



INDUSTRY EXPERIENCE

Director of Pharmaceutical Analytics, OnPoint Analytics, Inc., 2012–Present

Project Manager, OnPoint Analytics, Inc., 2005–2012

Martin Kovach is the Director of Pharmaceutical Analytics at OnPoint. He has extensive experience managing the production of expert reports from beginning to end—developing strategies and arguments, supervising research, collecting data and documents, conducting statistical analyses, drafting reports, and preparing for depositions and trials. Martin has also served as an expert witness.

Martin has worked on complex business litigation in many areas, but he has specialized in pharmaceuticals and healthcare. He has been responsible for structuring and conducting the empirical analyses in more than fifty major pharmaceutical cases in the areas of intellectual property, antitrust, breach of contract, and deceptive marketing. He is expert in the use of pharmaceutical data sources, pharmaceutical market dynamics, and pharmaceutical promotion.

Martin coauthored *Empirical Challenges in Pharma Litigation* (2017), a book on data analysis for pharmaceutical litigation. It describes pharmaceutical data sources, their uses, and their limitations; it discusses methods for estimating standard metrics and constructing market models; it reviews U.S. regulations and case law relevant to pharmaceutical economics; and it provides useful background on international pharmaceutical markets.

SELECTED CASES

As Expert Witness:

Breach of Contract

LDCD, LLC, v. Pacific Hyde & Fur Depot
FisherBroyles (2013)

- Expert report on standard methodologies for computing health plan reimbursements for dialysis services

As Manager:

Intellectual Property

Shire LLC v. Amerigen Pharmaceuticals Limited (Drug: Adderall XR/amphetamine salts)
Covington & Burling (2016)

- Expert report and deposition on objective indicia of nonobviousness, including commercial success and long-felt need

Cubist Pharmaceuticals, Inc. v. Hospira Pharmaceuticals, Inc. (Drug: Cubicin/daptomycin)

Winston & Strawn (2013–2014)

- Expert report, deposition, and trial testimony on objective indicia of nonobviousness, including commercial success and long-felt need

In Re Gabapentin Patent Litigation (Drug: Neurontin/gabapentin)

Axinn, Veltrop & Harkrider (2010–2011)

- Expert report and deposition on damages, including lost profits and reasonable royalties

Shire et al. v. Teva et al. (Drug: Intuniv/guanfacine)

Frommer, Lawrence & Haug (2010)

- Expert report, deposition, and trial testimony on objective indicia of nonobviousness, including commercial success and long-felt need

Antitrust

In re: Flonase Antitrust Litigation (Drug: Flonase/fluticasone propionate)

Miller Law (2008–2012)

- Expert declarations and depositions related to class certification and damages, and testimony at class certification hearing

In re: Insurance Brokerage Antitrust Litigation, both *Commercial Insurance* and *Employee Benefits* actions

Miller, Faucher & Cafferty (2008–2012)

- Expert declarations and depositions related to class certification and damages

Breach of Contract

Asabi Kasei Pharma Corporation v. Actelion Ltd., et al. (Drug: Fasudil)

Morgan, Lewis & Bockius (2010)

- Expert report, deposition, and trial testimony on breach of contract liability and damages associated with termination of drug in development

Deceptive Marketing

James Weiss et al. v. AstraZeneca Pharmaceuticals LP et al. (Drug: Nexium/esomeprazole)

Sidley Austin (2010)

- Expert declaration and deposition related to class certification, and testimony at class certification hearing involving alleged fraud on the market

EDUCATION

University of California, Santa Cruz, Santa Cruz, California

Ph.D. *Environmental Studies* | 2004 | Dissertation: *Doing Justice to Science: An analysis of three approaches to chemical assessment used in the negotiation of the Stockholm Convention on Persistent Organic Pollutants* (2004)

University of Pennsylvania, Philadelphia, Pennsylvania

M.A. *Philosophy* | 1991

Yale College, New Haven, Connecticut

B.A. *English* | 1987

PUBLICATIONS

Laura Craft, Marty Kovach, Chandra Wallace, and Claudia Cortez. *Empirical Challenges in Pharma Litigation*. OnPoint Analytics (2017)

Gordon Rausser, Stephen Hamilton, Martin Kovach, and Ryan Stifter. "Unintended consequences: The spillover effects of common property regulations." *Marine Policy* 33 (1): 24–39 (2009)

Patricia Allen and Martin Kovach. "The capitalist composition of organic: The potential of markets in fulfilling the promise of organic agriculture." *Agriculture and Human Values* 17: 221–32 (2000)

SCHOLARSHIPS AND AWARDS

University of California Toxic Substance Research and Teaching Program, Graduate Student Fellowship, 2000–2002

National Science Foundation, Dissertation Improvement Grant, 1999–2000

PRIOR EMPLOYMENT

Center for Agroecology and Sustainable Food Systems, University of California, Santa Cruz

Graduate Student Researcher | 1996–2002 (part time)

- Conducted research on topics related to sustainable agriculture and social justice
- Collaborated with Dr. Allen on a published, peer-reviewed article (Allen and Kovach 2000)

Environmental Studies Department, University of California, Santa Cruz

Graduate Student Instructor | 1996–1998 (part time)

- Assisted in teaching courses in both the natural and social sciences: Sustainable Agriculture; General Ecology; Ecology of the Rain Forests; Political Economy of the Environment; and Ecology and Society

CONFERENCES AND PRESENTATIONS

"Doing Justice to Science: A comparison of the power relations embedded in three rival approaches to chemical assessment, as observed during the negotiation of the Stockholm Convention." Talk at the annual meeting of the Association of American Geographers, Philadelphia, 2004.

"Re-placing 'Dislocated' Dangers: How environmental justice movements map chemical hazards in landscapes and bodies." Talk at the annual meeting of the Association of American Geographers, New Orleans, 2003.

"Five Approaches to Chemical Assessment: Observations of the negotiations of the Stockholm Convention on POPs." Poster presented at the annual conference of the University of California Toxic Substances Research and Teaching Program, Long Beach, CA, 2002.

"The Precautionary Principle in the International POPs Treaty: Four Conceptual Maps of Article 8." Poster presented at the annual conference of the University of California Toxic Substances Research and Teaching Program, Lake Tahoe, CA, 2001.