Oracle America, Inc. v. Google Inc. Doc. 189

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GOOGLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. 3:10-cv-03561-WHA

Honorable Judge William Alsup

DECLARATION OF GREGORY K. LEONARD, PH.D.

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I, Gregory K. Leonard, Ph.D., declare as follows:

I. QUALIFICATIONS

1. I am a Senior Vice President at NERA Economic Consulting, 1 Front Street, Suite 2600, San Francisco, CA 94111. I received an Sc.B. in Applied Mathematics-Economics from Brown University in 1985 and a Ph.D. in Economics from the Massachusetts Institute of Technology in 1989. Prior to joining NERA, I was a senior vice president with Lexecon Inc.; prior to that, I was a founding member and director of Cambridge Economics, Inc.; prior to that, I was an assistant professor at Columbia University.

2. My specialties within economics are applied microeconomics, the study of the behavior of consumers and firms, and econometrics, the application of statistical methods to economics data. I have published a number of articles in scholarly journals, which are listed on my curriculum vitae, attached as Exhibit A.

3. I have extensive experience with the economics of intellectual property. I have published papers about intellectual property issues in the *Journal of Econometrics, the Berkeley Journal of Technology and Law*, and *les Nouvelles*, among others. I co-edited a book entitled *Economic Approaches to Intellectual Property: Policy, Litigation, and Management* and co-authored several of its chapters, one of which was recently cited by the Court of Appeals for the Federal Circuit in its *Uniloc v. Microsoft* opinion. In February 2009, I served as a panelist by invitation at a hearing on intellectual property issues held by the Federal Trade Commission (FTC). In March 2011, the FTC issued a report, entitled *The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition* (March 2011), which cites my comments and publications extensively.

4. I have served as referee for numerous economic journals, and am currently an associate editor of the American Bar Association publication *Antitrust Law Journal*. I have given invited lectures at the FTC, the United States Department of Justice, the Fair Trade Commission of Japan, and the Ministry of Commerce and Supreme People's Court of the People's Republic of China. In 2007, I served as a consultant to and testified before the Antitrust

Modernization Commission, which was tasked by Congress and the President with making recommendations for revising the antitrust laws of the United States.

5. I have served as an expert witness in a number of cases and have provided live testimony at trial in nine cases. A complete list of cases in which I have testified (in deposition or at trial) is provided in my curriculum vitae. NERA charges at an hourly billing rate of $625 for my work on this matter.

II. ASSIGNMENT

6. I have been asked by counsel for Google, Inc. ("Google") to review and comment upon the methodologies employed in the Expert Report of Dr. Iain Cockburn ("Cockburn Report") for the patents-in-suit and copyrights-in-suit. I understand that Rule 702 of the Federal Rules of Evidence state that

> If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

7. I have been asked to comment on the extent to which Dr. Cockburn's report meets the requirements of Rule 702, particularly the requirements that the report be based on sufficient facts and the report apply the principles and methods of economics reliably to the facts of the case. In addition to the Cockburn Report, I have reviewed the material cited by Dr. Cockburn, the material cited in my declaration, and the exhibits to the Declaration of Scott T. Weingaertner in Support of Google Inc.'s Daubert Motion, and I rely on my education and experience, in coming to these conclusions.

III. DR. COCKBURN BASES HIS DAMAGES ANALYSIS ON THE VALUE OF THE ENTIRE JAVA PLATFORM, NOT THE PATENTS-IN-SUIT AND COPYRIGHTS-IN-SUIT

8. Dr. Cockburn bases his analysis on the value of the entire Java platform even though his role is to estimate the damages related to the infringement of only the seven patents and the limited set of copyrights that have been asserted by Oracle America, Inc. ("Oracle") in

this matter. His calculation of a reasonable royalty for all of the intellectual property associated with the Java platform is not relevant to determining the damages associated with the alleged infringement of the patents-in-suit and copyrights-in-suit.

9. Furthermore, Dr. Cockburn states that his damages analysis would not change even if some of the patents-in-suit or copyrights-in-suit are found to be invalid or not infringed. Such a statement is economically unjustified, absent a showing that each individual patent-in-suit and copyright-in-suit was essential to the development of Android. However, neither Dr. Cockburn nor Oracle makes such a showing. Dr. Cockburn only asserts without support that the intellectual property in this case is "significant or essential" (Cockburn Report, Paragraphs 9.1, 126, 129-133).

10. Dr. Cockburn goes on to inappropriately compare his bundling of the entire Java platform with the practices of a patent pool which generally licenses patents essential to meeting standards, which is not a relevant consideration here. It is also notable that patent pools often allow licensees to license individual patents rather than the entire bundle.[1]

11. Dr. Cockburn's assertion that it is Oracle's practice "not to license particular patents" (Cockburn Report, Paragraph 23) is not a reliable basis for asserting that only the entire Java platform will be licensed. Moreover, regardless of Oracle's practices, it is inappropriate to calculate damages on the basis of the entire Java platform when the matter at hand concerns only the limited number of patents and copyrights that have been asserted.

IV. DR. COCKBURN'S ANALYSIS IS INCONSISTENT WITH ACTUAL MARKET TRANSACTIONS INVOLVING THE INTELLECTUAL PROPERTY AT ISSUE IN THIS CASE

12. Dr. Cockburn ignores, misinterprets, or fails to give appropriate weight to relevant market transactions that indicate a much lower value for the intellectual property at issue in this case. Economists recognize that arm's length market transactions generally provide important

[1] Statement of Baryn S. Futa, CEO and Manager, MPEG LA, LLC, Before the United States Department of Justice Antitrust Division and the Federal Trade Commission Joint Hearings on Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy, pp. 4-6.

indicators of value. License agreements and transactions that involve the intellectual property at issue in this case are available and are among the facts upon which Dr. Cockburn should have relied, e.g., the license agreement between Oracle and Sun Microsystems, Inc. ("Sun") (1/11/06)[2] and other measures of value mentioned in Google, Inc.'s Brief in Support of Daubert Motion, such as the purchase price of Sun and Sun's annual revenues. The fact that these license agreements and transactions indicate very different values for the intellectual property at issue in this case than the value estimated by Dr. Cockburn further indicates that his analysis is not consistent with the facts.

13. Economists also recognize that valuations undertaken by third parties in the regular course of business can provide important indicators of value. In the documents Dr. Cockburn has reviewed, there are valuations of assets that include the intellectual property at issue in this case. These valuations differ substantially from the value estimated by Dr. Cockburn. For example, Oracle estimated the value of all of Sun's software-related Core Technology, which includes but is not limited to its Java-related Core Technology, at about $68.8 million.[3] As the patents-in-suit and copyrights-in-suit are just a subset of the Java-related Core Technology, the value of the intellectual property at issue must be much less than $68.8 million. The very large disparity between this value and Dr. Cockburn's results for a small subset of the overall portfolio of Sun's intellectual property indicates that his analysis is not consistent with the facts in this case.

V. DR. COCKBURN ATTEMPTS TO RECOVER LOST PROFITS AS PART OF A REASONABLE ROYALTY ANALYSIS

14. Dr. Cockburn attempts to recover lost profits as part of his reasonable royalty analysis, increasing his estimated damages award by over $200 million (see Cockburn Report,

[redacted]

Exhibit 26). He does this by including, as part of the hypothetical negotiation called for in *Georgia Pacific* Factor 15, profits from Oracle's unrealized forecasts of sales of its mobile operating system, Acadia. Purported lost sales associated with Acadia also enter into his analysis of *Georgia Pacific* Factor 5, "The commercial relationship between the licensor and licensee, such as whether they are competitors..." (see Appendix C to Cockburn Report).

15. In addition, based on my experience in testifying on patent damages matters, lost profits are explicitly awarded only after a showing that certain economic conditions are satisfied, conditions described in the *Panduit*, *Mor-Flo*, and other decisions.[4] Dr. Cockburn does not undertake the economic analysis required to show that these conditions are satisfied. Indeed, he attempts to avoid having to conduct such an analysis and instead get lost profits "in the through the back door" of the reasonable royalty analysis.[5]

16. Dr. Cockburn's report is made additionally unreliable by his failure to examine other possible reasons [redacted] then there is no basis for a lost profits claim.

VI. DR. COCKBURN FAILED TO ADEQUATELY CONSIDER NON-INFRINGING ALTERNATIVES THAT GOOGLE COULD HAVE CONSIDERED

17. To economists, a crucial element in determining the appropriate reasonable royalty is the availability of non-infringing alternatives. However, Dr. Cockburn does not

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[4] "The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition," Federal Trade Commission, March 2011, p. 151.

[5] See "The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition," Federal Trade Commission, March 2011, p. 20:

> First, compensatory damages for the strict liability offense of infringement are not meant to be punitive. Second, arguments that the patentee would have rejected the maximum amount the infringer would have paid are based on assumptions that the patentee could have made more by not licensing. The patentee may have been better if selling the invention or a competing product exclusively. In that case, however, the patentee should be entitled to damages based on lost profits. The law must be flexible in allowing the patentee to prove its lost profits in order to provide adequate compensation. But a patentee who has failed or chosen not to do so should not be allowed to use unproven arguments of direct losses to inflate a reasonable royalty award beyond what a willing licensee would pay.

consider any non-infringing alternatives to the individual patents and copyrights at issue in this case.

18. Even if he is correct that the hypothetical negotiation would be over the entire Java platform, Dr. Cockburn fails to undertake a comprehensive analysis of the full range of alternatives to utilizing the entire Java platform. He does not, for instance, undertake an analysis of non-infringing alternatives to the use of Java such as C++, C, or other platforms.[6] In fact, he hardly mentions these alternatives.

19. Among the reasons that Dr. Cockburn claims Google needed a license to the Java platform is that Android would have operated at a lower speed, although he does not indicate the size of the purported reduction in speed. Dr. Cockburn does no analysis to show that a "slower" non-infringing Android would have been commercially unacceptable or even been faced with decreased consumer demand. An important principle of economics is that consumers will make trade-offs in deciding what products to buy or services to use. There is evidence that users of the Android platform make such trade-offs. For example, the Android platform has historically had fewer applications or "apps" than the iPhone available to consumers, yet consumers still have chosen to buy Android phones in large numbers.[7] Ultimately, many characteristics drive demand for Android phones.[8] Dr. Cockburn has not shown how much just one of these characteristics, speed, would have been sacrificed or how such a sacrifice in speed would have affected end-user demand. Economists have available a set of tools that can measure the importance of these trade-offs and the size of the impact of an alleged change in speed.

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[6] Andrew E. Rubin testified that Google had considered other programming languages for Android, including C, C++, Microsoft C Sharp, Lua, and Python ("Deposition of Andrew E. Rubin," April 5, 2011, pp. 22-23) and had platform technology partnership discussions with companies such as [redacted] ("Deposition of Andrew E. Rubin," April 5, 2011, pp. 107-108).

[7] The number and ability to run such applications have become increasingly important to consumers. See, for example, "Smart Phone Wars: Is It the Device or The Apps that Matter Most?" *The Globe and Mail*, October 19, 2009: "For smart phone makers – and, indeed, for an increasing number of electronics makers designing everything from radios to televisions – the emphasis is quickly shifting away from hardware design and toward the type and variety of applications that users can download and run."

[8] For example, in 2009, JD Power and Associates surveyed consumers based on a number of factors, including: (1) operation; (2) physical design; (3) features; and (4) battery function of various smart phones. ("As Customer Satisfaction with Feature-Rich Smartphones Continues to Increase, Satisfaction with Traditional Mobile Phones Declines," *JD Power and Associates Press Release*, October 9, 2009, available at http://businesscenter.jdpower.com/news/pressrelease.aspx?ID=2009224.)

20. Another relevant alternative scenario that is not considered by Dr. Cockburn would be for Google to license a Java-compatible Android. In that case, Dr. Cockburn's damages would be significantly reduced [redacted] Dr. Cockburn's heavy reliance on his assumption that the hypothetical negotiation would have been for a license that allowed an allegedly Java-incompatible Android further renders his conclusions unreliable.

21. There is other relevant evidence that Dr. Cockburn ignores in his claim that Google "needed" to base Android on Java. As Steve Jobs said in 2007, "Java's not worth building in. Nobody uses Java anymore. It's this big heavyweight ball and chain."[9] Apple's iOS does not support Java, and Apple has been immensely successful without Java. There is no reason that Google could not have taken a similar path. Dr. Cockburn's entire analysis is contrary to this basic market fact.

VII. DR. COCKBURN FAILED TO CONSIDER THAT A LARGE PROPORTION OF ANDROID HANDSETS ARE SOLD AND USED OUTSIDE OF THE UNITED STATES

22. Documents that Dr. Cockburn reviewed indicate that a large proportion of Android handsets are sold and used outside the United States.[10] I understand that the patents-in-suit and copyrights-in-suit only apply within the United States, so that Google would have been able to supply Android for handsets outside the United States without infringing.

23. Dr. Cockburn undertook no analysis of the implications of this for his damages analysis and, instead, appears to have assumed that the intellectual property at issue extends beyond the United States.

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[9] "Ultimate iPhone FAQs List, Part 2," David Pogue's Blog on the *New York Times*, January 13, 2007, available at http://pogue.blogs nytimes.com/2007/01/13/ultimate-iphone-faqs-list-part-2/.

[10] For example, as of May 2010, [redacted] percent of Android users were outside of the United States. ("AdMob Mobile Metrics," May 2010, GOOGLE-00305222 at 43).

VIII. DR. COCKBURN IMPROPERLY APPLIED THE *MOR-FLO* METHODOLOGY

24. Dr. Cockburn improperly applied a "Mor-Flo" methodology to determine smart phone market shares in a "but for" world without Android. Even if all of Android's worldwide sales were found to infringe the patents at issue, Dr. Cockburn failed to recognize important differences in market shares across geographies that invalidate the use of the Mor-Flo methodology. These market share differences are driven by, among other things, different tastes of consumers for the products offered by different vendors in various markets.[11]

25. Dr. Cockburn improperly assumes that, in the but-for world without Android, sales of Android phones would have been allocated based on *worldwide* market shares. In particular, he assumes a large portion of the sales of Android phones would have gone to Nokia's Symbian-based phones. For example, Dr. Cockburn's estimates imply that 34.6 percent of Android sales in 2011 would have gone to Symbian-based phones.[12]

26. Dr. Cockburn's calculations ignore the substantial variation across regions in the market shares of smart phone manufacturers. For example, Symbian's sales and market shares are substantially higher outside of the US than in the US.[13] In March 2011, Symbian's market share was reported to range from 11.4 to 46.9 percent in four European countries.[14] At the same time, Symbian's market share was reported to be *less than 2 percent* in the US market.[15] Dr.

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[11] See, for instance, "Nokia and RIM bleeding smartphone share while Android cleans up," April 18, 2011, available at http://www.guardian.co.uk/technology/2011/apr/18/smartphone-market-android-win-nokia-rim-lose, showing extensive differences in the market shares of distinct mobile operating systems in different countries throughout the world.

[12] See Exhibit 16 and 23 of Cockburn Report. Dr. Cockburn allocates the Android installed base for each year to non-Android platforms based on sales for the same year. For 2011, the percentage of Symbian sales is calculated from Exhibit 16 as sales of Symbian-based phones divided by all non-Android phones (94,621,500) ÷ (94,621,500 + 67,202,900 + 24,835,600 + 71,047,100 + 15,856,300) = 34.6 percent.

[13] See, for example, GOOGLE-00305222 at 229.

[14] "Nokia and RIM Bleeding Smartphone Share While Android Cleans Up," *guardian.co.uk*, April 18, 2011, available at http://www.guardian.co.uk/technology/2011/apr/18/smartphone-market-android-win-nokia-rim-lose/print.

[15] "Nokia and RIM Bleeding Smartphone Share While Android Cleans Up," *guardian.co.uk*, April 18, 2011, available at http://www.guardian.co.uk/technology/2011/apr/18/smartphone-market-android-win-nokia-rim-lose/print.

Cockburn's methodology improperly allocates too large of a share to Symbian phones in the US. Because the majority of Google's Android phones are sold in the US,[16] this methodology necessarily leads to the incorrect calculation of the incremental profit associated with Android, even leaving unchanged the rest of Dr. Cockburn's assumptions.

27. By over-allocating Android sales to Symbian, Dr. Cockburn substantially overstates the incremental profit that Google earns from Android phones. This is because, by Dr. Cockburn's own estimates, Google earns far less per device on Symbian phones than it does on Android and Apple iOS phones. [redacted] Allocating a large share to Nokia's Symbian-phones thus improperly results in large losses to Google when, in fact, using US market shares would substantially reduce the incremental losses to Google.[19]

[16] For example, as of May 2010 [redacted] percent of Android users in the United States. ("AdMob Mobile Metrics," May 2010, GOOGLE-00305222 at 243.)

[17] Cockburn Exhibit 22, "Net revenue per device (after TAC)."

[18] See Android's net revenue per device, see "Net Revenue per Device (after TACs)" for 2011 for Exhibit 19 to the Cockburn Report. For Apple iOS's net revenue per device, see Cockburn Exhibit 22, "Net revenue per device (after TAC)."

[19] Note also that, Dr. Cockburn's analysis is unlikely to "average out" such that Google would earn a higher incremental profit outside of the US that would cancel out the lower incremental profit in the US. The majority of Android sales occur in the US where Nokia's sales are low and the largest portion of Nokia's sales occur in Asian countries (see Nokia 20-F, for period ending December 31, 2010, filed on March 11, 2011, p. 104) where Android's sales are low (see "AdMob Mobile Metrics," May 2010, GOOGLE-00305222 at 243.)

IX. DR. COCKBURN INCLUDES FUTURE DAMAGES IN HIS "PAST" DAMAGES CALCULATION, THEREBY LEADING TO DOUBLE RECOVERY

28. Dr. Cockburn concludes that the hypothetical negotiation would have resulted in a combined lump sum/running royalty structure. He includes the entire lump sum payment as "past" damages, even though a portion of this lump sum corresponds to future sales. Thus, Dr. Cockburn improperly shifts what are actually future damages into his "past" damages calculation.

29. Since Oracle has stated that it will seek an injunction if it prevails on liability, Dr. Cockburn's lump-sum damages award based upon future damages will result in double recovery for Oracle. It will receive an award for damages based upon future sales at a time that Google will be forced out of the market by an injunction.

X. DR. COCKBURN DOES NOT PERFORM ANY ANALYSIS OF THE COPYRIGHT INFRINGEMENT DAMAGES

30. Dr. Cockburn does not separate out damages due to copyright infringement from damages due to patent infringement. I understand that, in a copyright matter, it is the copyright owner's responsibility to identify its lost profits and the alleged infringer's gross revenue due to infringement. It is the alleged infringer's responsibility to deduct appropriate expenses and profits attributable to factors other than copyrighted material. Dr. Cockburn provides inadequate basis for reviewing unjust enrichment or lost profits claims due to copyright infringement. Dr. Cockburn's placement of copyright infringement into the same hypothetical negotiation as all of the patents-in-suit in this case makes this an inappropriately difficult egg to unscramble.

Executed on June 14, 2011 in San Francisco, California.

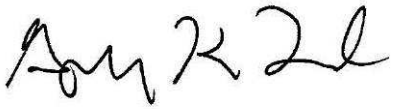

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Exhibit A

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Gregory K. Leonard
SENIOR VICE PRESIDENT

Dr. Leonard is a Senior Vice President in NERA's Antitrust and Intellectual Property Practices. His areas of expertise are applied microeconomics and econometrics. He has extensive experience analyzing competition and estimating damages in a wide variety of contexts. Dr. Leonard has provided written and oral testimony and presentations before federal and state courts, government agencies, and arbitration panels on issues involving antitrust, damages estimation, statistics and econometrics, surveys, valuation, and labor market discrimination.

Prior to joining NERA, Dr. Leonard was a Senior Vice President at Lexecon Inc., a founding member and Director of Cambridge Economics, Inc., and an Assistant Professor at Columbia University, where he taught statistics, econometrics, and labor economics.

Dr. Leonard has experience in a broad range of industries, including pharmaceuticals, telecommunications, airlines, semiconductors, hedge funds, securities, commercial and recreational fishing, medical devices, professional sports, credit card networks, payment systems, information services, computer software, computer hardware, chemicals, plastics, flat glass, retailing, advertising, beef processing, fertilizers, printing, petroleum, steel, beer, cereals, cosmetics, athletic apparel, film, milk, canned fish, vitamins, animal feed supplements, tissue, paperboard, industrial gas, concrete, automobiles, contact lens cleaners, sports beverages, soft drinks, diapers, tobacco products, graphite and carbon products, and modems, among others.

Dr. Leonard has published widely on the issues of antitrust, industrial organization, labor economics, and econometrics. His publications have appeared in the *RAND Journal of Economics*, the *Journal of Industrial Economics*, the *Journal of Econometrics*, the *International Journal of Industrial Organization*, the *Journal of Public Economics*, *Annales Economie et de Statistique*, the *Journal of Labor Economics*, the *International Journal of the Economics of Business*, *Antitrust Law Journal*, *Antitrust*, *Antitrust Source*, the *Journal of Economic Analysis & Policy*, *Journal of Competition Law and Economics*, the *Journal of Economic Surveys*, 法学家 (*Jurists' Review*), *Antitrust Chronicle*, the *Berkeley Technology Law Journal*, the *European Competition Law Review*, *les Nouvelles*, *Landslide*, *Managing Intellectual Property*, *Legal Issues of Economic Integration*, and the *George Mason Law Review*. Dr. Leonard co-authored two chapters in the American Bar Association Section of Antitrust Law (ABA) volume *Issues in Competition Law and Policy*, co-authored the "Econometrics and Regression Analysis" chapter of the ABA volume *Proving Antitrust Damages*, and was a contributor to the ABA volume *Econometrics*. He co-edited *Economic Approaches to Intellectual Property: Policy, Litigation, and Management* and authored or co-authored three of its chapters. One of these chapters (co-authored with Lauren J. Stiroh) was cited by the Court of Appeals for the Federal Circuit in its *Uniloc* decision. Dr. Leonard is an Associate Editor of the *Antitrust Law Journal* and a co-editor

of the ABA Section of Antitrust Law Economics Committee newsletter, and has served as a referee for numerous economics journals.

Dr. Leonard was invited to speak on merger simulation at the 2004 US Department of Justice and Federal Trade Commission (FTC) Merger Workshop, the econometrics of evaluating competition in local retail markets at the 2008 FTC Retail Mergers Workshop, and the calculation of patent damages at the 2009 Hearings on the Evolving IP Marketplace. The 2011 FTC report resulting from the latter hearings cited Dr. Leonard extensively. In 2005, Dr. Leonard served as a consultant on the issue of immunities and exemptions to the Antitrust Modernization Commission (AMC), which was tasked by Congress and the President with developing recommendations for changes to the US antitrust laws. He testified before the AMC in December 2005.

Dr. Leonard has extensive experience with international antitrust and intellectual property issues, particularly in Asia. He has given invited presentations at the Anti-Monopoly Bureau of China's Ministry of Commerce (MOFCOM), the Supreme People's Court of China, Renmin University, the Chinese Academy of Social Sciences, and the University of Political Science and Law. He was a member of ABA and US Chamber of Commerce delegations to joint workshops with the Chinese antitrust agencies, MOFCOM, NDRC, and SAIC, and served on the working groups of the ABA's Sections of Antitrust Law and International Law that prepared comments on MOFCOM's and SAIC's draft regulations. Dr. Leonard has also given presentations to the Japan Fair Trade Commission and the India Competition Commission.

Dr. Leonard received an ScB in Applied Mathematics-Economics from Brown University and a PhD in Economics from the Massachusetts Institute of Technology, where he was a National Science Foundation Graduate Fellow and an Alfred P. Sloan Foundation Fellow.

Education

Massachusetts Institute of Technology
PhD, Economics, 1989
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National Science Foundation Graduate Fellowship, 1985-1988

Brown University
ScB, Applied Mathematics-Economics, 1985
Rohn Truell Memorial Premium in Applied Mathematics, 1985

Professional Experience

NERA Economic Consulting

2008-	Senior Vice President
2004-2008	Vice President
1990-1991	Senior Analyst

	Lexecon Inc.
2000-2004	Senior Vice President
	Cambridge Economics, Inc.
1991-2000	Director
	Columbia University
1989-1990	Assistant Professor
	Teaching Areas: Econometrics, Statistics, Labor Economics

Papers and Publications

"A Proposed Method for Measuring Competition Among Imperfect Substitutes," *Antitrust Law Journal* 60, 1992, pp. 889-900 (with J. Hausman and D. Zona).

"Issues in the Contingent Valuation of Environmental Goods: Methodologies for Data Collection and Analysis," in *Contingent Valuation: A Critical Assessment*, Ed. by J. A. Hausman, North Holland Press, 1993 (with D. McFadden).

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"Correcting the Bias When Damage Periods are Chosen to Coincide With Price Declines," *Columbia Business Law Review*, 2004, pp. 304-306 (with D. Carlton).

"Competitive Analysis Using a Flexible Demand Specification," *Journal of Competition Law and Economics* 1, 2005, pp. 279-301 (with J. Hausman).

"Using Merger Simulation Models: Testing the Underlying Assumptions," *International Journal of Industrial Organization* 23, 2005, pp. 693-698 (with J. Hausman).

"Application of Empirical Methods in Merger Analysis," report to the Fair Trade Commission of Japan, June 27, 2005 (with C. Dippon and L. Wu).

"A Practical Guide to Damages," in *Economic Approaches to Intellectual Property, Policy, Litigation and Management*, ed. by G. Leonard and L. Stiroh, 2005 (with L. Stiroh).

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Discussant, "New Developments in Antitrust" session, AEA meetings, January 7, 2000.

"In Defense of Merger Simulation," Department of Justice and Federal Trade Commission Merger Workshop, Unilateral Effects Session, February 18, 2004.

Discussant, "Proving Damages in Difficult Cases: Mock Trial & Discussion," NERA Antitrust & Trade Regulation Seminar, July 10, 2004.

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Discussant, "Applied Economics" Session, Pacific Rim Conference, Western Economic Association, Beijing, People's Republic of China, January 12, 2007.

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Panelist, "Standards for Assessing Patent Damages and Their Implementation by Courts," FTC Hearings on the Evolving IP Marketplace, February 11, 2009.

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Panelist, "The Use of Economic and Statistical Models in Civil and Criminal Litigation," Federal Bar Association, San Francisco, May 13, 2009.

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"Competition Law and State Regulation: Setting the Stage and Focus on State-Owned Enterprises," Competition Law and the State: International and Comparative Perspectives, Hong Kong, People's Republic of China, March 18, 2011.

Professional Activities

Member, American Economic Association

Member, Econometric Society

Member, American Bar Association

Contributor, www.antitrust.org

Contributor, ABA Section of Antitrust Law, *Econometrics*, 2005

Associate Editor, *Antitrust*, 2007-2010

Associate Editor, *Antitrust Law Journal*, 2010-

Co-Editor, ABA Section of Antitrust Law Economics Committee Newsletter, 2009-

Member, ABA Delegation to International Seminar on Anti-Monopoly Law: Procedure and Substantive Assessment in Merger Control, Beijing, People's Republic of China, December 15-17, 2008

Member, Working Group for drafting the "Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the MOFCOM Draft Guidelines for Definition of Relevant Markets," 2009

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Other Supporting Documents

3:10-cv-03561-WHA Oracle America, Inc. v. Google Inc.
ADRMOP, AO279, E-Filing, PRVADR, REFDIS

U.S. District Court
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Case Name:	Oracle America, Inc. v. Google Inc.
Case Number:	3:10-cv-03561-WHA
Filer:	Google Inc.
Document Number:	173

Docket Text:
Declaration of Gregory K. Leonard in Support of [171] MOTION To Exclude Expert Opinions and Testimony (Daubert) filed byGoogle Inc.. (Related document(s)[171]) (Sabnis, Cheryl) (Filed on 6/14/2011)

3:10-cv-03561-WHA Notice has been electronically mailed to:

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3:10-cv-03561-WHA Please see General Order 45 Section IX C.2 and D; Notice has NOT been electronically mailed to:

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