

Antony J. McShane

Partner | Intellectual Property

OVERVIEW

Tony develops and implements global strategies for creating, protecting and enforcing the full range of traditional and digital intellectual property assets, including trademarks, copyrights, trade secrets, patents, domain names and social media portfolios. He enforces intellectual property rights in federal and state courts throughout the country and before the Trademark Trial and Appeal Board. He coordinates similar enforcement efforts all over the world.

He manages the daily intellectual property demands of a varied client base – Fortune 500 companies, hospitality businesses, sports franchises, social media and tech companies, entrepreneurs and many other growing enterprises. Praised in Chambers for always providing the “right level of detail and analysis,” Tony’s counsel benefits from his dual litigation and counseling acumen that assists him in identifying and developing the intellectual property assets that define a client’s business and build its brand. He skillfully considers how a decision will help a client’s business while assessing the risks of potential disputes.

The founder and former co-chair of the firm’s Intellectual Property practice group, Tony has worked to build the firm’s IP group into one of the largest and most diverse practices in the nation. He has also been an editor for the Trademark Reporter, published by the International Trademark Association, and a faculty member of the International Trademark Association’s Trial Advocacy Workshop, which was sponsored by the National Institute of Trial Advocacy.

He speaks frequently before industry and legal groups on intellectual property and social media strategies. He



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EDUCATION

DePaul University College of Law
(J.D., 1985)

University of Illinois at Urbana-
Champaign (B.A., 1982)

ADMISSIONS

Illinois

regularly conducts client seminars on identifying, developing and protecting intellectual property. He has been an adjunct professor at the Kellogg Graduate School of Management, where he taught a class on Intellectual Property Strategies for Managers of E-Commerce. His talent for teaching helps him assist young business leaders as a trusted strategic legal advisor who speaks their language and understands the contemporary challenges of developing global digital brands.

Dedicated to Pro Bono initiatives, Tony was one of seven NGE attorneys to receive the 2023 Award for Excellence in Pro Bono Service from the U.S. District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association.

EXPERIENCE

- *Lettuce Entertain You Enterprises, Inc. v. Talk of the Town Restaurants, Inc. and Ron Woodsby* (M.D. Florida) – won a jury verdict for Lettuce Entertain You Enterprises finding that Talk of the Town Restaurants infringed Lettuce’s rights in the trademark WILDFIRE, in violation of Sections 32 and 43(a) of the Lanham Act, when it rebranded its well-known Orlando-area CHARLEY’S STEAKHOUSE to CHARLEY’S WILDFIRE GRILLE.
- *Lettuce Entertain You Enterprises, Inc. v. Leila Sophia AR LLC* (N.D. Illinois) – obtained a preliminary injunction preventing defendants from opening a restaurant under the name LETTUCE MIX on the basis that the name infringed upon the family of LETTUCE trademarks.
- *The Nielsen Company (U.S.) LLC v. Truck Ads* (N.D. Illinois) – established protectable copyrights and licensing revenue in Nielsen’s widely-used DMA maps.
- *Nielsen Media Research v. Eagle Creek Broadcasting* (Corpus Christi, Texas and S.D. Texas) – defeated preliminary injunction and established the right to de-list TV stations from Nielsen ratings book.
- *Michael’s Chicago Style Red Hots, Inc. v. Michael’s Restaurant Group, LLC* (N.D. Illinois) – obtained a preliminary injunction preventing defendants from opening a restaurant under the name MICHAEL’S on the basis that the name infringed upon common law rights.
- *Republic Technologies v. Shenzhen Jieshibo Technology Co., Ltd.* (Trademark Trial and Appeal Board) – won an opposition to the registration of the mark JSB on the grounds that it was likely to cause confusion with the mark JOB.
- *ALCAR, Inc. v. Corporate Performance Systems, Inc.* (N.D. Ill.) – obtained a judgment reclaiming a domain name on the grounds that a former distributor’s registration of the name constituted cybersquatting.
- *National Counseling Compensation Insurance v. Insurance Data Resources, Inc.* (S.D. Florida) – defeated a claim of copyright protection for NCCI’s insurance codes, formulas and related manuals used by workers’ compensation rating organizations.

- *Adam's Apple Distributing, L.P. and Philip Morris, Inc., v. Panaria, Inc.* (S.D.N.Y.) – seized counterfeit goods that infringed the copyrights in Adam's Apple's original artwork and Philip Morris' trademark rights in its Marlboro cigarette box.
- *Adam's Apple Distributing, L.P. v. People's Choice* (D. Oregon) – won a copyright infringement action involving affirmative defenses of equitable estoppel and implied license, focusing on unauthorized commercialization of copyrighted artwork.

RECOGNITIONS

- *Chambers USA: America's Leading Lawyers for Business*, recommended in "Intellectual Property," 2011-2020 and in "Intellectual Property: Trademark, Copyright & Trade Secrets," 2021-2024
- Award for Excellence in Pro Bono Service, U.S. District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association, 2023
- Named an "IP Star – Trademark," *Managing Intellectual Property*, 2022-2023
- *World Trademark Review 1000*, recommended in "Trademark Enforcement and Litigation" and "Trademark Prosecution and Strategy" since 2014
- *The Legal 500 United States*, recommended in "Trademark Litigation" since 2020
- *The Best Lawyers in America*, recommended in "Trademark Law" since 2015
- *Illinois Super Lawyers*, recommended in "Intellectual Property" since 2006

NEWS & INSIGHTS

January 31, 2025 Firm News

World Trademark Review 1000 Ranks Six Neal Gerber Eisenberg Attorneys

January 24, 2025 Firm News

Twenty-Two Neal Gerber Eisenberg Attorneys Recognized on 2025 Illinois Super Lawyers List

August 15, 2024 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2025 *Best Lawyers In America*

July 8, 2024 In The Media

Tony McShane Quoted in the *Law360* Article, "Restaurant Group Gets Another Shot At TM Suit Against Hotel"

June 6, 2024 Firm News

Neal Gerber Eisenberg Secures Nine Ranked Practice Groups and 23 Recognized Attorneys in *Chambers USA* 2024



February 8, 2024 Firm News

Neal Gerber Eisenberg Intellectual Property Practice Places Six Attorneys in *World Trademark Review 1000*

January 29, 2024 Firm News

Thirty-One Neal Gerber Eisenberg Attorneys Recognized on 2024 Illinois Super Lawyers List

August 30, 2023 Firm News

Three Neal Gerber Eisenberg Attorneys and the Trademark Practice Listed in the 2023 Edition of *Managing IP*

August 17, 2023 Firm News

55 Neal Gerber Eisenberg Attorneys Included in 2024 *Best Lawyers In America*

July 12, 2023 In The Media

Tony McShane Quoted in *Bloomberg Law* Article "Twitter's Threads Threat to Meta Turns on What's Under the Hood"

June 12, 2023 Firm News

The Legal 500 United States 2023 Edition Recommends Four Neal Gerber Eisenberg Practices and 23 Attorneys

June 1, 2023 Firm News

Neal Gerber Eisenberg Secures 10 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2023

05.05.23 Firm News

Seven Neal Gerber Eisenberg Attorneys Recognized for Excellence in Pro Bono Service

02.13.2023 Firm News

Neal Gerber Eisenberg Intellectual Property Practice Places Five Attorneys in *World Trademark Review 1000*

August 18, 2022 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2023 *Best Lawyers*

July 22, 2022 In The Media

Tony McShane Quoted in *Bloomberg Law* Article on Trademark Law and Sports Merchandising

June 10, 2022 Firm News

The Legal 500 United States 2022 Edition Recommends Four Neal Gerber Eisenberg Practices and 19 Attorneys

June 1, 2022 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2022

February 28, 2022 Firm News

Neal Gerber Eisenberg Intellectual Property Practice Places Four Attorneys in *World Trademark Review 1000*

August 18, 2021 Firm News

52 Neal Gerber Eisenberg Attorneys Included in 2022 *Best Lawyers*

August 13, 2021 In The Media

Tony McShane Interviewed by *World Trademark Review* on Cleveland Guardians Rebrand



June 10, 2021 Firm News

The Legal 500 United States 2021 Edition Recommends Four Neal Gerber Eisenberg Practices and 15 Attorneys

May 20, 2021 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in Chambers USA 2021

February 15, 2021 Firm News

Neal Gerber Eisenberg Intellectual Property Practice Once Again Earns Gold Band Status in *World Trademark Review 1000*

January 5, 2021 Publication

Client Alert: Important Copyright Protections in New COVID-19 Relief Package

December 31, 2020 In The Media

Antony McShane Quoted in IP Watchdog on 2020 Copyright Trends

November 5, 2020 Publication

Antony McShane Article "Famous Last Words" Published in Intellectual Property Magazine

August 19, 2020 Firm News

46 Neal Gerber Eisenberg Attorneys Included in 2021 Best Lawyers

June 15, 2020 Firm News

The Legal 500 United States 2020 Edition Recommends Five Neal Gerber Eisenberg Practices and 21 Attorneys

June 1, 2020 In The Media

Antony McShane Participates in *Crain's* Food and Beverage Roundtable

April 23, 2020 Firm News

Neal Gerber Eisenberg Secures 10 Ranked Practice Groups and 16 Ranked Attorneys in Chambers USA 2020

February 17, 2020 Firm News

Neal Gerber Eisenberg Intellectual Property Practice Receives Top Ranking in *World Trademark Review 1000*

February 3, 2020 Firm News

Illinois Super Lawyers 2020 Recognizes 39 Neal Gerber Eisenberg Attorneys

November 5, 2019 Event

Current Developments in Trademark & Patent Law

September 4, 2019 Publication

The Trademarks THE SLANTS, REDSKINS, and Now FUCT Are Registrable Trademarks Following the Supreme Court's *Iancu v. Brunetti* Ruling

August 15, 2019 Firm News

45 Neal Gerber Eisenberg Attorneys Included in 2020 Best Lawyers

July 2, 2019 Publication

Client Alert: The Trademarks THE SLANTS, REDSKINS and Now FUCT Are Registerable Trademarks Following the Supreme Court's *Iancu v. Brunetti* Ruling



April 25, 2019 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in the Chambers USA 2019 Edition

February 5, 2019 Firm News

Neal Gerber Eisenberg's Intellectual Property Practice Receives Top Ranking in *World Trademark Review 1000*

August 15, 2018 Firm News

45 Neal Gerber Eisenberg Attorneys Included in 2019 Best Lawyers

August 14, 2018 In The Media

Antony J. McShane Quoted in *Reuters Westlaw – Intellectual Property*

July 27, 2018 Publication

Client Alert: Supreme Court Clarifies the Scope of Copyright Protection for Features of Useful Articles

July 26, 2018 Publication

Foul Play?

July 9, 2018 Firm News

46 Neal Gerber Eisenberg Attorneys Included in 2016 Best Lawyers

July 9, 2018 Firm News

41 Neal Gerber Eisenberg Attorneys Listed in 2016 Illinois Super Lawyers

July 9, 2018 Firm News

Chambers USA Ranks 11 Neal Gerber Eisenberg Practice Groups and 20 Attorneys in the 2016 Edition

July 9, 2018 Firm News

45 Neal Gerber Eisenberg Attorneys Included in 2017 Best Lawyers

July 6, 2018 Firm News

World Trademark Review 1000 Recognizes Three Neal Gerber Eisenberg Attorneys, IP Practice

July 6, 2018 Firm News

Chambers USA Ranks 11 Neal Gerber Eisenberg Practice Groups and 21 Attorneys in the 2017 Edition

July 6, 2018 Firm News

44 Neal Gerber Eisenberg Attorneys Included in 2018 Best Lawyers

July 6, 2018 Firm News

Neal Gerber Eisenberg's Intellectual Property Practice Receives Top Ranking in World Trademark Review 1000

June 26, 2018 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 26 Recognized Attorneys in the Chambers USA 2018 Edition

May 2, 2018 Publication

Charting a Course to Success in Reverse Confusion Claims and Fair-Use Defenses