



MARK J. GLUECK

PRESENT POSITION

PRECISION ECONOMICS, LLC, Washington, DC
Consultant

MARK GLUECK CONSULTING LLC, Washington, DC

EDUCATION

UNIVERSITY OF MARYLAND, College Park, MD

- ABD, Economics (1987)

AMERICAN UNIVERSITY, Washington, DC

- B.A., Economics, Political Science (1981)

PUBLICATIONS

1. "Reliance on Circumstantial Evidence to Identify Collusion," (with Eileen Reed), American Bar Association, Joint Conduct Committee, July 2013.
2. "Damages Principles as Applied to the FCPA," (with Jeff Armstrong), November 2011.
3. "In re Hydrogen Peroxide Antitrust Litigation Bleaches Clean the Class Certification Standard," (with Richard Ripley), The Antitrust Source, February 2009.
4. "The Price of Competition," (with Eileen Reed), EuroMoney – Competition and Antitrust Review, 2007.
5. "Use and Abuse of Regression Analysis in Determining Damages in Antitrust," (with Eileen Reed), Journal of Competition Law and Economics.
6. "Economic Issues in Antitrust 2003-2004," (with Susan Manning), The Antitrust Review of the Americas, 2005.
7. "Robinson-Patman Secondary-Line Claims: Can the Injury to Competition Test be Made More Consumer Friendly?" (with G. Prakesh-Canjels), Robinson-Patman Act Committee, American Bar Association.
8. "Economics and Antitrust Issues in Franchise Matters" (with D. Kaplan), The Antitrust Review of the Americas, 2000.
9. "Coordinated Effects and Mergers – is the EU Analysis Heading for Convergence with the U.S.?" The Antitrust Review of the Americas 2001.
10. "Managing the Steps Towards Economic Revitalization" (co-author), District of Columbia Financial Responsibility and Management Assistance Authority, January 1998.
11. "Electricity at the Bar," (with R. McCormick) American Bar Association, Section of Natural Resources, Fall 1998.
12. "The Causes and Consequences of the Aluminum MOU," (with R. Higgins and D. Kaplan) The Role of Economists in Antitrust Analysis New York; John Wiley & Sons, 1997.
13. "The Case for Maintaining Current Balance Between Management and Labor," (with D. Kaplan), Alliance to Keep Americans Working, October 1993



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14. "Estimated Impact of Trade Remedies and Exchange Rate Variation of the U.S. Ceramic Tile Industry," May 1985.

PRESENTATIONS

- 1) "Contracts That Reference Rivals," New York State Bar Association, Class Action Committee, September 2013.
- 2) "The Use of Willingness-to-Pay and Choice-Based Conjoint in Patent Damages," Series of Law Firm Continuing Legal Education Seminars, 2012-2013.
- 3) "Using Statistics in Damage Calculations," New York State Bar Association, Class Action Committee, March 2013.
- 4) "Proof of an Agreement: Circumstantial Evidence Relevant to the Existence of an Agreement in Violation of Section 1," New York Bar Association, Class Action Committee, October 2012.
- 5) "Financial Implications of a Bilski Ruling," George Washington Law School Symposium on Intellectual Property, May 2010.
- 6) "Use and Abuse of Regression Analysis in Determining Damages in Antitrust," Forensic Economics in Competition Law Enforcement, University of Amsterdam Center for Law & Economics, March 2006.
- 7) Understanding Global Cartel Enforcement. "Evaluating the Damages – The Economists View," British Chamber of Commerce in Belgium, February 2003
- 8) "Antitrust Fundamentals," CLE Presentations to Attorneys in Private and Corporate Practice 2002-2007.
- 9) Coverings Presentation of Annual Industry and Market-Wide Forecast to World-Wide Audience of Manufacturers, Distributors and Retailers of Floor Coverings 1996-2000.

TESTIMONY, LITIGATION, AND REGULATION

- 1) *Grant et al v. National Football League Players Association*, 2012, Case No. CV11-03118 S.D. CA, expert report on behalf of NFLPA.
- 2) *Vident v. Dentsply International, Inc.*, 2008, U.S. D.C. Central California, expert report and deposition on behalf of Dentsply.
- 3) Regarding articles that may be the subject of market access negotiations and other issues in the World Trade Organization (WTO), before the Interagency Trade Policy Staff Committee, May 1999.
- 4) *Henry and Joanna Rozema, Island Sports Center Inc., Mark McKay, et al v. The Marshfield Clinic, Security Health Plan of Wisconsin, North Central Health Plan of Wisconsin*, 1997, expert report and deposition on behalf of plaintiffs.
- 5) *In the Matter of Nitrile Rubber from Japan*, International Trade Commission, Docket No. 731-TA-382, 1988. Expert report and testimony on behalf of Uniroyal Chemical.
- 6) *In the Matter of Forged Undercarriage Components from Italy*, International Trade Commission, Docket No. 701-TA-201, 731-TA-133, July 1985. Testified on behalf of Caterpillar, Inc.
- 7) *State of Washington v. Shell Oil et al.* Declaration on behalf of Shell Oil, 1983.

SELECTED CONSULTING ASSIGNMENTS

Antitrust

Engaged to assess liability and damages on behalf of an alleged competitor in the market for barium sulfate products.



Engaged to conduct an analysis of damages on behalf of a physician-owned hospital.

Engaged to conduct an analysis of damages for an indirect purchaser of LCD panels.

Engaged to conduct economic analysis of claims related to antitrust liability, impact, and damages in the market for container closures.

Engaged to conduct an economic analysis of claims related to antitrust liability, impact, and damages in the market for heavy duty truck transmissions (case tried to verdict).

Engaged to conduct an economic analysis of claims related to collusion and attempted monopolization in the purchase of raw milk in the southeast, including class-wide damages.

Engaged to conduct an economic analysis of claims of monopolization of the market for healthcare financing and the provision of healthcare services in central Wisconsin.

Engaged to conduct an economic analysis of impact and damage issues associated with alleged monopolization of the market for central processing units (CPUs). Assignments related to private U.S. litigation, private litigation in Japan and proceedings before foreign competition authorities.

Engaged to conduct an economic analysis of market structure and competition to assess claims of price discrimination in the market for commercial sales of processed egg products.

Engaged to conduct an economic analysis in response to monopolization and damages claims in the market for corn seed and pesticide/herbicide systems.

Engaged by opt-outs to determine damages in the parcel tanker shipping services litigation.

Engaged to conduct an economic analysis of issues related to class certification, antitrust liability and damages associated with claims that manufacturers foreclosed competition in new vehicle sales by restricting sales of vehicles originally sold in Canada.

Engaged to conduct an economic analysis of liability and damage claims associated with an alleged vertical conspiracy in the market for commercial insulation sales.

Engaged by defendant to conduct an economic analysis related to class certification, antitrust liability, and damages in claims of attempted monopolization in the market for smokeless tobacco products.

Engaged to conduct an economic analysis of class certification issues regarding claims of collusion in the market for the sale of organic peroxide.

Engaged by defendants to conduct an economic analysis of claimed foreclosure in the market for media and data storage products. Presented measures of damages for purposes of mediation.

Performed an economic analysis class certification, antitrust liability, and damages in response to claim of attempted monopolization in the sale of contact lenses.



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Engaged to conduct an economic analysis responding to claims of attempted monopolization in the market for select orthodontic products (case tried to verdict).

Engaged by defendant to conduct an economic analysis of liability and damages stemming from claim of patent misuse by a competing artificial tooth manufacturer.

Engaged to conduct an economic analysis responding to claims of monopolization by means of exclusive dealing in the market for artificial teeth (case tried to verdict).

Engaged by class consumers to conduct an economic analysis of liability and damage issues associated with claims of monopolization in the market commercial tissue.

Engaged to conduct an economic analysis of liability and damage issues and manage experts in various disciplines in litigation related to claims of monopolization in the market for email and related communication suites (case tried to verdict).

Engaged to conduct an economic analysis of liability and damage issues associated with claim of monopolization of the market for aviation guidance systems (case tried to verdict).

Engaged to conduct an economic analysis of liability, impact and damages associated with monopolization claims by means of exclusive dealing in the market for wall coverings (case tried to verdict).

Engaged by multiple plaintiffs to conduct an economic analysis of liability and damages related to claims of monopolization of the market for dock handling services in the transportation of iron ore to lower Lake Erie (case tried to verdict).

Engaged to conduct an economic analysis of liability and damage issues related to alleged monopolization of the market for home delivery of print advertising in the greater Philadelphia area.

Engaged to conduct an economic analysis of liability and damages issues in litigation related to the alleged monopolization of the market for satellite transmission of broadcast services.

Engaged to assess liability and damage issues in litigation involving alleged price fixing in the market for school milk sales in various geographies.

Engaged to conduct an economic analysis of liability and damage issues arising from bid rigging claims in various public sector construction cases and offshore oil rig construction projects.

Intellectual Property

Engaged to value patent pool related to residential electric load management.

Engaged to conduct an economic analysis related to claims of infringement and dilution of a trademark used in the promotion of telecommunication services.

Engaged to conduct an economic analysis of plaintiff's claimed loss under 'rights to publicity' and reasonable royalty claims.



Engaged to conduct an economic analysis of impact and damages in a Lanham Act claim related to the market for tax preparation services.

Assessed lost profits and reasonable royalty claims involving various medical devices.

Engaged to respond to willingness-to-pay measure of a reasonable royalty damages claim based on a conjoint survey of smartphone consumers.

Assessed lost profits, reasonable royalty and irreparable harm claims related to carpet fibers.

Determined damages in a patent infringement case involving features of word processing software.

Determined reasonable royalty damages due to patent infringement and theft of trade secrets in the cellular telephone market.

Commercial Disputes

Engaged to determine damages resulting from alleged tariff and stock price fraud on the part of a Chinese aluminum supplier.

Engaged to determine whether allegedly false advertising claim by herbicide manufacturer was suitable for class-wide treatment for purposes of damages.

Engaged by taxpayers and tax authorities to determine appropriate transfer pricing practices in markets for banking and investment services, mining, wholesale distribution services, medical devices, online advertising, reinsurance, technology goods and services, carbonated soft drinks and various energy markets.

Engaged to determine whether business and personal loss claims arising from the Deepwater Horizon accident were suitable for class-wide treatment (MDL 2179)

Engaged to assess impact and damages in a breach of contract and trademark case involving produce preserving storage bags (case tried to verdict)

Engaged to conduct an economic analysis of vehicle manufacturer's warranty reimbursement practices.

Engaged to respond to class certification claims in a 10(b) (5) case involving a leading anti-depressant.

Engaged to conduct an economic analysis of class certification, liability and damage issues associated with claims of price discrimination in the provision of cell phone services.

Engaged to conduct an economic analysis of liability and damage issues associated with claims of price discrimination in the sale of wholesale cell phone airtime to a leading reseller.

Engaged to conduct an economic analysis and determine damages resulting from predatory pricing and breach of contract claims between competitors in the market for business-to-business entertainment systems.



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Employment

Engaged to assess liability and measure damages in a case involving alleged discrimination in promotion of a class of employees at a government agency.

Engaged to measure damages in a case involving alleged hiring discrimination among a class of employees of the Library of Congress

Additional Consulting Assignments and Positions

Principal Investigator of a study assessing the potential outcomes of changes to world-wide regulations applicable to golf equipment

Principal Investigator of a congressionally mandated study of the effects of economic regulation within the District of Columbia among 14 economic sectors. Numerous recommendations from the study were adopted by the D.C. Regulatory Reform Project

Principal Investigator of a study conducted on behalf of the D.C. Financial Management and Assistance Authority (Control Board) concerning the costs and benefits of the District's rent control laws.

Principal Investigator of a study of the macroeconomic effects of the potential insolvency of a major union pension fund

Principal Investigator of a study of the economic contributions of the U.S. trucking industry

Chief Economist Tile Council of America, Inc. 1987-1999, authored and directed an on-going long-range industry forecast program. Responsible for analysis of market and distribution trends and an industry statistical and financial profile. Frequent speaker at industry functions and before U.S. government agencies and international trade organizations.

Consultant to numerous construction product manufacturers on matters relating to market assessment, distribution strategies, promotion and pricing, mergers and acquisitions and other strategic planning issues. Assignments resulted in market assessments supporting IPOs, U.S. and foreign acquisitions, large scale capital expenditures and board level presentations on a number of strategic initiatives.

PROFESSIONAL EXPERIENCE

Finance Scholars Group, Washington, DC, (2011-2013)

Managing Director

CapAnalysis Group, LLC, Washington, DC, (2002-2011)

Chairman, Vice Chairman

LECG, LLC, Washington, DC, (1999-2001)

Director, Co-Director (Antitrust Practice)

NATHAN ASSOCIATES, INC., Washington, DC, (1997-1999)

Vice President, Principal Associate



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CAPITAL ECONOMICS, Washington, DC, (1985-1997)
Senior Economist, Economist

HOWREY & SIMON, Washington, DC, (1981-1985)
Staff Economist

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