

DIVYA MATHUR, PH.D.

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Dr. Mathur specializes in the application of microeconomics, statistics, and econometrics to complex litigation matters, regulatory investigations, and consulting engagements in the areas of antitrust and competition, class certification, intellectual property, and commercial damages. Dr. Mathur has provided expert economic testimony on antitrust, class certification, and damages issues and has testified at depositions and in federal court. She regularly collaborates with academic and industry experts, leads consulting teams, and supports attorneys and other stakeholders in all phases of litigation. She has worked on behalf of the US Department of Justice (DOJ) and the Federal Trade Commission (FTC), and consulted to firms in numerous industries, including technology, media, telecommunications, pharmaceuticals, consumer products, financial services, manufacturing, and chemicals.

EDUCATION

Ph.D. Economics (2008), The University of Chicago
Areas of Specialization: Industrial Organization, Labor Economics

M.A. Economics (2005), The University of Chicago

A.B. Economics and Mathematics, *summa cum laude* (2003), Mount Holyoke College

PROFESSIONAL EXPERIENCE

2008–Present, Analysis Group, Inc.

EXPERT WITNESS ENGAGEMENTS

- ***In Re Foreign Exchange Benchmark Rates Antitrust Litigation***
United States District Court, Southern District of New York
Testified at deposition and trial on antitrust issues in an alleged price-fixing conspiracy on behalf of Credit Suisse (2022)
- ***Global Tubing, LLC v. Tenaris Coiled Tubes, LLC***
United States District Court, Southern District of Texas
Testified at deposition on antitrust merits and damages pertaining to monopolization allegations in the oil and gas industry on behalf of the defendants (2022)
- ***Marriott International Customer Data Security Breach Litigation***
United States District Court, District of Maryland
Testified at deposition on damages on behalf of Marriott related to a data security incident (2021)
- ***Ingevity Corporation, et al. v. BASF Corporation***
United States District Court, District of Delaware
Testified at deposition and trial on antitrust merits and damages from alleged exclusive dealing and tying arrangements in the automotive parts industry on behalf of BASF (2020–2021)

- ***Tillage, et al. v. Comcast Corporation, et al.***
United States District Court, Northern District of California
Testified at deposition on class certification and damages from alleged false advertising in the cable television industry on behalf of Comcast (2021)
- ***Payment Logistics Limited v. Lighthouse Network, LLC, et al.***
United States District Court, Southern District of California
Submitted an expert report on the economic impact of a vertical merger on competition in the payment card processing industry on behalf of Lighthouse Network (2019)

SELECTED CONSULTING ENGAGEMENTS

Antitrust, Competition, and Regulation

- Analysis of antitrust liability and damages pertaining to the ticket sale practices of a major league sports team
- Analysis of competition issues related to a proposed merger in the telecommunications industry on behalf of the DOJ
- Analysis of competition issues related to a proposed merger in the sewage and waste management industry
- Analysis of the impact of alleged price fixing and bid rigging on behalf of a major automotive parts manufacturer
- Analysis of economic issues related to interchange rates and network rules and fees in the credit card industry
- Analysis of antitrust liability and damages related to allegations of price-fixing in the issuance of government-sponsored enterprise (GSE) bonds on behalf of a major financial institution
- Assessment of the economic impact of an import ban on certain smartphones and tablets on behalf of a major mobile device manufacturer in a US International Trade Commission proceeding
- Assessment of the economic impact of an import ban on certain microprocessors, servers, and personal computers on behalf of a major microprocessor manufacturer and two original equipment manufacturers
- Assessment of competition in the marketplace for business data services including enterprise-level broadband internet services on behalf of a service provider in a US Federal Communications Commission proceeding
- Analysis of competition issues related to steering and tiering contractual provisions between health care providers and payers in a major health care system on behalf of the DOJ
- Analysis of antitrust liability and damages issues related to a consummated merger in the pharmaceutical industry involving a drug prescribed for the treatment of neonatal congenital heart defects on behalf of the FTC
- Analysis of antitrust liability and damages from refusal to deal and tying claims in the sale of demand deposit account debt portfolios

- Analysis of antitrust liability and damages from monopolization and tying claims involving applications on e-book viewers
- Analysis of antitrust liability and damages issues related to a consummated merger pertaining to drugs prescribed for pediatric heart defects on behalf of the FTC

Class Certification

- Assessment of class certification and damages claims by direct purchasers and end-payors of a brand name immunosuppressant drug
- Assessment of class certification and damages claims by direct purchasers and end-payers of a brand-name beta-blocker drug
- Assessment of class certification and damages claims by direct purchasers of a pharmaceutical therapy for Alzheimer's disease
- Assessment of class certification claims related to payment cards involved in an electronic data security breach
- Analysis of class certification claims related to alleged Real Estate Settlement Procedures Act (RESPA) violations associated with mortgage reinsurance
- Design and analysis of a survey on washing machines in connection with class action damages analyses

Intellectual Property

- Assessment of damages from alleged breach of contract and trademark misuse in the medical device industry
- Assessment of damages from the alleged infringement of a design patent in a retail merchandising and store display system
- Assessment of damages arising from the misappropriation of trade secrets related to product classification and data management systems.
- Analysis of appropriate licensing fees for performing rights for musical compositions in a major performing right organization's repertory
- Analysis of the economic value of patents donated to academic institutions using bibliometric and citation analyses using US Patent and Trademark Office (USPTO) patent data
- Analysis of economic issues related to the scanning and digitizing of books undertaken by a major technology company

Complex Commercial Litigation

- Estimation of damages and valuation of assets in a breach of contract dispute in the chemicals industry
- Valuation of insurance claims and related statistical analyses arising from wildfires
- Estimation of damages pertaining to a manufacturing and supply agreement in the pharmaceutical industry on behalf of a drug manufacturer
- Estimation of damages pertaining to pricing and rebates of pharmaceuticals in a breach of contract dispute on behalf of a major drug wholesaler

- Analysis of liability and damages from allegations of misrepresentation and defamation in the information technology research industry
- Assessment of damages from alleged false advertising and Lanham Act claims in the ride-sharing industry
- Statistical analysis of traffic stops a major city police department
- Analysis of statistical sampling issues related to the purchase and securitization of residential mortgage loans
- Estimation of damages in a breach of contract dispute in the sub-prime credit card industry, including claims relating to contractual changes in credit card accounts and credit debt waiver products.
- Estimation of damages arising from an alleged breach of contract to provide logistics and distribution services for the US Army in overseas military engagements
- Estimation of damages resulting from an alleged breach of a market development agreement in the activated carbon industry
- Estimation of economic damages arising from a contract dispute related to military equipment

SELECTED PRESENTATIONS

- “The Ongoing Tale of Two-Sided Markets,” American Bar Association Antitrust Law Section Spring Meeting, April 2022
- “Mobile Payments in the Antitrust Spotlight,” Antitrust, Internet and Media Sections, American Bar Association, April 2021
- “Antitrust, IP, and Privacy | Intersections in Trends, Policies, and Strategies,” UIC John Marshall Law School Center for Intellectual Property, Information & Privacy Law, March 2021
- “Predicting the Future: U.S. M&A Consideration of Future Competitiveness of Merging Parties,” New York State Bar Association, Antitrust Section Mergers Committee, July 2020
- “Digital Platforms: Innovation, Antitrust, and Privacy,” UIC John Marshall Law School Center for Intellectual Property, Information & Privacy Law, March 2020
- “Tech in the Global Enforcement Spotlight,” Antitrust, Internet and Media Sections, American Bar Association, March 2020
- “Next Generation of Antitrust, Data Privacy and Data Protection Scholars,” NYU School of Law, American Bar Association, January 2020
- “Who Owns My Data,” Antitrust and Consumer Protection Sections, American Bar Association, November 2019
- “Pill Power: The Economics of Monopolization Claims in Pharmaceutical Markets,” Law and Economics Symposium: Current Topics in Life Sciences, May 2019
- “Introduction to Regression Analysis in Antitrust Litigation,” American Bar Association, November 2017
- “Competitive Strategy and Industrial Structure,” Kellogg School of Management at Northwestern University, 2016 and 2017
- “Competitive Strategy,” Kellogg School of Management at Northwestern University, 2016

SELECTED PUBLICATIONS

- “The Ongoing Tale of Two-Sided Markets,” with Ankur Kapoor, *Antitrust*, Volume 36, Number 3, Summer 2022
- “The Challenges of Using Return on Capital as an Indicator of Monopoly Power,” with Jakab Laszlo, Lau Christensen, and Aaron Yeater, *6th National Conference on Economics of Competition Law*, Competition Commission of India, March 2021
- “Remember Stacker? Another Look at Killer Acquisitions in the Digital Economy,” with Benoit D’Udekem and Marc Van Audenrode, *CPI Antitrust Chronicle*, May 2020
- “The Economic Impact of Open Source Software: How Open Source Platforms Drive Competition and Innovation in India,” with Anindya Ghose and Lau Christensen, *5th National Conference on Economics of Competition Law*, Competition Commission of India, March 2020
- “Economic and Financial Concepts,” with Jeff Cohen and David Smith, chapter in *Proving Antitrust Damages: Legal and Economic Issues*, Third Edition, American Bar Association, 2017
- “Some Economics of Royalty Bundling,” with Jeff Cohen and David Giardina, *Landslide*, American Bar Association, Volume 4, Issue 5, 2012

PROFESSIONAL MEMBERSHIPS

- American Bar Association
 - ABA Antitrust Law Section Joint Conduct Committee, Vice Chair (2021–2023)
- American Economic Association