

**T. CHRISTOPHER BOREK**  
**Managing Principal**

Phone: (202) 530-3985  
Fax: (202) 530-0436  
cborek@analysisgroup.com

1899 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006

Dr. Borek is an economist who specializes in the application of microeconomic theory, finance, and statistics in litigation matters and other complex business problems. He has managed economic analyses involving contract breaches, intellectual property misappropriation, antitrust violations, securities fraud, tax disputes and other litigated matters. Much of Dr. Borek's work has involved new products and technologies in the communications, life sciences and consumer products sectors. Dr. Borek previously held positions with Ernst & Young's Corporate Finance practice and Chernivtsi State University in Ukraine and currently serves as a Senior Policy Fellow in the Center for Business and Public Policy at Georgetown University's McDonough School of Business. His research examines issues in industrial organization and international trade.

**EDUCATION**

- Ph.D.            Economics, Cornell University, Ithaca, New York, 1998  
                  Concentrations: Industrial Organization, International Trade, and Labor Economics
- E.U. Diploma   Institut D'Etudes Politiques De Paris, Paris, France, 1998
- M.A.            Economics, Cornell University, Ithaca, New York, 1997
- B.A.            Economics, cum laude, University of Arizona, Tucson, Arizona, 1992

**PROFESSIONAL EXPERIENCE**

- 2000-present    Analysis Group Inc., Washington, D.C.  
                  *Managing Principal* (2008-present)  
                  *Vice President* (2003-2008)  
                  *Senior Associate* (2000-2002)
- 2007-present    Center for Business and Public Policy, McDonough School of Business, Georgetown University, Washington D.C.  
                  *Senior Policy Fellow*
- 1998-2000       Ernst & Young, Washington, D.C.  
                  *Manager* (2000)  
                  *Senior Consultant* (1998-2000)

1995-1996      Economics Department, Chernivtsi State University, Chernivtsi, Ukraine  
*Lecturer*

1993-1998      Economics Department, Cornell University, Ithaca, New York  
*Teaching Assistant, Research Assistant*

## **SELECTED PROJECT WORK**

### **General Commercial Litigation**

#### **Confidential Contract Dispute**

Examined breach of contract damages associated with the development and clinical testing of a drug that treats recipients of organ transplants.

#### **Confidential Advertising Dispute**

Examined the economic consequences of a cable network's violation of the Federal Trade Commission's "Do Not Call" regulation. Filed expert report (co-authored with Professor John W. Mayo).

#### **Dyson Technology Limited and Dyson Inc. v. Maytag Corporation**

*United States District Court, District of Delaware*

Analyzed damages in multiple false advertising cases involving the introduction of a new brand of vacuum cleaners.

#### **American Express Company v. Stephen G. Goetz and Gardner Design Group, LLC**

*United States District Court, Southern District of New York*

Analyzed damages in a false advertising case involving a major credit card advertising campaign.

#### **Confidential Advertising Litigation**

Examined trends and the economic consequences of false advertising actions carried out by the Federal Trade Commission.

#### **Confidential Contract Litigation**

Examined the economic impact stemming from the breach of a contract between two leading suppliers of women's apparel.

#### **Schick Manufacturing, Inc., et al. v. The Gillette Company**

*United States District Court, District of Connecticut*

Analyzed damages in a false advertising case involving the introduction of new models of wetshave razors.

#### **Audiotext International, Inc. and New Media Group, Inc. v. Sprint Communications Company L.P.**

*United States District Court, Eastern District of Pennsylvania*

Examined economic damages stemming from the breach of contracts covering the provision of long distance calls.

**The Black & Decker Corporation v. United States of America**

*United States District Court, District of Maryland*

Researched corporate governance, finance, health insurance and other issues related to the business purpose driving the creation of a special purpose entity in a tax dispute.

**Interactive Return Service, Inc. v. Virginia Polytechnic Institute and State University, et al.**

*Circuit Court for the City of Richmond*

Assessed the potential market success of an interactive TV technology in a breach of contract case.

**Confidential Contract Litigation**

Assessed expert testimony in an arbitration hearing involving the alleged breach of a most favored licensee contract governing rights to certain wireless telephone technologies.

**Wrench LLC v. Taco Bell Corp.**

*United States District Court, Southern District of Michigan*

Assessed the sales and profitability impact of an award-winning fast food advertising campaign.

**Satellite Broadcasting and Communications Association v. Federal Communications Commission**

*United States District Court, Eastern District of Virginia*

Assessed the impact of “Must Carry” requirements on digital broadcast satellite providers and their customers.

**Osiris Therapeutics, Inc. v. Keunmyoung Lee and Tissuegene Co., et al.**

*Circuit Court of Maryland, Howard County, Civil Division*

Assessed damages associated with a contract breach in a case involving two biotech start-ups pursuing mesenchymal stem cell therapies.

**Igen International, Inc. v. Roche Diagnostics GmbH**

*United States District Court, Southern Division of Maryland*

Assessed damages associated with an alleged breach of contract involving electrochemiluminescent detection technology used in DNA probe and immunoassay kits.

**Trigon Insurance Company v. United States of America**

*United States District Court, Eastern District of Virginia*

Assessed the value of intangible assets, with an emphasis on those related to the subscriber base, in a tax refund case involving a Blue Cross Blue Shield health insurer’s transformation into a taxable entity.

**Intellectual Property Litigation**

**Citizens Banking Corp. v. Citizens Financial Group, Inc., et al.**

*United States District Court, Eastern District of Michigan*

Examined marketing issues associated with a trademark dispute between competing Midwestern banks.

**Fuel TV, Inc. v. Fuel Clothing Company, Inc.**

*United States District Court, Central District of California*

Examined issues related to economic damages in a trademark dispute between an action sports clothing company and a start-up action sports cable television network.

**Confidential Patent Infringement Litigation**

Analyzed economic damages stemming from a dispute involving the infringement of patents and the misappropriation of trade secrets related to Wi-Fi technologies.

**Confidential Patent Litigation**

*International Trade Commission*

Examined factors responsible for the success of competing portable digital media players in an International Trade Commission patent dispute.

**Innogenetics N.V. v. Abbott Laboratories**

*United States District Court, Western District of Wisconsin*

Analyzed economic damages associated with the infringement of a patent related to Hepatitis C testing.

**Riverwood International Corporation v. Meadwestvaco Corporation and Coca-Cola Enterprise Inc.**

*United States District Court, Northern District of Georgia*

Analyzed irreparable harm claims due to the alleged infringement of a patent covering a beverage packaging design.

**John Mezzalingua Associates, Inc., d/b/a PPC v. Antec Corp.**

*United States District Court, Middle District of Florida*

Analyzed damages associated with the infringement of a design patent in a case involving consumer electronics equipment suppliers.

**Confidential Patent Infringement Litigation**

Analyzed lost profit and reasonable royalty damages in a patent infringement case involving streaming media software.

**Mediatek, Inc. v. Via Technologies, Inc., et al.**

*United States District Court, Central District of California*

Analyzed lost profit, reasonable royalty and price erosion damages in a patent infringement and trade secrets dispute involving microchips used in optical disk drives.

**Tanashin Denki Co., Ltd. v. Thomson Consumer Electronics, Inc.**

*United States District Court, Southern District of Indiana*

Analyzed damages associated with the infringement of a design patent in a case involving consumer electronics companies.

**Dow Chemical Co. v. Sumitomo Chemical Co., Ltd., Sumitomo Chemical America Inc.**

*United States District Court, Eastern District of Michigan*

Analyzed lost profit and reasonable royalty damages in a patent infringement case involving semiconductor resins.

**Amersham Pharmacia Biotech, Inc. v. The Perkin-Elmer Corporation**

*United States District Court, Northern District of California*

Analyzed lost profit and reasonable royalty damages in a patent infringement case involving chemical dyes used for DNA sequencing.

**Pharmacia Corporation, et al. v. Alcon Laboratories, Inc.**

*United States District Court, District of Delaware*

Analyzed lost profit and reasonable royalty damages in a patent infringement case involving glaucoma medications.

**Confidential Patent Infringement Dispute**

Analyzed the profitability of various online retail segments for purposes of resolving a patent dispute.

**Antitrust Litigation**

**Confidential Antitrust Dispute**

Examined the competitive effects associated with a “reach through” license agreement between two pharmaceutical companies.

**Funeral Consumers Alliance, Inc., et al. v. Service Corporation International, et al.**

*United States District Court, Southern District of Texas*

Examined marketing and distribution issues in a case involving numerous claims of anticompetitive behavior by suppliers of caskets.

**Innovative Concept Group, Inc. v. Foodsales East Tennessee, Inc.**

*United States District Court, Eastern District of Tennessee*

Examined issues associated with allegations of unfair competition involving commercial food brokers in Tennessee.

**Confidential Antitrust Dispute**

Conducted research involving the bundling of portable digital media players and music download services in the European Union.

**Confidential Antitrust Litigation**

Examined damages-related issues involving price fixing in a semiconductor market.

**Muniauction, Inc. v. Thomson Corporation**

*United States District Court, Western District of Pennsylvania*

Examined antitrust issues involving software for financial securities auctions.

**Nikon Corporation and Nikon Precision Inc. v. ASM Lithography B.V. and ASM Lithography, Inc.**

*United States District Court, Northern District of California*

Examined antitrust issues in a patent infringement dispute involving photolithography equipment.

**Confidential Patent Infringement Litigation**

Examined antitrust issues related to applications for patents involving semiconductor technologies used in Wi-Fi applications.

**Securities Litigation**

**Monster Worldwide, Inc., Securities Litigation**

*United States District Court, Southern District of New York*

Examined finance and accounting issues for multiple cases involving options backdating at a large technology company.

**Confidential Securities Litigation**

Examined finance and accounting issues for multiple cases involving options backdating at a large technology company.

**United States of America v. Carole Argo**

*United States District Court, Southern District of New York*

Examined finance and accounting issues in criminal proceeding involving options backdating at a company that provides internet security software and support.

**Confidential Securities Litigation**

Examined shareholder damages associated with allegedly unlawful revenue smoothing by a telecommunications company.

**Confidential Securities Litigation**

Examined shareholder damages associated with allegations of fraud involving a company developing a new treatment for a rare metabolic disorder.

**Confidential Securities Litigation**

Examined shareholders damages associated with allegations of fraud involving a company developing a new antihistamine.

**Confidential Securities Litigation**

Examined issues related to corporate governance standards and damages associated with allegations of fraud involving a healthcare provider's accounting statements.

**Confidential Securities Litigation**

Examined issues related to corporate governance standards and damages associated with allegations of false statements made by a telecommunications analyst.

**Regulatory Proceedings**

**Matter of Comment Requested on a La Carte and Themed Tier Programming and Pricing Options for Programming Distribution on Cable Television and Direct Broadcast Satellite Systems**

*Federal Communications Commission*

Analyzed economic ramifications of a la carte cable channel pricing on consumers, cable companies and television program producers.

## **Matter of Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television**

### *Federal Communications Commission*

Developed a strategy memorandum discussing the adoption of high-definition television sets and the reallocation of broadcast spectrum for an industry association.

### **Strategy Consulting**

- Analyzed market and licensing trends involving MP3 players for purposes of a license negotiation.
- Analyzed market and licensing trends involving digital camera suppliers for purposes of a license negotiation.
- Performed strategic and financial analyses for a major publisher considering various internet opportunities.
- Performed strategic and financial analyses for a major television network that was considering various internet acquisition targets.
- Valued a genomics patent for a biotech company entering into license negotiations.
- Developed a pricing model and supporting marketing material for a start-up software company that provides online financial advisory software and systems support.
- Performed strategic and financial analyses for a leading biotechnology company that was considering various roll-out strategies for a newly developed enzymatic production process.
- Performed strategic and financial analyses for an e-learning start-up considering various ramp-up strategies.
- Performed a statistical assessment of a major financial institution's investor relations practices.

### **TESTIMONY**

Filed confidential testimony (co-authored with Professor John W. Mayo) on behalf of a cable television network in a dispute with the Federal Trade Commission involving violations of the "Do Not Call" regulation.

"Comments of Coleman D. Bazelon and T. Christopher Borek Relating to Arthur D. Little, Inc.'s Assessment of the Impact of DTV on the Cost of Consumer Television Receivers," Ex Parte Communication to the Federal Communication Commission in the Matter of Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MM Docket 00-39), August 1, 2002.

### **PAPERS AND PUBLICATIONS**

"Intellectual Property Rights, Competition and the Market For News," mimeo, 2008.

“Culture, Quality Competition, and the Home Market Effect,” mimeo, 2004.

“Context Counts,” NewsWatch.org, September 21, 2000.

“Group Incentives in Large Firms,” discussed in *The Handbook of Labor Economics*, Volume 3b, August, 1998.

“The Economic Drivers of Cultural Imperialism,” submitted to the Academic Council and Faculty of the Institut D’Etudes Politiques De Paris, 1998.

## **PRESENTATIONS**

“Intellectual Property Rights, Competition and the Market For News,” International Telecommunications Society 17th Biennial Conference, 2008.

“Terms and Structures for Software Technology Transfer,” Analysis Group Intellectual Property Seminar, Washington D.C., 2004.

“Economic Experts and Their Potential Roles in Tax Shelter Cases,” United States Department of Justice, Tax Division, with Michael Cragg, George Finn and Jeff Malinak, Washington D.C., 2003.

“Managing The Enforcement Of Intellectual Property Rights,” United Nations Economic Commission For Europe, Advisory Group on the Protection and Implementation of Intellectual Property Rights for Investment, Seminar on the Role of Intellectual Property Rights in Business Development, Rospatent, Moscow, 2002.

“Group Incentives in Large Firms,” Wissenschaftszentrum, Berlin, 1998.

“Group Incentives in Large Firms,” Instituto Centroamericano de Administracion de Empresas, Alajuela, Costa Rica, 1998.

“Group Incentives in Large Firms,” State University of New York, Albany, 1998.

“Group Incentives in Large Firms,” William E. Simon Graduate School of Business, University of Rochester, 1998.

“Group Incentives in Large Firms,” Cornell University Applied Microeconomics Seminar, 1997.

“Culture, Quality, and the Home Market Effect,” Mid-West International Economics Meetings, Northwestern University, 1997.

## **MEMBERSHIPS AND ACTIVITIES**

- Referee for American Economic Review
- Member, American Economic Association

- Associate Member, American Bar Association
- Member, Federal Communication Bar Association