

ATANG GILIKA
Vice President

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Mr. Gilika specializes in applying financial and economic principles to complex business problems in litigation and non-litigation matters. In litigation matters, Mr. Gilika has provided assistance throughout all pretrial and trial phases, including support for preparation of expert testimony and critique of analyses produced by opposing experts. He has supported leading academic experts from prominent institutions, such as Dartmouth College, Harvard University, the Massachusetts Institute of Technology (MIT), and Yale University. Mr. Gilika has managed case teams in the evaluation and quantification of damages in numerous consulting engagements involving intellectual property (IP) disputes, allegations of false advertising and breach of contract, investigations into alleged off-label promotion of prescription drugs, antitrust and competition matters, and tax and transfer pricing issues.

Among other client-focused solutions, Mr. Gilika has developed interactive models that enable real-time damages estimates under different theories and input assumptions. He has also performed market and industry evaluations, event studies, complex financial modeling, and analyses of price erosion, reasonable royalties, and lost earnings and profits.

EDUCATION

2016 M.B.A., Tuck School of Business at Dartmouth College
2010 B.A., economics (*magna cum laude*), Macalester College

PROFESSIONAL EXPERIENCE

2016–Present Analysis Group
 Vice President (2023–Present)
 Manager (2019–2022)
 Associate (2016–2018)

2010–2014 Analysis Group
 Senior Analyst (2012–2014)
 Analyst (2010–2012)

SELECTED CONSULTING EXPERIENCE

Health Care

- **Antitrust litigation matters related to the launch of generic prescription drugs**
Supported experts retained on behalf of pharmaceutical manufacturers in multiple matters involving allegations that the entry of generic products was improperly delayed or infringed certain patents. Assisted experts addressing questions of market definition, liability, class certification, and damages. Assisted with the preparation of declarations, expert reports, and preparations for deposition.

- **Government investigations concerning pharmaceutical and medical device marketing practices**
Evaluated alleged conduct, quantified relevant sales, and assessed causation connection, if any, using economic, statistical, and epidemiologic approaches across multiple government investigations, including alleged kickback payments to physicians, off-label marketing, improper pricing, and other allegations. Select government investigations include:
 - Bone growth stimulators / Orthofix (US District Court, District of Massachusetts)
 - H.P. Acthar Gel / Mallinckrodt (US District Court, Eastern District of Pennsylvania)
 - Impella heart pumps / Abiomed (US District Court, District of Massachusetts)
 - Natrecor / Avanir (US District Court, Northern District of Georgia)
 - Septrafilm / Sanofi Genzyme (US District Court, Middle District of Florida)
 - Victoza / Novo Nordisk (US District Court, District of Columbia)

- ***United States of America, et al. v. McKesson Corp., et al.****
US District Court, Eastern District of New York
Provided consulting support to counsel for McKesson in connection with allegations of the improper repackaging of cancer-supportive injectable drugs.

- ***United States of America v. Avanir Pharmaceuticals, Inc.****
US District Court, Northern District of Georgia
Provided economic, statistical, and epidemiological support to counsel for Avanir in connection with allegations of payments of kickbacks to physicians with respect to Nuedexta.

- ***In re: Opana ER Antitrust Litigation***
US District Court, Northern District of Illinois
Worked with the defendant in a reverse payments class action regarding a long-acting prescription opioid. Supported expert in the preparation of a report: 1) evaluating empirical analyses and other evidence in support of defeating class certification of purchasers of the drug, and 2) describing the role of pharmacy benefit managers in the distribution of payments of prescriptions drugs. Assisted counsel with critique of opposing expert reports and depositions of opposing experts.

- ***Momenta Pharmaceuticals, Inc., et al.* v. Teva Pharmaceuticals USA, Inc.***
US District Court, District of Massachusetts
Assisted in the preparation of a declaration on irreparable harm in support of a preliminary injunction to remove Teva's generic drug from the market. Evaluated the contribution of Momenta's drug to its profitability and the potential future impact on pricing and sales should the generic be removed from the market.

- ***United States of America, et al. v. Mobile Care EMS & Transport, Inc., et al.****
US District Court, Southern District of Ohio
Provided consulting support to counsel for ModivCare Solutions in connection with allegations of improper payments for non-emergency medical transportation services.

- ***United States of America, et al. v. Exact Sciences Corporation and Exact Sciences Labs, LLC****
US District Court, Middle District of Florida, Tampa Division

Assisted in the preparation of an expert report on patient decision making and health care compliance challenges in a matter involving allegations of improper gift card offers to cancer screening patients. Evaluated the literature on the use of incentives to improve medical compliance.

- **Confidential co-pay assistance matter (False Claims Act)**
Analyzed impact of alleged use of a foundation as a conduit to pay the co-pays of Medicare patients.
- **Confidential medical malpractice matter**
Assisted in the quantification of compensatory damages in a medical malpractice case involving the accidental removal of a fully functioning kidney.

Breach of Contract

- ***Simon Property Group, Inc., et al. v. Taubman Centers, Inc., et al.****
State of Michigan, Circuit Court for the 6th Judicial Circuit
Supported an infectious diseases expert retained in a dispute involving the termination of a merger agreement citing the COVID-19 pandemic as a material adverse event. Examined the prospects of various mechanisms for mitigating COVID-19 transmission in shopping malls and centers, and assisted with preparations for and taking of depositions.
- ***Brown & Brown of New York, Inc. v. M&T Insurance Agency, et al.****
Supreme Court of the State of New York
Developed damages analysis to estimate lost sales in a labor contract dispute over alleged breaches of non-compete clauses by three commercial insurance agents.
- ***RKF Retail Holdings, LLC* v. Tropicana Las Vegas, Inc.***
US District Court, District of Nevada
Provided analytical and empirical support to an expert in the quantification of damages in a breach of contract matter related to the proposed construction of a shopping center on the Las Vegas Strip.
- ***BTG International, Inc. v. Wellstat Therapeutics Corp.****
Delaware Court of Chancery
Assisted in the preparation of an expert report in a breach of contract dispute. The parties had entered into a distribution agreement for BTG to launch and market Wellstat's antidote for overexposure to certain chemotherapy agents. Assisted expert with evaluating BTG's efforts to launch and market the drug. In 2017, the court ruled in favor of Wellstat and awarded damages. Upon appeal, the Supreme Court of Delaware upheld the decision in 2018.
- ***WellSpan Health, et al.* v. Quantum Imaging & Therapeutic Associates, Inc.***
Court of Common Pleas, York County, Pennsylvania
Supported an expert in a labor contract dispute over alleged breaches of non-compete clauses in the labor contracts for a group of radiologists. Analyzed the factors determining the supply and demand for radiologists in York County, PA. Analyzed claims data.

Intellectual Property Analyses

- ***Abbott Cardiovascular Systems, Inc. and Evalve, Inc.* v. Edwards Lifesciences Corp.***
US District Court, District of Delaware

Led team in all aspects of preparation of expert reports regarding lost profits and reasonable royalties for patents related to a medical device used in transcatheter mitral valve repair.

- ***Ethicon LLC, et al.* v. Intuitive Surgical, Inc., et al.***
US District Court, District of Delaware
Developed damages analysis to estimate lost sales due to alleged infringement of patents related to a medical device used in laparoscopic surgery.
- ***AU New Haven, LLC and Trelleborg Coated Systems US, Inc. v. YKK Corp., et al.****
US District Court, Southern District of New York
Evaluated and prepared criticisms of plaintiffs' damages models in a litigation matter involving zippers and other fastener technologies. Assessed the degree to which the parties' target markets and technology differed, and assessed competition, innovation, and growth in the relevant product market.
- ***MacDermid Printing Solutions, LLC* v. E.I. DuPont de Nemours and Company***
US District Court, District of New Jersey
Supported an expert in the analysis of reasonable royalty damages for patents related to flexographic printing methods.
- ***Louis Vuitton Malletier, S.A.* v. Hyundai Motor America***
US District Court, Southern District of New York
Assisted an expert in the analysis of unjust enrichment damages from trademark infringement claims.

Tax and Transfer Pricing

- ***Medtronic, Inc. and Consolidated Subsidiaries* v. Commissioner of Internal Revenue***
US Tax Court
Supported an expert on behalf of Medtronic in a transfer pricing dispute with the Internal Revenue Service (IRS). Assessed the arm's length nature of prices charged by Medtronic U.S. to Medtronic Puerto Rico for the transfer of certain medical device components manufactured in the US and exported to Puerto Rico for final assembly.

General Commercial Damages

- ***City of New York and People of the State of New York* v. FedEx Ground Package System, Inc.***
US District Court, Southern District of New York
Supported expert in the quantification of damages (unpaid taxes) in a commercial cigarette trafficking case. Developed and implemented a novel algorithm to estimate quantities of shipped illicit cigarettes. Assisted with preparation for deposition and critique of opposing expert's damages model.
- ***United States of America, et al. v. KBR, Inc.****
US District Court, Central District of Illinois, Rock Island Division
Provided consulting support to counsel for KBR in connection with allegations of improper over-purchasing of military equipment (and therefore, charges to the government) by KBR in its logistics administration for the US military during the wars in Iraq and Afghanistan. Assisted with a critique of the opposing expert's damages model and preparation for deposition.

- ***Boston Beer Company***

Developed analysis to assess damages in a commercial dispute between a craft beer manufacturer and a glass supplier involving defective bottles. Conducted an event study.

PROFESSIONAL ASSOCIATIONS

American Economic Association

American Bar Association

- Antitrust Law Section
- Health Law Section
- Intellectual Property Law Section

HONORS

Phi Beta Kappa, 2010