



## Tiffany D. Gehrke

Partner and Chair, Trademarks and Copyrights

Tel 312.474.6656  
tgehrke@marshallip.com

Partner and chair of Marshall Gerstein's Trademarks & Copyrights practice group Tiffany D. Gehrke helps people protect their most important assets – their ideas and their reputation. Whether a business is a multi-national corporation or a startup, Tiffany partners with clients to strategically protect their products, their services, and their brand identity.

She has extensive experience representing retailers, manufacturers, publishers, consulting companies, non-profits, and organizations across a wide variety of industries. Tiffany also frequently counsels biotech and pharmaceutical clients regarding trademark matters for ground-breaking innovations, clinical trials, drug names, and anything in between. She develops strategic plans and manages worldwide trademark portfolios.

Tiffany has many years of experience enforcing and defending her clients' intellectual property rights through litigation in state and federal courts, through proceedings before the U. S. Patent and Trademark Office, and through other dispute resolution forums. Tiffany also counsels clients for a variety of transactions, including licenses and assignments. She has also guided clients through acquisitions and divestitures of IP assets.

Before becoming a lawyer, Tiffany was a software engineer developing solutions to help companies innovate efficient, thoughtful measures to guide their business. Tiffany continues this logical, thoughtful, and practical approach to helping clients with their legal needs.



### Practices

- Trademarks
- IP Litigation
- Copyrights
- Trade Secrets

### Industries

- Biotechnology & Life Sciences
- Consumer Products
- Pharmaceutical
- Electrical & Computer Technologies
- Internet & Cyberlaw
- Industrial & Mechanical Technologies
- Metaverse
- Entrepreneurship, Startups & Emerging Companies

## Recognitions

- Tiffany received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association in 2018. She was nominated by the Court for her pro bono representation of an incarcerated individual in pursuit of his constitutional rights under the Eighth Amendment.
- Tiffany was named to the third annual list of Litigation Trailblazers and Pioneers in 2016 by the *National Law Journal*, a list which identifies litigation professionals who bring about meaningful change through their work.
- In 2022, Tiffany was named a Thomson Reuters Stand-out Lawyer after being nominated by senior in-house counsel for a multibillion dollar company as “one of the three most outstanding lawyers that [her] client has worked with in the last three years.”
- *Crain's Chicago Business* named Tiffany to its 2021 Notable Rising Stars in Law list, noting in particular her legal acumen, pro bono advocacy, involvement with diversity, equity & inclusion initiatives, and her leadership within professional organizations.
- Since 2021, she has been selected as a *Super Lawyer*® featuring the top 5% of attorneys in the state. Prior to this recognition, from 2013 to 2020, she was selected for inclusion in the *Illinois Rising Stars*® list featuring outstanding young attorneys in the state.
- In 2018, she was included in the inaugural edition of *Managing Intellectual Property's* Rising Stars list. *Managing Intellectual Property* recognizes her as one of the up-and-coming IP practitioners who has contributed to the success of Marshall Gerstein and the clients we serve. *Managing Intellectual Property* has also recognized Tiffany as a "Notable Practitioner" in their IP Stars Survey.
- Since 2017, she has been designated as an “Emerging Lawyer” by her peers, less than 2% of all lawyers licensed in each state have received the distinction.
- In 2024, Tiffany was selected for inclusion in the *The Best Lawyers in America*® list.

## At Marshall Gerstein and Beyond

Tiffany is a member of Marshall Gerstein's Diversity, Equity & Inclusion Committee. She routinely serves as a formal and informal mentor to younger associates in the firm and in the legal community.

When she is not providing counsel on legal matters, Tiffany enjoys spending time with her family and friends, traveling near and far, walking along Lake Michigan, and getting lost in a great book.

## Representative Experience

- Handles all areas of trademark law from selection and clearance to prosecution and enforcement. Tiffany routinely helps clients design, grow, and protect their trademark portfolios.
- Vigorously protects clients' rights. Tiffany successfully secured a multi-million dollar judgment against an online retailer of counterfeit goods for trademark and copyright infringement.
- Manages worldwide clearance projects for clients. Tiffany regularly counsels on worldwide needs whether urgent or routine. For example, in a time sensitive matter, she successfully managed an urgent clearance project spanning more than 20 jurisdictions before impending disclosure of client acquisition.
- Negotiates successful resolutions for numerous intellectual property issues on both sides of the claim. Tiffany has counselled clients and resolved trademark, patent, trade secret, copyright infringement allegations, and/or unfair competition issues.
- Protects client's rights online. Tiffany has helped clients navigate platform specific take down procedures, UDRP and other domain-related proceedings, DMCA take downs, and more. Tiffany's background as a computer programmer fuels her passion for online matters, including trademark governance in Web 3.0 and the metaverse.

Tiffany also has experience investigating and analyzing issues relating to:

- Trademark portfolio development and protection
- Trademark, copyright, and patent infringement
- Trade secrets
- Counterfeiting
- Trademark dilution
- Breach of contract
- Unfair competition

## Background and Credentials

Tiffany earned her J.D., with a Certificate in Trial Advocacy, from Loyola University Chicago School of Law where she was on the Dean's List, a two-time regional finalist, and a national quarter-finalist and semi-finalist as a member of the Giles S. Rich Intellectual Property Moot Court team, an Intellectual Property Fellow, and a Chicago IP Colloquium Fellow. She was also awarded Loyola's Laura Terlizzi Scholarship, given to a female student intending to practice intellectual property law. She also served as a senior editor of the *Annals of Health Law* journal. She completed a B.S.E. in computer science engineering from The University of Michigan. Tiffany is licensed to practice in the state of Illinois, before the U.S. Court of Appeals for the Federal Circuit, and before the U.S. Supreme Court. In addition, Tiffany is admitted *pro hac vice* in numerous district courts and is licensed to practice before the U.S. Patent and Trademark Office.

## Education

- Loyola University Chicago School of Law (J.D.)
- University of Michigan (B.S.E.)
  - Computer Science Engineering

## Bar Admissions

- Illinois
- U.S. Patent and Trademark Office
- U.S. Supreme Court
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Eastern District of Wisconsin
- Admitted to practice pro hac vice in various district courts throughout the U.S.

## Publications and Presentations

- "Hermès v. Rothschild: "MetaBirkin" NFT Dispute, Brand Owners Prevail, Marshall Gerstein Insights, February 9, 2023.
- "Jack Daniel's, Dior Cry 'Dillution' ...," *Bloomberg Law*, December 14, 2022 (featured quotes).
- "DEI Champions: Driving Change, Getting Buy-in and Leveraging Success," Co-Panelist, Driving Diversity in Law & Leadership, September 21, 2022.
- "The Federal Circuit in Review," Co-Panelist, University of Illinois Chicago 65th Annual IP Conference, November 4, 2021.
- "Assessing the Impact of American Axle Six Months Out," Co-author, IPWatchdog, May 13, 2020.

[Access Tiffany's additional thought leadership.](#)

## Community and Professional Involvement

- Intellectual Property Law Association of Chicago (IPLAC)
  - Immediate Past President, 2023–present
  - President, 2022–2023
  - President-Elect, 2021–2022
  - Vice-President, 2020–2021
  - Secretary, 2018–2020
  - Co-Chair, Symposium 2017–2018
  - Co-Chair, Membership Committee 2014–2017
- International Trademark Association (INTA)
  - Internet Committee, 2022–present
- The Richard Linn American Inn of Court
  - Executive Committee, Dinner Chair 2016–2017
- Seventh Circuit Patent Jury Instructions Committee
- Women's Bar Association of Illinois (WBAI)
  - Board of Directors, 2019–2021
  - Mentorship Committee, 2020–present
  - Membership Committee, 2016–2020

- Annual Dinner Committee, 2018–2020
- Women's Leadership Institute 2015–2016
- Children's Home & Aid Associate Board 2015-2019
  - Development Chair 2016–2019
- Women's Leadership & Mentoring Alliance (WLMA)

Through Marshall Gerstein's pro bono initiative, Tiffany provides legal services to individuals who have had their constitutional rights violated while pursuing equity, justice, and equality for all. She also provides pro bono legal services to incarcerated and indigent individuals and non-profit organizations. Outside of work, Tiffany has mentored youth in foster care and, for many years, served on the Associate Board of Children's Home & Aid. Previously, she volunteered as a tutor to help at risk Chicago Public School students prepare for the ACT.

## Insights

February 9, 2023

**Hermès v. Rothschild: "MetaBirkin" NFT Dispute, Brand Owners Prevail**

Marshall Gerstein Insights

December 14, 2022

**"Jack Daniel's, Dior Cry 'Dillution' ...," (featured quotes)**

Bloomberg Law

December 5, 2022

**USPTO Shortens Response Deadlines for Trademark Office Actions Issued on or after December 3, 2022**

Marshall Gerstein Insights

November 4, 2021

**"The Federal Circuit in Review"**

University of Illinois Chicago 65th Annual IP Conference

May 13, 2020

**"Assessing the Impact of American Axle Six Months Out"**

IPWatchdog

March 15, 2017

**"Patent Cases to Watch in 2017"**

Intellectual Property Law Symposium

April 28, 2016

**"Defend Trade Secrets Act Passes House and Senate"**

Marshall Gerstein Alert

February 18, 2016

**"Dissent: Deferential Review by Federal Circuit Falls Short of Purpose of Providing Optimum Determination of Patent Validity"**

IP Litigator

June 12, 2015

**"The Importance of Paying It Back"**

The Woman Advocate

October 2013

**"PTAB Zone"**

The Richard Linn American Inn of Court

December 2012

**"Incivility in the Legal Profession"**

Loyola University Chicago School of Law at Middle Temple, London, England

September 2012

**"Ethics Issues in Parallel International IP Litigation"**

The Richard Linn American Inn of Court

Summer 2012

**"To Declare or Not to Declare (Judgement): That is the Question"**

The Illinois Manufacturer

February 2012

**"Ethics: Difficult Depositions"**

The Richard Linn American Inn of Court

September 9, 2011

**"Traditional Trademark Enforcement Options"**

ICANN's New Generic Top-Level Domain (gTLD) Program, Live Presentation

August 24, 2011

**"Not All Endorsements Are Alike"**

Medical Device + Diagnostic Industry

October 2010

**"A Night at the Design Patent Museum"**

The Richard Linn American Inn of Court

February 2010

**"Constitutional Convention"**

The Richard Linn American Inn of Court

April 2009

**"ITC Practice"**

The Richard Linn American Inn of Court

August 2008

**"The Impact of KSR on the Obviousness Inquiry"**

## **Client Successes**

### **Vanguard Approach to Protect IP Rights in Bankruptcy**

Marshall, Gerstein and Borun LLP's [Maureen Beacom Gorman](#), [Julianne M. Hartzell](#), and [Tiffany D. Gehrke](#) are forging new law in a recent intellectual property counterfeiting case. After the team had obtained a multi-million dollar judgment and an injunction, two of the defendants sought discharge of the injunction and financial judgment in bankruptcy court. Finding no published decisions, the team successfully argued that the injunction could not be discharged, analogizing intellectual property injunctions to environmental protection injunctions that prevent further pollution. The team argued

that the IP injunctions should be excluded from discharge in bankruptcy because they do not constitute debts. The California bankruptcy court agreed with this novel argument and entered summary judgment in favor of the Firm's client, ruling that the injunction entered in the district court would be unaffected by the opposing party's bankruptcy filing and any resulting discharge.

This innovative application of bankruptcy law is Marshall Gerstein's most recent example of its vanguard approach to intellectual property enforcement. Over 50 years, Marshall Gerstein has had highly regarded experience in complex intellectual property litigation, enjoying a distinguished history before courts, including the United States Supreme Court in the landmark cases *Blonder-Tongue Labs, Inc. v. University of Illinois Foundation*, establishing the fundamental principle of offensive collateral estoppel, and *Walker Process Equipment, Inc. v. Food Machinery & Chemical Corporation*, setting forth the basic principles for antitrust liability under the patent laws.