



# International Arbitration

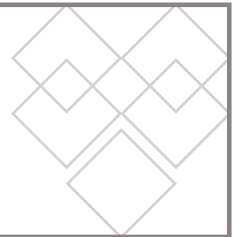
## 2023



PROFILED:

**GREG BELL**

Charles River Associates



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## International Arbitration



### GREG BELL

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### PERSONAL BIOGRAPHY

As an expert witness, **Dr Gregory Bell** frequently testifies on quantum in intellectual property, finance, valuation, transfer pricing and antitrust litigation in courts and arbitration proceedings in North America, Europe, Asia and Australia. He brings accounting, business, economics and finance expertise to his expert witness engagements. With three decades of experience as a strategy consultant in life sciences, Dr Bell has expertise and a comprehensive knowledge of global markets and therapeutic categories to inform his expert opinions in disputes associated with the pharmaceutical, biotechnology, medical devices, diagnostics and wellness industries.

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## Q&amp;A WITH GREG BELL



**Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?**

♦ It is an exciting time in life sciences as scientific advances continue to generate new commercial opportunities. As a result, we will continue to see an increase in intercompany collaborations for global development and commercialisation. As the science continues to expand and the expertise needed to develop and commercialise new products continues to be more specialised, companies will increase their collaborative efforts to access those more specialised capabilities. A consequence, however, will be an increase in arbitrations focused on commercially reasonable efforts associated with failed collaborations. Arbitration and other alternative mechanisms for dispute resolution will be preferred as compared to drawn-out ‘scorched earth’ approaches to litigation that may threaten the opportunity for future collaborations and likely would lead to further damage associated with the commercial viability of an existing collaborative effort.

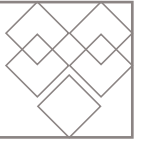
**What strengths and characteristics do you, your team and your firm strive to demonstrate to clients?**

♦ We focus on a business approach to quantum. Increasingly, we are involved in situations that require a business perspective on the issue and then a combined approach of accounting, economics and finance expertise to support an appropriate valuation of quantum. Too often, we see and rebut estimates of quantum that appear to be untethered to the business implications of the cause of action. This is typically the case with breach of contract arbitrations where quantum needs to be based on



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the business implications. A primary example is the estimate of quantum related to an assessment of commercially reasonable efforts associated with a collaboration dispute in the life sciences industry. Without an associated understanding of the business, the markets and the industry, an estimate of quantum that is driven by accounting metrics is unlikely to be successful.



**Are you active in any programmes or initiatives within your organisation?  
To what extent have you found this work rewarding and fulfilling?**

◆ I have been the leader of CRA's global life sciences practice for nearly 30 years. Over that time, the practice has grown from two or three consultants to more than 220. It has been incredibly satisfying to see the growth of the practice and the growth of the talented individuals in the practice. Together, we have built truly global offerings that span strategy consulting, policy consulting and expert witness work across the pharmaceutical, biotechnology, medical device, diagnostics and wellness industries. The breadth and depth of our offerings has led to an environment where our consultants may choose to specialise or engage in a variety of projects leading to a rewarding career in consulting or a great launching pad for a career in industry. Without question, the most important part of our consulting practice and the most satisfying is our commitment to and work with talent, recruiting, training and developing world-class talent. ■

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## REPRESENTATIVE ENGAGEMENTS

- ◆ Several engagements regarding the assessment of commercially reasonable efforts and associated quantum pertaining to failed development and commercialisation collaborations and buyout agreements in the pharmaceutical and medical devices industries.
- ◆ Several engagements related to quantum, chiefly lost profits and reasonable royalty approaches, associated with patent infringement in the life sciences industry.
- ◆ Assessment of quantum related to the global rights associated with a portfolio of antibodies.
- ◆ Assessment of quantum related to the expropriation of the national subsidiary of a multinational life sciences company.
- ◆ Several engagements regarding the assessment of quantum related to breaches of supply agreements and supply price determinations in the pharmaceutical and animal health industries.
- ◆ Several engagements regarding the assessment of quantum related to the termination of distribution agreements associated with a variety of industries.
- ◆ Assessment of quantum related to the theft of trade secrets associated with the outsourcing of global support for communications and information technology.

