



Anthony S. Baish

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Practice Areas

Contract/Commercial
Litigation

Intellectual Property Litigation

Non-Competition & Trade
Secrets

Admissions

Wisconsin

Education

Juris Doctor, University of
Michigan Law School, 1998

Bachelor of Arts, University
of Iowa, 1992



Tony Baish is co-chair of the Litigation and Intellectual Property Litigation practices in the firm's Milwaukee office.

Tony has handled a wide variety of commercial disputes, concentrating on intellectual property litigation and other complex commercial litigation. Highlights of his litigation work include representing a patent holder in *inter partes* proceedings before the Patent Trial and Appeal Board, serving as lead patent litigation counsel for an automotive supplier enforcing its patent rights against an alleged infringer from Taiwan and its American distributor, serving as lead patent litigation counsel for California and Arkansas manufacturers in an infringement suit in the Eastern District of Wisconsin, and acting as lead counsel in a copyright infringement suit involving the unauthorized live broadcast of Mexican soccer games via website.

Outside the field of intellectual property litigation, Tony has served various clients in the construction industry, including as lead counsel for a construction management firm in litigation involving a multi-state project for the construction of numerous facilities, and as lead counsel for a hospital in a dispute over defects in a major expansion.

Tony has been lead counsel in numerous jury trials, court trials, and arbitrations. He has successfully argued before the Seventh Circuit Court of Appeals and the Federal Circuit Court of Appeals. Representative clients include Kimberly-Clark Corporation, Oshkosh Corporation, the Atlantic Richfield Company, The Sportsman Channel and School Specialty, Inc.

Tony serves on the Seventh Circuit Pattern Civil Jury Instructions Committee, which reviews and proposes revisions to the Circuit's pattern jury instructions to ensure they are understandable and reflect the current state of the law. He is a member of the patent instructions subcommittee and is the co-chair of the copyright and trademark subcommittees.

Tony is a Past President of the Eastern District of Wisconsin Bar Association, through which he worked closely with the District's judges. He currently chairs the Association's Court Liaison Committee, which is charged with providing feedback from lawyers to judges in order to improve practice in the District's courts. Tony received the 2010 Judge John W. Reynolds Community Building award for his efforts to expand and improve pro bono representation in the Eastern District of Wisconsin. And as former Co-Chair of the association's Pro Bono Committee, his efforts, together with those of the rest of the committee, earned the 2008 Outstanding Achievement Award by the unanimous vote of the State Bar of Wisconsin's Local Bar Grant Competition Committee.

Tony earned his J.D. from the University of Michigan Law School, in 1998, where he was an associate editor of the *Michigan Law Review*. From 1998 to 1999, he served as the law clerk to the Honorable Suzanne B. Conlon of the United States District Court for the Northern District of Illinois.

Representative Experience

Samson Lift Technologies, LLC v. Oshkosh Corporation and Jerr-Dan Corporation. Tony represented Jerr-Dan Corporation and its parent Oshkosh Corporation in this dispute, which involved alleged violations of a patent license agreement. The dispute ranged across various federal and state courts over several years. Tony helped obtain a complete dismissal of all claims against Oshkosh and many claims against Jerr-Dan through motions to dismiss and motions for summary judgment. The remaining claim against Jerr-Dan culminated in a month-long jury trial in state court in Manhattan, at which Tony was co-lead trial counsel. The trial was a resounding success. Although the jury ruled against Jerr-Dan on liability, the award of approximately \$500,000 was several orders of magnitude less than the plaintiff sought.

Kimberly-Clark Corporation. Tony has served as both lead counsel and local counsel for Kimberly-Clark Corporation and its affiliates in various patent infringement and other patent-related matters in jurisdictions throughout the United States.

Asyst Technologies LLC et al. v. Eagle Eyes Traffic Ind. Co. Ltd, et al. As lead litigation counsel for the plaintiffs in this patent infringement suit in the automotive industry, Tony saw the case through to a successful settlement at the close of discovery.

M-B-W, Inc., et al. v. Multiquip, Inc., et al. This patent infringement case involved motorized power trowels used in the construction industry. Tony served with Howard Pollack as lead counsel. After Tony obtained summary judgment of infringement in favor of his clients, the case was settled prior to trial.

Seat Sack, Inc. v. Childcraft Education Corp., et al. Tony was lead counsel for Childcraft Education and its parent company, School Specialty, Inc., in this case, pending in the Southern District of New York, involving claims of trademark and patent infringement. Tony prevailed on summary judgment and on appeal to the Federal Circuit.

Ori v. Fifth Third Bank and Fiserv, Inc. Tony served as lead counsel for the defendants in this class action asserting violations of the Fair Credit Reporting Act and related common law claims. Tony obtained dismissal of the initial complaint. The case ultimately was settled after the named plaintiff filed an amended complaint.

TV Azteca SA de CV, et al. v. Durden, et al. Tony served as lead litigation counsel for TV Azteca in this copyright infringement case involving the unauthorized live broadcast of Mexican soccer games owned by TV Azteca. After locating the infringer, who used a fictitious name to operate the website, Tony helped negotiate a consent judgment involving a permanent injunction against the infringer and other relief.

Schering-Plough Healthcare Products, Inc. v. Schwarz Pharma, Inc., et al. In this case involving claims of false advertising under the Lanham Act and FDA regulations for product labeling, Schwarz Pharma was represented by Hyman, Phelps & McNamara P.C., with Tony leading the local counsel team. After briefing on the plaintiff's motion for partial summary judgment and Schwarz Pharma's motion to dismiss, the complaint was dismissed in its entirety.

Wolters v. The Sportsman Channel, Inc., et al., and Demi & Cooper, Inc. v. The Sportsman Channel, Inc. These two related cases, one in the Western District of Michigan and one in an Illinois state court, centered around alleged copyright infringement in the use of a photograph in marketing materials. Tony served as lead counsel for The Sportsman Channel. Both matters were settled.

5560, LLC v. Clutch and Transmission Service, Inc. This case involved substantial claims and counterclaims for breach of a commercial lease. Tony served as lead counsel for the landlord, 5560, LLC. After a four-day trial, the jury awarded 5560, LLC damages in excess of what was initially requested.

UMB Fund Services, Inc. v. Mount Yale Opportunity Fund, LLC. Tony served as lead counsel for UMB Fund Services in this dispute over complex administrative services to a hedge fund. The matter was settled after extensive discovery.

Representative Experience

Orren Pickell Development, LLC v. Delavan Resort Development, Inc. et al. In this Illinois state court case, Delavan Resort Development and its affiliates were accused of breaching agreements related to Orren Pickell's attempt to purchase certain resort property and assets in Wisconsin. Tony served as Delavan Resort Development's lead counsel, and prevailed on a motion to dismiss the complaint.

Aquent Partners Inc. v. Catalyst International, Inc. As lead counsel for Catalyst International in this Milwaukee County suit, Tony obtained a complete victory on all claims after a jury trial.

Wisconsin Patients Compensation Fund v. Physicians Insurance Company of Wisconsin, Inc. In this first-of-its-kind bad faith insurance dispute, Tony represented the Wisconsin Patients Compensation Fund as second chair in a lengthy jury trial. The Fund prevailed on its claims and was awarded a substantial judgment.

United States v. Peterson. In this appeal to the Seventh Circuit Court of Appeals, Tony was one of two attorneys who represented, pro bono, two individuals convicted in the Northern District of Indiana of violations of the Hobbs Act. After oral argument, the Seventh Circuit reversed both convictions for insufficient evidence.

Court Admissions

United States Court of Appeals, Federal Circuit
United States Court of Appeals, Second Circuit
United States Court of Appeals, Seventh Circuit
United States District Court, Northern District of Illinois
United States District Court, Eastern District of Texas
United States District Court, Eastern District of Wisconsin
United States District Court, Northern District of Indiana
United States District Court, Western District of Michigan
United States District Court, Western District of Wisconsin

Professional Association Memberships

American Intellectual Property Law Association
Eastern District of Wisconsin Bar Association
Seventh Circuit Bar Association

Activities

Eastern District of Wisconsin Bar Association – Past President

Seventh Circuit Pattern Civil Jury Instructions Committee – Co-Chair

Copyright and Trademark Instructions Subcommittees; Patent Instructions Subcommittee

Zoological Society of Milwaukee County - Associate Board of Directors

American Inns of Court - Member

American Bar Association - ABA Section of Litigation - Member, Intellectual Property Litigation Subcommittee

Honors

Recognized as a *Wisconsin Rising Star* (2006 - 2007)

Recognized as a *Wisconsin Super Lawyer* (2011 – present)

Outstanding Achievement Award, State Bar of Wisconsin (2008)

Judge John W. Reynolds Community Building Award Recipient, Eastern District of Wisconsin Bar Association (2010)

Recognized by *Intellectual Asset Magazine* as one of The World's Leading Patent Practitioners (2013)

Recognized by *Chambers USA* (General Commercial Litigation, 2013 - 2014)

Listed in *Best Lawyers in America* (Commercial Litigation, 2014 - present)

Included in the top 8-12% of *M Magazine's* "Leading Lawyers" (Litigation, 2014)