

Ted P. Tatos
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Ted Tatos is the Director of Empirical Analytics and specializes in quantitative economic analysis and antitrust. In addition to his consulting practice, Mr. Tatos is an Adjunct Professor of economics at the University of Utah, where he has taught both graduate and undergraduate economics and statistics classes. He is also the Associate Economics Editor of the *Antitrust Bulletin* journal. Mr. Tatos has an M.S. in Statistics with a focus in Econometrics from the University of Utah and has B.A. in Economics from Duke University. He has over twenty-two years of experience in litigation and non-litigation consulting, with a focus in antitrust, intellectual property, labor, and commercial damages. Mr. Tatos has advised both government and private sector clients on matters requiring complex economic and statistical analysis. Mr. Tatos has published on various matters including labor rights and athlete safety, monopsony power and antitrust issues involving the National Collegiate Athletic Association, the use of hedonic regression to estimate property values, and the use of Justice Cardozo's "Book of Wisdom" in intellectual property litigation. More details on Mr. Tatos' background are available on the Empirical Analytics web site at <http://www.eaecon.com>.

Employment History

Present	Empirical Analytics Director Salt Lake City, Utah
July 2008 to January 2010	Wasatch Economics Partner Salt Lake City, Utah
January 2007 to July 2008	North Harvard Group Statistician Salt Lake City, Utah
September 2001 to January 2007	LECG, LLC Managing Economist Washington, DC and Salt Lake City, Utah
January 2001 to September 2001	DynCorp – Healthcare Information Technology Services Statistical Analyst Reston, Virginia
March 1997 to January 2001	LECG, LLC Research Analyst, Associate Washington, DC

Education

Duke University, Durham, NC
A.B. Economics, 1995 (*double major, Economics, Psychology*)

University of Utah, Salt Lake City, Utah
M.S. Statistics - Econometrics, 2005 – Thesis published in Intellectual Property Damages: Guidelines and Analysis, 2004 Supplement – *Applying Statistical Analysis to the Market Approach*

Publications and Presentations: (online at: <http://www.eaecon.com/publications.html>)

Ted Tatos. *NCAA Amateurism as an Anticompetitive Tying Restraint*. The Antitrust Bulletin, September 2019; 64(3). (forthcoming)

Ted Tatos and Don Comrie. Cognitive Deficits and LD/ADHD Among College Football Athletes and Undisclosed Inclusion in Concussion Research. *Journal of Scientific Practice and Integrity* 1(1), 2019.

Ted Tatos. *An Empirical Evaluation of EADA and NCAA College Sports Financial Data: Applications for Research and Litigation*. *Marquette Sports Law Review*, Vol. 29, No. 2 (May 2019).

Ted Tatos. *Relevant Market Definition and Multi-Sided Platforms Post Ohio v. American Express: Evidence from Recent NCAA Antitrust Litigation*. *Harvard Journal of Sports and Entertainment Law*, 10.2, May 2019.

Mark Glick, David Mangum, and Ted Tatos. *The 'Book of Wisdom' Contains Little Wisdom and Creates Significant Risk of Bias*. *The Federal Circuit Bar Journal*, 2017, Vol. 27, No. 1.

Ted Tatos. *Deconstructing the NCAA's Pro-Competitive Justifications to Demonstrate Antitrust Injury and Damages: The Evidence Against NCAA Amateurism*. *The Antitrust Bulletin*. March 2017; 62(1). (Special symposium guest editor).

Keith Leffler and Ted Tatos. *Competitive Injury and Damages Under the Robinson-Patman Act - Morton Salt and Statistical Analysis*. *The Antitrust Bulletin*. December 2015 vol. 60 no. 4 318-344

Ted Tatos, Troy Lunt, and Mark Glick. *Property Value Impacts from Easements, Right-of-Way, Transmission Lines, Sub-Transmission Lines, and Substations*. *The Appraisal Journal* Summer 2016.

Ted Tatos, Troy Lunt, and Mark Glick. *Taking a Closer Look at Proximity Damages. –Results from Large Data Analytics*. *Right of Way Magazine*, March/April 2016.

Paul Seabright and Ted Tatos. Presentation before the European Commission – Director General of Competition - Chief Economist's team pursuant to a paper co-authored with Mark Glick and Paul Seabright regarding competition and antitrust issues in the computer mainframe industry. August 2009.

Ted Tatos. Presentation to the Utah Bar Association Annual Summer Convention, Jul. 15-18, 2009. Economics and the Theory of Your Case. With Hon. Clark Waddoups, Hon. Deno Himonas, Mark Glick, Steve Hill.

Ted Tatos and Rick Hoffman. *Applying Statistical Analysis to the Market Approach*. Intellectual Property Damages: Guidelines and Analysis, 2004 Supplement

Steve Waters and Ted Tatos. *Determining the Choice Set in a Random Utility Model* - Presentation to AAEA, Toronto, Ontario, Canada, July 1997

Teaching Credentials

- Adjunct Professor – Spring 2006 – Economics 7801 – University of Utah
- Adjunct Professor – Spring 2005 – Economics 7801 – University of Utah
- Adjunct Professor – Spring 2004 – Economics 7801 – University of Utah
- Adjunct Professor – Spring 2005 – Economics 3640 – University of Utah
- Guest Lecturer – Summer 2004 – Executive MBA Program – University of Utah
- Guest Lecturer – Spring 2003 – Industrial Organization – University of Utah
- Adjunct Professor – Spring 2002 – Undergraduate Econometrics - University of Utah

Testifying Credentials

- Hearing testimony – Cruz v. Chunga. August 2017.
- Trial testimony – Young Living Essential Oils v. doTerra. June 2017.
- 2nd deposition in the matter of Young Living Essential Oils v. doTerra. October 2016.
- Deposition in the matter of Kinum v. American Agencies. April 2016.
- Deposition in the matter of Young Living Essential Oils v. doTerra. February 2015.
- Deposition in the matter of the Utah Jazz NBA team v. individual members of the Jazz 100. October 2014.
- Deposition in the matter of California College, Inc. v. In Contact. September 2014.
- Testimony in arbitration hearing in Robinson-Patman price discrimination antitrust matter. MB Signal v. AT&T Wireless. June 2014.
- 2nd Deposition testimony in Robinson-Patman price discrimination antitrust matter. Cellular Cellutions/MB Signal v. AT&T Wireless. April 2014.
- Trial testimony in Robinson-Patman price discrimination antitrust matter – 3rd District

- Court, district of CO. Western Convenience Stores, Inc. v. Suncor Energy USA., March 2014.
- Deposition testimony in Robinson-Patman price discrimination antitrust matter. Cellular Cellutions v. AT&T Wireless. January 2014.
 - Trial testimony in breach of contract involving alleged loss of employees to competitor, Layton Construction v. SIRQ, February 2013.
 - Trial testimony in breach of contract claim involving purchase of residential and commercial development. Traverse Mountain Enterprise v. Fox Ridge Investments, November 2012
 - Deposition testimony in breach of contract claim involving purchase of residential and commercial development. Traverse Mountain Enterprise v. Fox Ridge Investments, February 2011
 - Presentation to Utah Public Service Commission on behalf of Utah Industrial Energy Consumers (UIEC) regarding Rocky Mountain Power's use of statistical sampling in estimating cost allocation among consumer classes. July 2010.
 - Deposition testimony in matter involving alleged damages to an internet-based entertainment shopping site. PrizeWise v. Oppenheimer, November 2009.
 - Presentation before the European Commission – Director General of Competition - Chief Economist's team pursuant to a paper co-authored with Mark Glick and Paul Seabright regarding competition in the computer mainframe industry. t3 Technologies v. IBM, August 2009.
 - Deposition testimony in matter involving paid search advertisement bidding on competitor keywords on the Google search engine – 1-800 Contacts v. Lens.com, November 2008
 - 2nd District Court, District of Utah. Trial testimony in breach of contract matter involving transfer of insurance agents to a rival firm. Farm Bureau v. American National Insurance Company, August 2008
 - Testified before Administrative Law Judge on the use of the Consumer Price Index as an measure of inflation and offered testimony on inflationary pressure on fuel prices – July 2008
 - Deposition testimony on statistical sampling issues, Catholic Healthcare v. Blue

Cross/Blue Shield of California – March 2008

- Trial testimony in breach of contract matter involving transfer of insurance agents to a rival firm. *Farm Bureau v. American National Insurance Company*, November 2006
- Testified before Administrative Law Judge on the matter of whether taxicab rates in Salt Lake City should be increased as a result of increased gasoline prices resulting from Hurricanes Katrina and Rita. – January 2006
- Testified before Administrative Law Judge on the matter of whether taxicab rates in Salt Lake City should be increased to reflect inflationary trends – January 2005
- Testified before Administrative Law Judge on the matter of whether Salt Lake City should issue additional taxicab licenses – November 2004
- Deposition testimony in matter involving anchor store that relocated from shopping center, *Terranet v. The Gap*

Private & Public Sector Consulting and Litigation Experience

Selected Antitrust and Intellectual Property Matters

- *Lenhoff Enterprises, Inc. v. United Talent Agency, Inc. & International Creative Management Partners, LLC*: Prepared statistical analysis and submitted declaration in the matter of regarding antitrust issues in the scripted television market.
Client: Lenhoff Enterprises
Firm: Blecher Collins & Pepperman, Los Angeles, CA
- *Luxe Hospitality Co. v. SBE et al.* - Prepared two expert reports and declaration in matter regarding trademark dispute. Prepared critique of consumer confusion and secondary meaning surveys prepared by SBE experts.
Client: Luxe Hospitality Company
Law Firm: Robins Kaplan, Los Angeles, CA
- *Western Convenience v. Suncor* - Prepared expert reports and testified in deposition and trial on Robinson-Patman price discrimination matter dealing with competitive injury and antitrust damages in retail gasoline industry.
Client: Western Convenience Stores
Firms: Polsinelli. Denver, CO

Bennington Johnson, Biermann & Craigmile, Denver, CO.

- 1-800 Contacts v. Lens.com - Prepared expert report, declaration, and gave deposition testimony in matter involving trademark dispute and keyword bidding on online search engines. Prepared critique of reports prepared by 1-800 Contacts' damages and survey experts.
Client: Lens.com
Firm: Ray Quinney & Nebeker, Salt Lake City, UT
- Sport Court v. Rhino Sports: Prepared expert report in matter of in matter involving trademark dispute and keyword bidding on online search engines.
Client: SportCourt, Inc.
Law Firm: Ray, Quinney & Nebeker, Salt Lake City, UT
- J.D. Fields, Inc. v. Nucor - Retained as expert & prepared analysis on competitive injury in Robinson-Patman antitrust price discrimination matter in steel industry.
Client: J.D. Fields, Inc.
Firm: Hill Rivkins, Houston, TX.
- Cellular Cellutions v. AT&T, M.B. Signal v. AT&T: Prepared expert reports, declaration, and gave testimony at arbitration hearing in Robinson-Patman antitrust case involving price discrimination in retail cellular telephone industry.
Client: Cellular Cellutions, M.B. Signal
Firm: Plunkett Cooney, Bloomfield Hills, MI.
- Prepared econometric and statistical analysis in price-fixing matters in the following matters:
In Re Industrial Silicon Antitrust Litigation
Contact Lens Antitrust Litigation
Commercial Tissue Antitrust Litigation
Flat Glass Antitrust Litigation
Vitamins Antitrust Litigation
Window Blinds Antitrust Litigation
- Co-Authored report with Prof. Paul Seabright and Prof. Mark Glick regarding customer lock-in in the mainframe market. Presented results to European Commission-DG Comp Chief Economist's team. Matter: *t3 v. IBM litigation*.
- Prepared analysis of online advertising market pursuant to investigation of potential competitive effects of Google-DoubleClick merger.
- Prepared analysis of click-through rates, impressions, search terms, and usage rates for online search advertisements pursuant to proposed merger between Microsoft and Yahoo.

- Prepared geographic market analysis for various clients involving mergers in the defense, healthcare, explosives, aircraft engines, and others.

Employment Discrimination, Fair Labor Standards Act, and Benefits Consulting

- Gutierrez v. Stericycle - Prepared declaration in matter involving class action wage and hour claims for Stericycle employees in California.

Client: Stericycle

Law Firm: Parsons Behle & Latimer, Salt Lake City, UT

- Land v. EG&G (and other cases in UT, OR, AL) - Retained as expert to prepare analysis on wage and hour matters for various client locations in Utah, Oregon, Arkansas, and Alabama.

Clients: EG&G division of URS; Battelle Memorial Institute

Law Firm: Holland & Hart, Salt Lake City, UT

- Jordt v. Federal Express - Retained as consulting expert to advise on statistical matters involving claims of age discrimination.

Client: Federal Express Freight

Law Firm: Ray Quinney & Nebeker, Salt Lake City, UT

- Gray v. Oracle - Retained as consulting expert to analyze claims of age discrimination in layoff of employees from major information technology firm. Reviewed layoff records and performed logistic regression to analyze relevant factors in the layoff.

Client: Oracle, Inc.

Law Firm: Parsons Behle & Latimer

- Developed regression models to test for statistically significant differences in pay rates among men and women for big four accounting firm.
- Used parametric and nonparametric statistical techniques to compare promotion rates among men and women in employment discrimination litigation case.
- Developed statistical models to ensure a company undertaking layoffs is conducting the process randomly without discriminating with respect to gender, race, or age.

Selected Breach of Contract, Non-Solicitation Provisions, and Fraud Matters

- Securities & Exchange Commission v. Colin McCabe/Elite Stock Report – Prepared analysis of stock touting and impacts on stock prices. Issued expert report.

Client: Securities and Exchange Commission

Law Firm: Securities and Exchange Commission-Nancy Ferguson-Denver Office

- Young Living Essential Oils v. doTERRA – Prepared expert report, declaration, two depositions, and gave trial testimony in matter involving breach of non-solicitation agreement. Prepared statistical model of lost profits.

Client: Young Living Essential Oils

Law Firm: Ray Quinney & Nebeker

- LIMU v. Zija – submitted expert disclosure detailing calculation of lost revenues – case ongoing.

Client: LIMU

Law Firm: Ray Quinney & Nebeker

- SIRQ, Inc. v. Layton Companies – Prepared expert report, gave deposition and trial testimony in matter involving breach of non-solicitation agreement and breach of contract.

Client: Layton Companies

Law Firm: Parr Brown Gee & Loveless, Salt Lake City, UT

- Traverse Mountain Enterprises v. Fox Ridge, LLC. – Prepared expert reports, gave deposition testimony, and testified at trial in issue involving breach of contract. Valued property and investments at Traverse Mountain.

Client: Traverse Mountain Enterprises

Law Firm: Durham Jones & Pinegar, Salt Lake City, UT

- Farm Bureau v. American National – Gave deposition and trial testimony in matter involving non-solicitation and breach of contract.

Client: Farm Bureau Life Insurance

Law Firm: Morgan Minnock Rice & James, Salt Lake City, UT

- Prepared statistical and economic analysis in breach of contract/breach of non-solicitation matters in direct sales/multi-level marketing industry for clients including: Neways, Organo Gold, Max International, LIMU and others.