

# Dr. David Blackburn

Director



## Contact

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Dr. Blackburn is a Director and Head of the Life Sciences Group. Dr. Blackburn's areas of expertise include intellectual property (IP), antitrust and competition policy, and econometric analysis. In his IP practice, he conducts research and prepares expert reports for patent, trademark, and copyright infringement disputes, and false and misleading advertising cases. Dr. Blackburn regularly conducts analyses related to the issues of commercial success and preliminary and permanent injunctions in both Inter Partes Review and Abbreviated New Drug Application (ANDA) proceedings pursuant to the Hatch-Waxman Act.

In his antitrust and commercial damages practices, he has assessed liability and damages in disputes related to tying, price discrimination, monopolization, and breaches of contract, among others. He has also assessed the competitive effects of mergers and acquisitions, as well as issues relating to impact and damages in class action litigation. Dr. Blackburn has written and spoken publicly on a number of these issues.

In both his antitrust and IP practices, Dr. Blackburn has experience critiquing damage models, and designing and providing economic analysis. In recent years, his work has included merger analyses and royalty rate setting hearings involving high-profile clients in the music and entertainment industry. His experience covers a variety of other industries as well, including computer software, medical devices, pharmaceuticals, natural resources, industrial goods and chemicals, consumer products, and financial services.

Before joining NERA, Dr. Blackburn received his PhD in economics from Harvard University and his ScB in applied mathematics and economics, with honors, from Brown University. While at Harvard, his research focused on the economics of IP and the development of monetary systems. Dr. Blackburn's doctoral dissertation was an analysis of the economics of copying, with a detailed examination of the effects of file sharing on the recorded music industry. His research was cited in testimony to the US Senate by the chairman and CEO of the Recording Industry Association of America in *MGM v. Grokster*.

Dr. Blackburn has taught undergraduate-level courses at Harvard University and Framingham State College, and a graduate-level course in the economics of regulation and antitrust at the Universidad Nacional de Tucumán in Argentina.

## Education

PhD in economics, Harvard University

ScB in applied mathematics and economics, with Honors, Brown University

## Publications

- *Economics in Life Sciences: Does Temporary Generic Competition Have a Lasting Impact on Branded Drug Sales?*
- *Glossary of Pharmaceutical Terms and Acronyms*
- *Expert Witnesses in Competition Disputes*
- *25 Percent, 50 Percent ... What is in a Number?*

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- *The 25 Percent Rule in Patent Damages: Dead and Now Buried*
- *Words Matter: Economics & A Literal Reading of Mars, American Seating, and Monsanto-Ralph -- Potholes Along the Road to Economic Rationality?*
- *Reasonable Royalties After eBay*
- *Where's the Economics Behind Lucent v. Gateway et al.?*

### **Practice Areas**

Antitrust and Competition

Communications, Media, and Internet

Intellectual Property

International Arbitration

Life Sciences

### **Languages**

English, Spanish

### **About NERA**

NERA Economic Consulting ([www.nera.com](http://www.nera.com)) is a global firm of experts dedicated to applying economic, finance, and quantitative principles to complex business and legal challenges. For over half a century, NERA's economists have been creating strategies, studies, reports, expert testimony, and policy recommendations for government authorities and the world's leading law firms and corporations. With its main office in New York City, NERA serves clients from more than 25 offices across North America, Europe, and Asia Pacific.