Appendix A

NAVIGANT ECONOMICS

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EDUCATION

1990 M.B.A., Business Economics and Finance, University of Chicago

1984 M.P.M., Public Policies Toward Business, University of Maryland

1982 B.A., Economics, University of Maryland

PROFESSIONAL POSITIONS

2010-Present *Director & Principal, Navigant Economics* Manage and conduct economic, financial and quantitative analyses related to commercial litigation and regulation.

2000-2010 *Principal, LECG, LLC* Managed and conducted economic, financial and quantitative analyses related to commercial litigation and regulation.

1996-2000 *Principal, Putnam, Hayes & Bartlett, Inc.* Managed and conducted economic, financial and quantitative analyses related to commercial litigation and regulation.

1990-1995 *Associate, Putnam, Hayes & Bartlett, Inc.* Conducted economic, financial and quantitative analyses related to commercial litigation and regulation.

1985-1988 *Associate, Heiden Associates, Inc.* Performed economic impact studies of proposed environmental and health regulations, economic analyses of antitrust issues, and statistical analyses of product safety risk.

1984 *Analyst, U.S. Environmental Protection Agency*, Office of Policy Analysis. Performed economic and risk studies of proposed environmental regulation of hazardous wastes.

Exhibit 1139
IPR2017-00807
ARGENTUM

RECENT EXPERT TESTIMONY

- *Acrux DDS PTY Ltd. & Acrux Ltd v. Kaken Pharmaceuticals Co., Ltd., and Valeant Pharmaceuticals International, Inc.,* U.S. Patent and Trademark Office, Patent Trial and Appeal Board, Case IPR2017-00190, U.S. Patent No. 7,214,506, 2017. (Expert Witness Report and Deposition Testimony.)

- *Hospira, Inc. v. Sylvia Mathews Burwell, Secretary, U.S. Department of Health and Human Services; Dr. Margaret Hamburg, Commissioner, U.S. Food and Drug Administration; Par Sterile Products, LLC (Intervenor-Defendant)*, U.S., District Court for the District of Maryland, Case No. 8:14-cv-02662-GJH, 2014. (Expert Witness Affidavits.)

- *SmithKline Beecham Corp., et al., v. Mylan Laboratories, Inc., et al.,* U.S., District Court for the District of New Jersey, Civ. Action No. 07-2939 (JAP), 2007. (Expert Witness Declaration.)

- *J.E. Pierce Apothecary, Inc., et al., v. Harvard Pilgrim Healthcare, et al.,* U.S., District Court for the District of Massachusetts, Civ. Action No. 98-CV-12636-RCL, 2003. (Expert Witness Declaration and Deposition Testimony.)

CONSULTING ACTIVITIES

- Experienced in applying microeconomic, financial, and other quantitative tools and theories in the areas of commercial litigation and public policy. Specific areas of experience include the economic analysis of markets and competitive effects of various business practices, as well as valuation of economic damages in intellectual property, antitrust, and other types of commercial litigation, as well as the impact of dumped and subsidized imports in international trade cases and economic impact and risk assessment in the context of product liability litigation and regulatory rulemakings.

- Work has typically included designing and directing data and other economic analyses, drafting expert reports, and evaluating analyses submitted by other experts.

- A large proportion of these consulting assignments has involved economic issues arising in the Pharmaceutical industry. Other industries studied include: Computers and Peripherals, Software Operating Systems, Applications Software, Enterprise Resource Planning Systems, Telecommunications, Steel, Coastal Oil Shipping, Oil Refining Equipment, Gasoline wholesaling and retailing, Chemicals, Plastics Additives, Wood-Panel Products, Uranium Mining and Enrichment, Crushed Stone, Athletic Footwear, Automobiles, Paint Manufacture, and Third Class Mail Delivery.

Pharmaceutical Industry Cases

Analyzed economic, statistical, and financial issues associated with pharmaceutical-related cases involving allegations of patent infringement, antitrust violations, proposed regulations, and various other commercial claims, as well as regulatory compliance. Specific projects include the following:

Pharmaceutical Patent Infringement

- Estimated lost profit and reasonable royalty damages associated with alleged sales of infringing drugs.
  - Zegerid® (ompeprazole) – Ulcers and Gastroesophageal Reflux Disease ("PPI")
  - Epivir® (lamivudine) – AIDS treatment
  - Nitro-Dur® (nitroglycerin patch) – Angina
  - Humulin® (proinsulin) – Type II Diabetes
  - Humatrope® (somatropin) – Human Growth Hormone
- Analyzed the extent and economic sources of "commercial success" for brand name drugs as possible secondary indicia of "nonobviousness" in several Hatch-Waxman patent infringement litigations brought against prospective generic entrants and *Inter Partes* reviews sought by prospective generic entrants before the Patent Trial and Appeal Board of the U.S. Patent & Trademark Office.
  - Jublia® (efinaconazole) – Toenail Onychomycosis
  - Omidria® (ketorolac/phenylephrine) – Cataract Surgery Dilation and Pain Reliever
  - Minivelle® (estradiol transdermal patch) – Menopause "Hot Flashes"
  - Colcrys® (colchicine) – Gout
  - Megace® ES (megestrol) – Appetite Stimulant for AIDS Patients
  - Trilipix® (choline fenofibrate) – Low HDL Cholesterol / High Triglycerides
  - Yaz® (drospirenone / ethinyl estradiol) – Oral Contraceptive
  - Aplenzin® (bupropion HBr) – Depression & Anxiety Disorder ("SSRI")
  - Ritalin LA® (methylphenidate) – Attention Deficit & Hyperactive Disorder ("ADHD")
  - Xyzal® (levocetirizine) – Non-Sedating Antihistamine for Allergic Rhinitis
  - Prevacid® (lansoprazole) – Ulcers & Gastroesophageal Reflux Disease ("PPI")
- Analyzed economic issues and survey data to determine whether a generic entrant's non-infringing use would be "insubstantial" in the context of a Hatch-Waxman "Section 8 Carve-Out": Actos® (pioglitazone) type II diabetes.
- Analyzed possible irreparable harm, balance of hardships, and economic impact on the public interest of proposed Temporary Restraining Orders and/or Preliminary Injunctions on allegedly infringing product sales.
  - Precedex® (dexmedetomidine) – Sedative for Intubation and Surgery
  - Nuvigil® (armodafinil) – Excessive Sleepiness
  - Seasonique® (levonorgestrel / ethynil estradiol) – Oral Contraceptive

- Ritalin LA® (methylphenidate) – Attention Deficit & Hyperactive Disorder ("ADHD")
- Glucophage® (metformin) – Type II Diabetes
- Tessalon® (benzonatate) – Cough Suppressant
- Various Unapproved ("DESI") – Topical Pharmaceutical Treatments
- Paxil CR® (paroxetine) – Depression & Anxiety Disorder
- Ethyol® (amifostine) – Ovarian/Neck/Head Cancer Chemo/Radiation side effects

Pharmaceutical Antitrust/Competition

- Alleged anticompetitive "reverse-payment" patent settlement: Lidoderm® (lidocaine patch) pain medication
- Antitrust counterclaim alleging price bundling and exclusive dealing: Epogen®/Aranesp®, Neupogen®/Neulasta® anemia and neutropenia treatments
- Alleged predation involving brand firm's launch of an "authorized generic": Macrobid® (nitrofurantoin monohydrate macrocrystals) urinary tract infections
- Potential antitrust counterclaims associated with brand firm's actions to forestall generic competition: Paxil CR® (paroxetine) depression & anxiety disorder
- Competitive effects and potential antitrust implications of the proposed terms of a bulk API supply contract in the market for generic Augmentin® (amoxicillin/clavulanic acid).
- Market definition and competitive impacts of a proposed merger under FTC review in the relevant pharmaceutical markets for Enbrel® (etanercept) and Kineret® (anakinra), biological treatments for rheumatoid arthritis.
- Adequacy of competition and prospective effects of entry in various pharmaceutical controlled substance markets as part of five Drug Enforcement Administration hearings on the proposed registration of new bulk manufacturers and/or importers of:
  - opium / concentrate of poppy straw (oxycodone, hydrocodone, morphine, codeine)
  - cocaine for use as a local anesthetic
  - methylphenidate for treatment of attention deficit disorder.

Pharmaceutical Commercial Damages

- Generic lost profits from delayed FDA approval and generic exclusivity forfeiture due to flaws in a contract research organization's bioequivalence studies: Zoloft® (sertraline) depression & anxiety disorder; Zofran ODT® (ondansetron) cancer-related nausea; Avelox® (moxifloxicin) antibiotic.
- Financial valuation of a refractory chronic gout drug in relation to a proposed temporary restraining order to delay a proposed financial transaction and motion to put owner into receivership.

- Overcharges to private insurers and State governments associated with alleged over-reimbursement of drug costs due to inflated Average Wholesale Prices ("AWPs"): Epogen®/Aranesp®, Neupogen®/Neulasta® anemia and neutropenia treatments.
- Lost profit and shareholder diminution damages due to a U.S. generic firm's alleged failure to purchase various finished dose products from a Jordanian pharmaceutical company per terms of the parties' agreement: Various generic drugs.
- Impact of generic entry on an acquired brand company's financial valuation: Ifex® /Mesnex® (ifosfamide/mesna) testicular cancer.
- Overcharge damages due to a PBM's alleged price-fixing of insurance reimbursement rates for drug prescriptions applied to a class of independent pharmacies.
- Stock market event study of the financial impact of an FTC investigation of drug products marketed by a pharmaceutical acquisition target. Skelaxin® (metaxalone) muscle relaxant.
- Shareholder value damages allegedly associated with overpayment for a generic biopharmaceutical firm acquisition.
- Variety of analyses and research activities associated with a license dispute involving U.S. sales of Epogen® and Procrit® (epoetin alfa) anemia.
  - Methodologies to track licensor/licensee sales by therapeutic indication;
  - Methods to reimburse profits on cross-indication sales;
  - Lost profits due to allegedly delayed FDA approval;
  - Financial valuation of market segments.
  - Detailed analysis of Medicare reimbursement claims data
  - Estimation of price erosion due to competition from licensee.
- Bankruptcy damages of a large pharmaceutical wholesaler (FoxMeyer Drug) allegedly caused by the flawed implementation of a new management information system.
- Lost profit/value damages associated with foregone development opportunities for drugs to treat obesity, anxiety, depression, insomnia, Alzheimer's, and benign prostate hypertrophy, due to massive product liability claims allegedly caused by the Defendant.
- Financial analyses to support a fairness opinion for settlement of class action claims associated with adverse side effects. Redux® (dexfenfluramine) diet drug.
- Valuation analyses to support a fairness opinion for settlement of a shareholder lawsuit: ReoPro® (abciximab) treatment for patients undergoing percutaneous transluminal coronary angioplasty (PCTA) to treat coronary artery disease.
- Lost royalty damages for a prospective HIV/AIDS and hepatitis B drug that Defendant allegedly failed to develop.
- Lost royalty damages for a prospective monoclonal antibody-based drug to treat asthma and allergic rhinitis that Defendant allegedly had not timely developed. Xolair® (omalizumab).

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