



CLEVE B. TYLER

Managing Director

202.480.2727

ctyler@thinkbrg.com

AREAS OF EXPERTISE

Antitrust & Competition
Policy

Damages Analysis

Disputes & Investigations

Economic Regulation

Intellectual Property

Cleve B. Tyler is a managing director at Berkeley Research Group. For nearly a decade, Dr. Tyler has been an adjunct professor of economics in Johns Hopkins University's applied economics program, teaching graduate-level courses in both industrial organization and microeconomics. For twenty years, he has worked in litigation consulting, applying economic analyses to competition, intellectual property, and damages issues in matters before federal and state courts, administrative law judges, and regulatory commissions, and in merger investigations as a consulting expert. He has developed or analyzed damages models in a range of industries pertaining to various allegations including patent infringement, antitrust, breach of contract, and fraud. He has applied a number of analytical techniques in evaluating damages including the use of natural experiments and regression analyses. He has testified at deposition and trial in federal court and at arbitration regarding damages issues.

Dr. Tyler's antitrust work includes evaluation of market definition and competitive effects using regression analysis and economic modeling. He has evaluated horizontal (e.g., merger as well as price fixing) and vertical (e.g., monopolization and foreclosure) competition issues in many industries, including waste collection and disposal, semiconductors, pharmaceuticals, insurance, avionics, medical devices, video games, automobile components, home appliances, software, cable services, and food and beverages. He has evaluated the antitrust implications of reverse payment settlements between branded and generic pharmaceutical companies. He also has analyzed competition and regulation in the electric industry, including issues related to electric power sales and capacity payments.

Dr. Tyler holds a PhD in economics from Clemson University specializing in industrial organization, finance, and the economics of the public sector. He previously taught economics at Clemson University. He has published papers on competition issues, including in *Antitrust*, *Antitrust Bulletin*, and *Global Competition Review*; and a chapter on expert admissibility in the book *Calculating Intellectual Property Damages* yearly since 2010. Dr. Tyler is the editor of the *BRG Review* and a member of the American Economic

Association and American Bar Association.

Education

Clemson University
PhD, Economics, 1998

University of Virginia
BA, Economics, 1993

Employment History

LECG
Senior managing economist
2001 - 2010

Economic Analysis LLC
Economist
1998 - 2000

Electric Lite
Director of Business Development
1997 - 1997

Clemson University
Instructor
1996 - 1998

Honors

Close Fellowship
Clemson University, 1994

Macaulay Award for Outstanding Performance by a Graduate Student in Economics
Clemson University, 1993

Earhart Fellowship
Clemson University, 1993

Representative Engagements

Republic Services-Allied Waste Industries Merger

Henry Kahwaty and Cleve Tyler worked with Republic Services' outside counsel and internal Republic managers to collect relevant information and data, evaluate potential competitive impacts from the merger, and assess divestiture alternatives.

Selected Publications

BRG Review (Winter 2018)

BRG Review Vol. 7

Winter 2018

United States: Overview

Competition Economics Handbook 2019

November 2018

Assets and Finances: Calculating Intellectual Property Damages

Thomson Reuters

September 2018

United States: Overview

Handbook of Competition Economics

October 2017

Antitrust Law Developments

ABA Book Publishing

August 21, 2017

Assets and Finances: Calculating Intellectual Property Damages

Thomson West

June 2017

BRG Review (Spring 2017)

BRG Review 6:1

Spring 2017

Calculating Intellectual Property Damages

Thomson-Reuters, West Publishing

August 2016

BRG Review (Spring 2016)

BRG Review 5:1

Spring 2016

United States: Overview

Global Competition Review

Calculating Intellectual Property Damages

Thomson Reuters

August 2015

Canada High Court Breathes New Life Into M&A Efficiencies

Law360

February 6, 2015

Market Definition—Achieving an Integrated Analysis

Antitrust Bulletin 59(3)

Fall 2014

Admissibility of Expert Damages Testimony in Intellectual Property Cases

Calculating Intellectual Property Damages

August 2014

Selected Readings in Antitrust Economics: Game Theory

American Bar Association Section of Antitrust Law Economics Committee

July 2014

Measuring Reverse Payments in the Wake of Actavis

Antitrust 28(1)

Fall 2013

BRG Experts Provide Comments to FERC's Horizontal Market Power Notice of Inquiry

BRG Energy alert

February 22, 2012

BRG Experts Provide Comments to FERC's Horizontal Market Power Notice of Inquiry

BRG Energy Alert

June 2, 2011

Seminars & Speaking Engagements

Practitioners' Think-Tank on ITC Litigation and Enforcement

June 27, 2019

2019 Antitrust Trends, Developments, and Legal Issues: Everything You Need to Know

April 24, 2019

Reverse Payment Settlements: Economic Issues Arising in Antitrust Litigation

August 30, 2018

Japan Intellectual Property Association Mock Trial

November 3, 2017

Antitrust Enforcement for Pay-for-Delay Settlements: US and EU Perspective

October 20, 2016

Japan Intellectual Property Association Mock Trial

November 6, 2015

Society for Risk Analysis Annual Meeting

December 7-10, 2014

News & Commentary

BRG Professionals Ranked Among Who's Who Legal: Consulting Experts 2019

BRG press release

August 14, 2019

BRG Professionals Recognized in International Who's Who Legal: Consulting Experts

BRG press release

August 7, 2018

American Health Lawyers Association Top Honors

AHLA

June 30, 2015

Professional Affiliations

American Economic Association

American Bar Association

Associate Member

International Association for Energy Economics

United States Association for Energy Economics

Energy Bar Association

Associate member