damages analysis.

- **MasterCard litigations**  
Assisted in economic analysis on behalf of MasterCard in government and consumer litigations, including several class actions in the US and Canada. Supported design and analysis of consumer survey regarding the use of various payment methods. Supported counsel in all phases of trial, including the development of direct testimony, trial demonstratives, and cross-examination questions.

## **Intellectual Property and Commercial Litigation**

- **Major pandemic MAE litigation**  
Supported industry expert Pat Moran to examine the appropriate “industry” definition to evaluate economic performance of a commercial payments company per a merger agreement in the context of a material adverse event merger dispute.
- ***MillerCoors, LLC v. Anheuser-Busch Companies, LLC***  
*US District Court, Western District of Wisconsin*  
Supported survey expert John Hauser in designing and implementing a survey in a false advertising litigation in which MillerCoors alleged that TV advertisements by Anheuser-Busch violated the Lanham Act.
- **Major yogurt trademark litigation**  
Supported marketing expert Joel Steckel in a trademark litigation in which the plaintiff claimed that the defendant had infringed on their specific trademark with the use of its campaign. Assisted in the implementation and analysis of a forward confusion study and a reverse confusion study.
- ***TS Media, Inc., et al. v. Public Broadcasting Service***  
*Superior Court, District of Columbia*  
Supported expert Tülin Erdem in the determination of the importance of the PBS brand and the reputational harm that the network would likely suffer as a result of its association with Tavis Smiley’s alleged actions.
- ***MBIA Insurance v. Credit Suisse Securities***  
*Supreme Court of New York, New York County*  
*Supported expert Antoinette Schoar in a rebuttal report of Joseph Stiglitz, evaluating the relationship between economic and contractual incentives in mortgage-backed securities. Supported expert Arnold Barnett in a rebuttal report evaluating the statistical relationship among a sample of loans on prediction of overall loan performance.*
- **Front-Loading Washers litigations**  
*Multiple jurisdictions*  
Supported conjoint study and economic analysis in support of multiple damages analyses in product defect litigations against several manufacturers of front-loading washing machines.
- ***Burst.com v. Microsoft Corp.***  
*US District Court, District of Maryland*  
Assisted in an analysis of both patent and trade secrets damages and antitrust damages in a case involving software used for streaming media. Responded to the plaintiff’s claim of lost profits damages and unjust enrichment arising from the misappropriation of trade secrets.

## Merger Analyses

- **Meta acquisition of Within**  
Supported counsel and Meta in the FTC's antitrust review of Meta's acquisition of Within. Supported an industry expert in the evaluation of the digital applications industry.
- **LANXESS acquisition of Emerald Kalama Chemical**  
Supported economic analyses and antitrust review in Lanxess global acquisition of Emerald Kalama Chemical. Both companies are manufacturers of specialty chemicals. The transaction was approved in all jurisdictions.
- **AbbVie Inc. acquisition of Allergan PLC**  
Supported AbbVie in its acquisition of Allergan, as well as securing clearance for two distinct divestiture transactions of Allergan assets to Nestlé and AstraZeneca, by providing economic analyses to evaluate potential concerns that the transaction would stifle competition and increase prices. The client obtained unconditional clearance from the FTC.
- **PSAV acquisition of Encore Event Technologies**  
Supported Blackstone Capital Partners and its portfolio company, PSAV, in the acquisition of Encore Event Technologies by providing economic analysis to assess the competitive effects of the merger. The client obtained unconditional clearance from the FTC.
- **Merger of Chewy Inc. and PetSmart**  
Supported expert Edward Snyder in analyzing the potential competitive effects of the merger between Chewy, an online pet supply company, and PetSmart, a retail pet supply and services company. The client obtained unconditional clearance from the FTC.
- **WEX acquisition of EFS**  
Supported both parties through the second request and the FTC's inquiry into the potential unilateral and coordinated effects of the merger of two of the country's largest fleet card companies. The transaction was consummated.
- **Zimmer's acquisition of Biomet**  
Supported Biomet in its second request compliance and an analysis of product comparability, substitution rates, and customer loyalty using transaction and market data.
- **Archipelago/NYSE Merger**  
Supported Professor Robert Pindyck of the Massachusetts Institute of Technology in his economic analysis on behalf of the parties, related to ease of entry, order internalization, and technological advancements. The transaction was consummated.
- **Cintas Corporation acquisition of G&K Services**  
Supported both parties through the second request phase of the FTC merger review process to evaluate the potential competitive effects of the acquisition. The transaction was consummated with no remedies or divestitures.
- **Discovery Communications acquisition of Scripps Networks**  
Supported Scripps Networks in its acquisition by Discovery Communications to evaluate potential competitive concerns in negotiations with multichannel video programming distributors (MVPDs) for bundled programming. The transaction was consummated with no remedies or divestitures.

## Survey-Related Litigation

- ***Lucent v. Amazon, et al.***  
*US District Court, Eastern District of Texas*  
Supported John Hauser in the design, implementation, and analysis of a survey to demonstrate that patented technologies provided substantial value to online retailers.
- **Commercial litigation and damages case in the online retail industry**  
Assisted in the assessment of the impact on consumer purchase behavior and price recall of allegedly misleading measures, including advertising language, in a commercial litigation and damages case. Supported field experiments, lab experiments, and analysis to assess consumer interpretation of comparison pricing language.
- ***State of Washington v. Comcast Corporation***  
*Superior Court of Washington, King County*  
Supported marketing expert John Hauser in a consumer class action in which Comcast was accused of violating the Consumer Protection Act.
- **Antitrust and intellectual property litigations on behalf of Microsoft**  
Assisted Microsoft in various IP and antitrust matters in the assessment of the impact on consumer behavior, product adoptions, and functionality usage. Matters involved desktop media, browser, office productivity, and security software, as well as server software. Supported lab experiments, qualitative interviews, and web-scraping studies to assess consumer behavior and usage amongst end-customers and IT professionals.
- **Trademark infringement matter of athletic apparel company**  
Supported marketing expert Joel Steckel in a trademark infringement case in which an athletic apparel company claimed that a sports drink maker infringed on its trademark and diluted its brand.
- **Trademark infringement matter of a candy company**  
Supported marketing expert Joel Steckel in a trademark infringement case in front of the TTAB in which a candy company was trying to bar entry of a foreign competitor that had infringed on its trademark and may have diluted its brand.
- **Trademark infringement matter between two apparel companies**  
Supported marketing expert Joel Steckel in designing and implementing a reverse confusion survey in a trademark infringement case in which an apparel company claimed that an athletic company infringed on its design mark.
- ***American Express v. Visa and MasterCard and related litigation***  
Supported marketing expert John Hauser in rebutting an opposing expert's survey by showing that small methodological improvements to the original survey led to substantial differences in results, in a case involving credit card payment procedures.
- ***Fox Broadcasting Company, et al. v. DISH Network LLC, et al.***  
*US District Court, Central District of California*  
Supported marketing expert John Hauser in designing and implementing two surveys pertaining to use of television services, as well as in analyzing an array of industry data. After more than two years of litigation, a California federal judge found that Analysis Group client DISH's Hopper DVR does not infringe Fox's copyrights.



- **Trademark infringement matter in the food industry**  
Supported marketing expert Joel Steckel in designing a forward confusion and two reverse confusion surveys and implementing the forward confusion survey in a trademark infringement case in which an author / speaker claimed that the title of his book was inappropriately used in a TV commercial of a packaged food product.
- **Confusion matter in the entertainment industry**  
Supported marketing expert Joel Steckel in a trademark infringement case in which a TV company used a name for its show (and a company featured in the show) that was similar to the name of an existing company; assisted with design of forward and reverse confusion surveys.

### **Transfer Pricing Litigation**

- **Confidential hard disk drive (HDD) manufacturer**  
Supported experts in the examination of an HDD maker's Asian manufacturing arm to assess evidence of its contributions to overall revenue and profit of the firm.
- ***Glaxo Americas, et al. v. Internal Revenue Service***  
*US Tax Court*  
Supported expert in econometric analysis and evaluation of pharmaceutical marketing in the pharmaceutical industry. Case settled.
- ***AstraZeneca, et al. v. Her Majesty's Revenue and Customs***  
*US Tax Court*  
Supported consulting expert team on pharmaceutical valuation and licensing issues. Case settled.

### **SELECTED PRESENTATIONS AND SPEAKING ENGAGEMENTS**

"Price Gouging, Global Markets, and Uncertainty," American Bar Association (ABA) Pricing Conduct Committee panel (May 2, 2022)

"Platform Economics and Unilateral Conduct Cases," USC Marshall School of Business (April 26, 2022)

"The Economics of Consumer Class Actions in Food Products," UCLA Law School (April 25, 2022)

"2020 Vision: Post-Pandemic Merger Review," ABA Virtual Spring Meeting (March 24, 2021)

"The Future of Economics in Antitrust," ABA Virtual Fall Forum (November 12, 2020)

"Are You Down with APP (Algorithmic Pricing)," ABA Pricing Conduct Committee/Cartel Committee Panel (November 3, 2020)

"Market Research Methods in Litigation," Consumer Class Action CLE webinar (May 19, 2020)

"Fighting Unconscious Bias in the Quest for Authentic Leadership," 2019 MIT Sloan Global Women's Conference (October 3, 2019)

"Fall 2018 iLead Speaker Series: Analysis Group," MIT Sloan School of Management and the MIT Leadership Center (September 7, 2018)

"Antitrust in the Amazon World," ABA webinar (May 31, 2018)

“Practical Issues in Counseling at the Intersection of IP and Antitrust,” New York State Bar Association Antitrust Law Section Meeting (January 25, 2018)

“Legal Challenges to State Laws Prohibiting Surcharges on Credit Card Transactions: Implications for the Industry,” ABA (July 14, 2016)

“The Use of Survey Evidence in Class Litigation,” California Bar Association (May 25, 2016)

“The Next Frontiers: Social Media and Other Cutting Edge Issues in Advertising and Marketing,” Canadian Bar Association Competition Law Fall Conference (October 2, 2015)

“Is False Advertising Anticompetitive,” ABA Antitrust Section Spring Meeting, Washington DC (April 17, 2015)

“Antitrust Enforcement and the Bazaarvoice Case,” New York State Bar Association Antitrust Law Section panel (May 21, 2014)

“Branding & Brands in Law, Accounting & Marketing,” The Kenan Institute, University of North Carolina (April 12, 2012)

“Reverse Payments – Balancing IP and Antitrust Concerns,” Boston Bar Association (May 20, 2009)

Discussion and guided case study analysis on strategic planning and financial analysis with an emphasis on the use of historical financial data in monitoring a public company, DirectWomen Board Institute (February 22, 2008)

“Survey Analysis Report,” First Annual Business Technology Outlook, North Dallas Chamber of Commerce (October 24, 2007)

“Patent Holding Company Panel,” Streaming Media East Show, New York City (May 15, 2007)

“Innovative Application of Economic Methods,” Analysis Group seminar on patent damages (March 2007)

“Data & Discovery – The Economist’s Perspective,” Analysis Group seminar (May 10, 2005)

## **PUBLICATIONS**

“Choice Experiments: Reducing Complexity and Measuring Behavior Rather than Perception,” with Joel H. Steckel, Kristina Shampanier, and Anne Cai, *The Cambridge Handbook of Marketing and the Law*, ed. Jacob E. Gersen and Joel H. Steckel, pp. 207–220 (2023)

“Recent Cases on ‘Green’ Messaging in Food and Beverage Company Advertising,” with Rene Befurt, Anne Cai, and Helene Rowland, *Top Food and Drug Cases, 2022, & Cases to Watch, 2023*, ed. August T. Horvath (June 2023)

“Reading (New and Old) Tea Leaves: U.S. Agencies’ Request for Information May Give Insights into the Future of Merger Review,” with Cecilia Caliandro and Aaron Yeater, *Antitrust Report* (June 2022)

“Moore v. Trader Joe’s Co.,” with Genna Liu and Rene Befurt, *Top Food and Drug Cases, 2021, & Cases to Watch, 2022*, ed. August T. Horvath (June 2022)

“Economic Evidence and Modern Antitrust,” with Emily Cotton and Philipp Tillmann, *Competition Policy International Antitrust Chronicle* (March 2021)

“Survey Says: Tips on Getting Over the Daubert Hurdle,” with Peter Hess and Vendela Fehrm, *Law Journal Newsletters: The Intellectual Property Strategist* (July 2020)

“Why Does the Consumer Welfare Standard Work? Matching Methods to Markets,” with James Bernard and D. Daniel Sokol, *Competition Policy International Antitrust Chronicle* (November 2019)

“Hilsley v. Ocean Spray Cranberries, Inc.,” with Rene Befurt, *Top Food and Drug Cases, 2018 & Cases to Watch, 2019*, ed. August T. Horvath (May 2019)

“United States – E-commerce Economics: Market Power and Enforcement in Vertical Markets,” with Nikita Piankov and Emmanuel Frot, chapter in *GCR Insights: E-Commerce Competition Enforcement Guide*, ed. Claire Jeffs (January 2019)

“The Ability to Achieve Lost Sales as a Consideration in Damages Analyses under Different Legal Frameworks,” with Aaron Yeater, *American Bar Association Section of Intellectual Property Law, Landslide*, Vol. 11 No. 2 (November/December 2018)

“Trademark Confusion And The Confusing Eveready Survey,” with Stephen Cacciola and Maggie Hadley, *Law360* (October 23, 2018)

“The Tyranny of Market Shares: Incorporating Survey-based Evidence into Merger Analysis,” with Rene Befurt and Emily Cotton, *Corporate Disputes* (July–September 2018)

“Singleton v. Fifth Generation, Inc.,” with August T. Horvath, chapter in *Top Food and Drug Cases, 2017, & Cases to Watch, 2018*, ed. August T. Horvath (May 2018)

“Avoiding bias: ensuring validity and admissibility of survey evidence in litigations,” with Laura O’Laughlin, chapter in *Handbook of Marketing Analytics*, eds. Natalie Mizik and Dominique M. Hanssens (April 2018)

“How To Interpret A Contract? Ask Those Who’d Sign It,” with Omri Ben-Shahar, Lior Strahilevitz, Duo Jiang, and Kristina Shampanier, *Law360* (March 21, 2018)

“Estimating Lost Sales Damages in Antitrust Cases: Can’t Count on Success,” with Aaron Yeater, *The Witness Chair*, Issue 71 (Winter 2018)

“The Ability to Achieve Lost Sales as a Consideration in Damages Analyses,” with Aaron Yeater, chapter in *Lost Profits Damages: Principles, Methods, and Applications*, eds. Everett P. Harry, III and Jeffrey H. Kinrich (2017)

“Managing Multiple Expert Witnesses: Best Practices and Pitfalls,” with Laura Comstock, Andrea Okie, and Carletta Wong, *American Bar Association Section of Litigation, The Woman Advocate* (August 17, 2017)

“Survey And Real-World Data: A Winning Combination,” with Peter Simon, Kristina Shampanier, and Riddhima Sharma, *Law360* (July 14, 2017)

“What Consumers Really Think About Reference Price Labels,” with Joel Steckel, Kristina Shampanier, Laura O’Laughlin, and Jesse Shea, *Law360* (March 21, 2017)

“Ensuring Validity and Admissibility of Consumer Surveys,” with Laura O’Laughlin, *American Bar Association Section of Litigation Consumer Litigation Newsletter* (Winter 2017)

“Antitrust Enforcement in Two-Sided Markets,” with Juliette Caminade, Federico Mantovanelli, and David Toniatti, *American Bar Association Section of Antitrust Law Economics Committee Newsletter* (Winter 2016)

“3 Questions to Ask When Using Surveys in Litigation,” with Laura O’Laughlin, *Law360* (May 15, 2015)

*Is It Worth Anything? Using Surveys in Intellectual Property Cases*, with Joel Steckel and Rene Befurt, white paper (2013)

“Tools for Handling Mortgage-Based FCA Claims,” with David Mishol, *Law360* (September 26, 2012)

“Digital Media Patents for Profit,” with Dan Rayburn and Almudena Arcelus, *Streaming Media Magazine: Industry Sourcebook 2007*

## **PROFESSIONAL AFFILIATIONS AND AWARDS**

### **Affiliations**

American Bar Association (ABA)

- Section of Antitrust Law
  - Vice Chair of the Pricing Conduct Committee: 2020–Present
- Section of Intellectual Property Law

American Marketing Association (AMA)

Women’s Competition Network (WCN)

LexisNexis

- *Antitrust Bulletin*
  - Editorial role: 2022–Present

### **Awards**

Concurrences

- Antitrust Writing Awards: Business Articles, Economics (2019)
  - For “The Tyranny of Market Shares: Incorporating Survey-Based Evidence into Merger Analysis” *Corporate Disputes*, July–September 2018

*Global Competition Review (GCR)*

- GCR’s Merger Control Matter of the Year – Americas (2020)

W@

- 40 in Their 40s – Notable Women Competition Professionals (2019)

Who’s Who Legal

- Competition: Future Leaders – Economists (2018–2019)
- Consulting Experts: Future Leaders – Competition Economists (2018–2019)