

DR. ERIC F. FORISTER  
*Managing Director*  
Los Angeles, California  
Tel: 650 224 9635  
Email: eforister@econone.com

Dr. Eric Forister is an expert economist with testifying experience on market definition, market power, and damages. His expertise includes applying advanced statistical techniques to datasets, synthesizing information from documents, and designing and evaluating surveys. He focuses on relevant questions to tackle complex issues with an efficient and effective style of communication.

Dr. Forister has worked on both the plaintiff and defense sides of antitrust, intellectual property, consumer fraud (marketing), and breach-of-contract cases. He has analyzed dozens of industries ranging from goods to services, commodities to luxuries, and retail to industrial. As a consultant and/or testifying expert, Dr. Forister has addressed issues such as:

- Damages
- Market Definition
- Common Impact
- Sampling
- Price Discrimination
- Lost Profit
- Market Power
- Materiality
- Survey Design
- Competition
- Reasonable Royalty
- Irreparable Harm
- Reliance
- Ascertainability
- Merger efficiencies

### **Education**

Stanford Graduate School of Business, Ph.D., Business Administration (Field: Economics)

University of California, Los Angeles, B.S., Mathematics/Economics (magna cum laude)

### **Work Experience**

Econ One, 2015 – present

Cornerstone Research, 2006 – 2015

Stanford University, Research Assistant, 2002 – 2005

University of California, Los Angeles, Research Assistant, 1998 – 2001

**Cases in Which I Submitted Analysis and Testified**

*Gabriel Miguel, et al. v. Apple Inc.*, County of Los Angeles, 21STCV08348.

- Expert Report 2/2024; Declaration 9/2024; Deposition 4/2024.

*Paul Morinville, et al. v. United States Patent and Trademark Office*, D.D.C., 19-cv-1779-CKK.

- Expert Report 5/2023; Deposition 7/2023.

*Daniel Waxer and Vigilant Medical v. Ventura Anesthesiology Medical Group, et al.*, County of Ventura, 56-2019-00535769-CU-BC-VTA.

- Expert Report 6/2023; Deposition 6/2023.

*Joey Villareal v. Victor Fragoza, et al.*, County of Los Angeles, BC652938.

- Damages Analysis 5/2022; Supplemental Analysis 6/2022; Deposition 5/2022.

*Walter Peters v. Apple, Inc.*, Superior Court of Cal., County of Los Angeles, 19STCV21787.

- Expert Report 3/2022; Deposition 5/2022.

*Innovative Health LLC v. Biosense Webster, Inc.*, C.D. Cal., 19-cv-01984-JVS-KESx.

- Expert Report 9/2021; Rebuttal Expert Report 11/2021; Deposition 12/2021.

*Youngsuk Kim, et al. v. Benihana, Inc.*, C.D. Cal., 19-cv-02196-FMO-KKx.

- Expert Report 7/2021; Deposition 7/2021.

AAA Arbitration involving antitrust claims.

- Expert Report 1/2018; Supplement to Expert Report 2/2018; Arbitration 5/2018.

**Cases in Which I Submitted Analysis but Was Not Deposed**

*Daniel Fishbaugh v. Arteom Bulgadarian, et al.*, C.D. Cal., 20-cv-01135-ODW-RAOx.

- Expert Report 10/2021.

*Dulce Alondra Velasquez-Reyes, et al. v. Samsung Electronics America, Inc.*, C.D. Cal., 16-cv-01953-DMG-KK.

- Expert Report 9/2020.

*Cirba Inc. (d/b/a Densify) and Cirba IP, Inc. v. VMware, Inc.*, D.C. Del., 19-cv-00742-LPS.

- Declaration 12/2019.

### **Other Prior Expert Engagements**

Submitted a report evaluating market definition and market power in domain name registry operation

- Report 7/2024.

Submitted a report valuing intellectual property in a probate dispute.

- Declaration 5/2021.

Submitted report to, and testified before, mediator in a matter involving virtual currencies.

- Mediation 3/2017.

### **Professional Presentations & Activities**

“Contract and Antitrust Remedies for Supply Chain Issues Facing Retailers and Distributors (Including Franchisees and Dealers),” with Xiaoyin Cao and Carmen Caruso, ABA CLE Webinar, June 27, 2022.

“Thinking Ahead About Damages and the Dollar Value of Your Case,” Los Angeles County Bar Association, June 14, 2021.

“Apportionment of Patent Damages: What you Need to Know and Do in 2020,” The Knowledge Group, July 8, 2020.

“Calculating Intellectual Property Damages: How to Prepare for the 2019 Landscape,” The Knowledge Group, February 13, 2019.

“Calculating Intellectual Property Damages: Guidelines, Trends and Analysis,” The Knowledge Group, July 25, 2018.

“Presenting Damages at Trial: How to Relate Your Damages Case to the Jury,” Patent Disputes Forum South, October 19, 2016.

“A Primer on Reasonable Royalty Damages for Trade Secrets Litigators,” California Bar Association CLE, July 28, 2016.

“Deposing the Expert,” National Institute for Trial Advocacy, 2016, 2017, 2018.

### **Published Articles & Papers**

“Quick Look,” ABA Antitrust Section (brief summaries of current events in antitrust), 4/2022, 6/2022, 10/2022, 3/2023, 6/2023, 9/2023, 12/2023, 3/2024, 9/2024.

Quoted in “The Franchisee Litigation Perspective,” C. Caruso, *Franchise Litigation Perspective: A Practical Guide to Franchise Litigation*, International Finance Association, May 2019.

“Using Econometric Methods to Assess Market Definition and Market Power,” with B. Ricchetti, M. Yan in L. Wu (Ed.) *Econometrics: Legal, Practical and Technical Issues* (Second Edition), ABA Antitrust Section, 2014.

**Published Articles & Papers (cont’d)**

“Empirical Approaches in Assessing Class Certification in Direct Purchaser Price-Fixing Cases,” with S. Hussain, *Antitrust Review of the Americas 2010, Global Competition Review*.

“Compliance with Soft Contact Lens Replacement Schedules and Associated Contact Lens Related Ocular Complications: The UCLA Contact Lens Study,” with K. Yeung, J. Forister, M. Chung, S. Han, B. Weissman, *Optometry*, Vol. 81(11), Nov 2010, pp. 598-607.

“Prevalence of Contact Lens-Related Complications: UCLA Contact Lens Study,” with J. Forister, K. Yeung, P. Ye, M. Chung, A. Tsui, B. Weissman, *Eye and Contact Lens*, Vol. 35(4), July 2009, pp. 176-180.

“Predicted Tear Layer Oxygen Tensions Under Two Designs of Silicone Hydrogel Toric Lenses,” with J. Forister, J. Chao, K. Khy, B. Weissman, *Contact Lens & Anterior Eye*, Vol. 31(5), Oct 2008, pp. 228-241.