

# JITH R. JAYARATNE

## CONTACT

Compass Lexecon  
1111 Broadway Avenue  
Suite 1500  
Oakland, CA 94607  
T: +1 510 285 1213  
F: +1 510 285 1245  
[jjayaratne@compasslexecon.com](mailto:jjayaratne@compasslexecon.com)

## EDUCATION

1994, *PhD in Economics and Public Policy*, Princeton School of Public and International Affairs, Princeton University  
1988, *AB in Economics and Public Policy*, Princeton University

## PROFESSIONAL EXPERIENCE

2006 - Present, *Executive Vice President and Co-Manager of Oakland-San Francisco Offices*, Compass Lexecon  
2004 - 2005, *Senior Vice President*, Competition Policy Associates Inc.  
2001 - 2004, *Partner*, AES Consulting, LLC  
1998 - 2001, *Principal*, Charles River Associates  
1994 - 1998, *Senior Economist*, Federal Reserve Bank of New York

## SELECTED PROJECTS

### Antitrust and Damages Litigation

- In *Allied Orthopedic v. Tyco Healthcare*, developed (on behalf of Tyco Healthcare) economic arguments related to certifying a class of direct purchasers of medical devices. Supported legal team and testifying economist. The Court denied motion to certify the class. Also developed impact and damages analyses and testimony for Tyco Healthcare. The Court granted summary judgment in favor of Defendant.
- In *Masimo v. Tyco Healthcare*, prepared (on behalf of Tyco Healthcare) a model of sales erosion damages and prepared economic reports evaluating claims about the effects of alleged exclusive dealing contracts with hospital Group Purchasing Organizations. Supported legal team and economics expert through jury trial and two bench trials. Judge accepted Compass Lexecon's damages methodology in its entirety.
- In *Natchitoches Parish Hospital v. Tyco Healthcare*, prepared (on behalf of Tyco Healthcare) economic reports evaluating claims about the effects of alleged exclusive dealing contracts with hospital Group Purchasing Organizations on competition. Supported legal team and economics expert through a jury trial. The matter was settled on favorable terms to Tyco Healthcare.
- In *Rochester Medical Corp. v. C.R. Bard International et al.* prepared (on behalf of Tyco Healthcare) economic reports evaluating claims about the effects of alleged exclusive dealing contracts with hospital Group Purchasing Organizations on competition. The matter was settled on favorable terms to Tyco Healthcare.
- For Amgen, analyzed damages resulting from the alleged violation of licensing terms by a licensee (Johnson & Johnson). Used public health care data (from IMS) and proprietary data (from Amgen). Applied econometric tools to test competing economic theories of competitive conditions in the industry. The judge awarded damages to Amgen.

- For several joint defense groups of major international banks, led team conducting economic analyses of class certification issues related to alleged manipulations of U.S. Dollar LIBOR rates. Supported legal team and testifying economist. The Court largely denied class certification.
- For a group of cathode ray tube (CRT) manufacturers, analyzed whether it would be possible to establish using common proof that a proposed class of indirect purchasers of CRT televisions and computer monitors were impacted by an alleged conspiracy among CRT manufacturers to elevate CRT prices. Assessed the effectiveness of the alleged cartel and its impact on prices for CRTs and CRT televisions and implied damages. Supported legal team and testifying economist. Parties reached a settlement.
- For several major manufacturers of bearings, conducted economic analyses of class certification issues in the context of price fixing claims. The Court did not certify the broad class initially proposed by plaintiffs. Work is ongoing on a revised and substantially narrower class proposed by plaintiffs.
- In *Rambus v. Micron Technology and Hynix Semiconductor*, led an economics team (on behalf of Hynix) in developing liability analyses assessing claims about a boycott of DRAM technology. Supported legal team and testifying expert through a jury trial. Jury returned a verdict in favor of Defendants.
- For American Express, conducted an economic analysis of the impact of American Express' Honor All Cards rules for merchants.
- For American Express, conducted an economic analysis of the impact of Dodd-Frank Act's provisions related to debit card interchange fees.
- For Intel, evaluated plaintiff's claims that the manufacturer's standard setting practices constituted a boycott of the plaintiff's product. Applied the relevant literature on technology standards and analyzed market conditions.

## **Mergers and Acquisitions**

- In *Federal Trade Commission vs. Illumina, Inc.*, led a team (on behalf of Illumina) developing economic analyses and testimony related to the competitive effects of the acquisition of GRAIL, Inc. by Illumina, Inc. on relevant markets for cancer testing. Supported legal team and testifying economist through a bench trial. The Court ruled against the FTC and in favor of the merging parties.
- In the acquisition of Tenneco, Inc. by Apollo Management, led an economics team supporting the transaction. Presented a merger simulation model and related evidence to the European Commission. Supported the parties' submissions to the Japanese Fair Trade Commission. The transaction was approved without conditions.
- Led team of economists analyzing proposed merger of cloud computing service providers. Merger was not challenged.
- Led team of economists analyzing proposed merger of construction crane service providers. Merger was not challenged.
- Assisted in the review of mergers in satellite cable (DirecTV-EchoStar). Presented analyses simulating the mergers and its effects on prices and consumer welfare to the Justice Department and the Federal Communications Commission.
- Assisted Abitibi Consolidated and Bowater, Inc. in their merger of newsprint and other paper manufacturing assets. Presented to the Department of Justice a dynamic model quantifying over time the effects of the merger on prices.
- As lead staff economist for bank merger reviews at the Federal Reserve Bank of New York, reviewed multiple bank mergers in the Second Federal Reserve District.

## TESTIMONY

- In the acquisition of Tenneco, Inc. by Apollo Management, led an economics team supporting the transaction. Presented a merger simulation model and related evidence to the European Commission. Supported the parties' submissions to the Japanese Fair Trade Commission. The transaction was approved without conditions.
- Presented (with Janusz Ordover) to the Federal Trade Commission a white paper on efficiencies produced by a merger of specialty metals manufacturers.
- Various filings (with Bobby Willig and Jon Orszag) at Department of Justice and the Federal Communications Commission in support of the proposed merger between Echostar and DirecTV.
- Carl Shapiro and Jith Jayaratne, "Minimum Viable Scale and Entry Analysis," White Paper filed with the DOJ in support of a proposed telecommunications industry merger.
- John Hayes, Jith Jayaratne and Michael L. Katz, "An Empirical Analysis of the Footprint Effects of Mergers between Large ILECs," Applications for Transfer of Control to SBC Communications Inc. of Licenses and Authorizations Held by Ameritech Corporation, CC Docket No. 98-141, filed with the Federal Communications Commission.
- Carl Shapiro and Jith Jayaratne, "Model of Unilateral Effects," White Paper filed with the FTC in support of a proposed chemical industry merger.
- Carl Shapiro and Jith Jayaratne, White Paper filed with the European Commission Merger Task Force in support of proposed software development joint venture.

## ARTICLES AND RESEARCH PUBLICATIONS

- "Coordinated Effects: Evolution of Practice and Theory" (with Janusz Ordover) in *The Oxford Handbook of International Antitrust Economics*, Volume 1, edited by Roger Blair and Daniel Sokol, Oxford University Press (2015).
- "Economics and Competition Policy: A Two-Sided Market?" (with Janusz Ordover), *Antitrust* (Fall 2012).
- "Thinking about Coordinated Effects," (with Janusz Ordover), *Concurrences*, 3 (2012).
- "How Loyalty Discounts can Perversely Discourage Discounting: A Comment," (with Assaf Eilat, Greg Shaffer and Janusz Ordover), *The CPI Antitrust Journal* (April 2010).
- "Simulating Partial Asset Divestitures to 'Fix' Mergers," (with Carl Shapiro), *International Journal of the Economics of Business*, 7 (2000).
- "The Effects of Entry Restrictions on Bank Performance in the United States," (with Philip Strahan), in *Performance of Financial Institutions*, edited by Patrick Harker and Stavros Zenios, Cambridge University Press (2000).
- "Capital Market Frictions and Deposit Constraints at Banks," *Journal of Money, Credit and Banking* (with Don Morgan [Federal Reserve Bank of New York]), 32 (February 2000).
- "How Important are Small Banks to Small Business Lending?" (with John Wolken [Federal Reserve Board]), *Journal of Banking and Finance*, 23 (1999).
- "The Benefits of Branching Deregulation," (with Philip Strahan), *Economic Policy Review*, Federal Reserve Bank of New York, 3 (December 1997) 13-30. Reprinted in *Regulation* (The Cato Review of Business and Regulation), 22 (1999).
- "Entry Restrictions, Industry Evolution and Dynamic Efficiency: Evidence from Commercial Banking," (with Philip Strahan), *Journal of Law and Economics*, 41 (April 1998) 239-73. Also published in *Staff Reports*, Federal Reserve Bank of New York, 22 (March 1997).

“A Note on the Implementation of Cable TV Rate Caps,” *Review of Industrial Organization*, 11 (December 1996).

“The Finance-Growth Nexus: Evidence from Bank Branch Deregulation,” (with Philip Strahan), *Quarterly Journal of Economics*, CXI (August 1996). Included in *Finance and Growth*, edited by Asli Demirgüç-Kunt and Ross Levine, part of *The International Library of Critical Writings in Economics*, Edward Elgar Publishing, Northampton Massachusetts, 2018, Vol.1, Chapter 14.

“Consolidation and Competition in Second District Banking Markets,” (with Christine Hall), *Current Issues in Economics and Finance*, Federal Reserve Bank of New York, 2 (July 1996).

#### **HONORS AND PROFESSIONAL ACTIVITIES**

2016, *Robert G. Sproul Award*, Lawyers’ Committee for Civil Rights

1996, *President’s Award*, Federal Reserve Bank of New York

1994, *Fellow*, Domestic Policy Studies Program, Princeton School of Public and International Affairs, Princeton University

Referee: *Journal of Money, Credit and Banking*, *Journal of Banking and Finance*, *Contemporary Economic Policy* and *Economic Policy Review*