

Howard J. Shire

Partner

New York

howard.shire@troutman.com

D 212.808.2722



With more than 30 years of experience protecting and defending his clients' intellectual property, Howard provides a nuanced and sophisticated approach to help them reduce risk and resolve high stakes matters.

OVERVIEW

Howard has more than 30 years of experience in protecting and defending his clients' products and IP rights against infringement. He has represented major corporations, as both plaintiffs and defendants, in trademark infringement and dilution cases, trademark and copyright counterfeiting cases, trade dress litigations, and all manner of IP enforcement cases, in both federal district court and the Trademark Trial and Appeal Board. Howard has also handled patent litigations. His work has resulted in verdicts worth millions of dollars for his clients and precedent-setting decisions in IP law.

Howard has an active counseling and prosecution practice. His clients turn to him to help them develop and implement worldwide trademark registration programs. Howard coordinates major corporate acquisitions involving the worldwide transfer of patents, trademarks, and copyrights, and negotiates a wide variety of intellectual property agreements, such as licenses, trademark coexistence agreements, and joint ventures. Howard also counsels clients on intellectual property matters relating to internet issues and the selection of new trademarks and domain names, and has experience litigating actions to obtain domain names under ICANN's dispute resolution procedure. His clients have come from many diverse industries, including computer software, consumer electronics, financial services, video games, restaurants and nightclubs, sports and entertainment, apparel, nutritional supplements, publishing, personal care products, alcoholic beverages, landscaping, music licensing, and pharmaceuticals.

Howard is also a trained and experienced mediator and member of the International Trademark Association's Panel of Trademark Mediators. He has conducted several mediations of trademark and copyright disputes. Howard has also served as an arbitrator under the auspices of the American Arbitration Association. He has also been an active member of the International Trademark Association's Alternative Dispute Resolution Committee, which encourages the resolution of trademark disputes outside of the courtroom.

Howard is a prolific author and has written articles on unfair competition claims, personal jurisdiction, liability for false patent marking, fraud on The United States Patent and Trademark Office (USPTO), the tacking standard, trademark dilution, fair use, inducement of infringement, keyword advertising, and the Anticybersquatting Consumer Protection Act (ACPA).

He serves as editor-in-chief of *Intellectual Property Strategist* and is a former editor-in-chief of *The Trademark Reporter*, the leading scholarly journal devoted to trademark law.

REPRESENTATIVE MATTERS

- Represents clients in federal and state court litigations and in arbitrations.
- Litigates trademark oppositions and cancellation actions before the Trademark Trial and Appeal Board.
- Handles non-litigation matters concerning trademarks and copyrights.

AWARDS

- *Best Lawyers in America*®: Litigation – Intellectual Property (2015, 2018, 2025-2026), Trademark Law (2006-2026)
- *Lexology Index*: Thought Leaders: USA (formerly *Who's Who Legal*) (2024)
- *World Trademark Review*: WTR 1000 (2011-2019, 2021, 2023-2025)
- *New York Super Lawyers* (2006-2021)
- *Best Lawyers in America*®: “Lawyer of the Year” in Trademark Law (2018)
- Rated AV Preeminent by *Martindale-Hubbell*®
- Rated Top Lawyer 2024 by *Martindale-Avvo*
- Recognized as a Top Attorney in Metro New York, *New York Times Magazine* (2016)
- Recognized in *The International Who's Who of Business Lawyers* (2013)

TOP AREAS OF FOCUS

- Intellectual Property
- Trademark + Copyright

ALL AREAS OF FOCUS

- Intellectual Property
- Marketing + Advertising
- Trademark + Copyright

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Law360 Intellectual Property Editorial Advisory Board (2025)
- Member of the INTA Trademark Mediators Network
- Member and former chairman of the Trademark Committee, New York Intellectual Property Law Association
- Member of ABA Trademark Litigation Committee

EDUCATION AND CERTIFICATIONS

EDUCATION

- New York University School of Law, J.D., 1979, Moot Court Board, editor, *Annual Survey of American Law*
- Brown University, B.A., 1975

BAR ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Circuit
- Supreme Court of the United States
- U.S. District Court, Eastern District of Wisconsin

LANGUAGES

- Spanish (basic)

SPEAKING ENGAGEMENTS

- Speaker, "Deepfakes and the IP Tools to Tackle Them," MARQUES Spring Team Meeting 2025, March 13, 2025.
- Speaker, "Shining Lights and Trademark Fights: Ornamental Uses, The First Amendment and More," Forum on Entertainment and Sports and Intellectual Property Law Section Joint Meeting, November 16, 2024.
- Panelist, "To Use or Not To Use," Marques Spring Meeting, March 7 – 8, 2024.
- Speaker, "Trademark Strategy in Athlete Brand Protection," The Cleveland Intellectual Property Law Association – CIPLA Meeting, February 1, 2024.
- Speaker, "Navigating the IP Landscape: Intellectual Property Issues, Strategies, and Management for In-House Counsel," Troutman Pepper Webinar, October 25, 2023.
- Speaker, "Concerns for the Digital Age: Cryptocurrency – an Update on NFTs, Blockchain, and More," Troutman Pepper CLE Webinar, April 19, 2023.
- Speaker, "Intellectual Property – NFTs," *Law Journal Newsletter's* Webinar Series, December 8, 2022.
- Speaker, "Right of Publicity: The Life and Times of a Professional Football (Soccer) Player," International Trademark Association (INTA)'s Annual Meeting, May 2, 2022.
- Speaker, "Breaking Down the Current State of Trademark Functionality Law," American Bar Association, October 19, 2021.
- Panelist, "NFTs: A Brave New World for IP Attorneys," Troutman Pepper, June 3, 2021.

PUBLICATIONS

- Author, "Federal Court Dismisses NIL Lawsuit Filed by Tyrelle Pryor," *NIL Revolution*, August 1, 2025.
- Co-author, "Not Merely Monkey Business: The Bored Ape Case and NFT Branding in the Ninth Circuit," *The Intellectual Property Strategist*, July 31, 2025.
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- Co-author, "Federal Circuit Upholds Refusal of US SPACE FORCE Under Section 2(a)," *World Trademark Review*, June 11, 2025.
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- Co-author, "[IP News](#)," *The Intellectual Property Strategist*, June 1, 2025.
- Co-author, "[Under Armour Successful in OUTERARMOUR Opposition](#)," *World Trademark Review*, February 27, 2025.
- Co-author, "[Berry Bad Outcomes: Millions at Stake for Dewberry Group, Inc.](#)" *The Intellectual Property Strategist*, February 1, 2025.
- Co-author, "[Life, Liberty, and the Pursuit of Customers: Developments on 'Conquering' from the Ninth Circuit](#)," *The Intellectual Property Strategist*, December 1, 2024.
- Co-author, "[The POLLO PICU Case: Playing Chicken with Trade\(mark\)](#)," *World Trademark Review*, October 28, 2024.
- Co-author, "[IP News](#)," *The Intellectual Property Strategist*, October 1, 2024.
- Co-author, "[IP News](#)," *The Intellectual Property Strategist*, August 1, 2024.
- Co-author, "[TTAB Upholds Refusal of BRONKO Mark](#)," *WTR Daily*, July 29, 2024.
- Co-author, "[Supreme Court Upholds Names Clause in Trademark Law, Emphasizing Historical and Traditional Foundations](#)," *Troutman Pepper*, June 18, 2024 and *The Intellectual Property Strategist*, August 2024.
- Co-author, "[IP News](#)," *The Intellectual Property Strategist*, June 3, 2024.
- Co-author, "[Appeals Court Backs Nickelback In Copyright Infringement Case](#)," *The Intellectual Property Strategist*, April 1, 2024.
- Podcast, "[The NCAA's Response to the NIL Recruitment Injunction](#)," *Highway to NIL Podcast*, March 13, 2024.
- Co-author, "[GO's Appeal Is No-Go: Federal Circuit Says Everybody Vs Racism Fails to Function as Source Identifier](#)," *WTR Daily*, February 21, 2024.
- Podcast, "[2024 NIL Predictions](#)," *Highway to NIL Podcast*, February 7, 2024.
- Co-author, "[Wildest Dreams: NIL Experts Make Predictions for 2024](#)," *College Athletics and the Law*, Vol. 20, Issue 11, February 2024.
- Co-author, "[IP News](#)," *The Intellectual Property Strategist*, February 2024.
- Co-author, "[Understand Group Licensing, Commercialization in NIL](#)," *College Athletics and the Law*, January 18, 2024.
- Co-author, "[Ninth Circuit Upholds Copyright Infringement Dismissal in 'Jangle Vision' Twins Case](#)," *The Intellectual Property Strategist*, December 2023.
- Co-author, "[Whirlpool Victorious in Dispute With Chinese Stand Mixer Manufacturers](#)," *World Trademark Review*, October 11, 2023.
- Co-author, "[How Far Can You Reach? The Territorial Limits of Lanham Act Infringement and False Designation of Origin Claims](#)," *Law Journal Newsletter*, September 2023.
- Co-author, "[SCOTUS to Consider Extent of the Lanham Act's Extraterritorial Reach](#)," *Troutman Pepper*, November 18, 2022.
- Co-author, "[Federal Circuit: Trade Dress Imitation In the Ninth Circuit](#)," *IP Strategist*, October 2022.
- Co-author, "[TTAB's HUNGRY Decision Highlights Risks of Fabricating Evidence or Providing Untruthful Testimony](#)," *World Trademark Review*, September 9, 2022.
- Co-author, "[Copyright Standing and Fifth Circuit Trade Dress Factors](#)," *IP Strategist*, August 2022.
- Co-author, "[Federal Circuit: Agreement Between Patent Owner and Third Party Was Not Insulated from the On-Sale Bar](#)," *IP Strategist*, June 2022.
- Co-author, "[Federal Circuit: Faulty Claim Construction Does Not End Patentability Determination](#)," *The Intellectual Property Strategist*, August 1, 2020.
- Co-author, "[Federal Circuit: Notice to Market Bio Product Not Negated by New Applications](#)," *The Intellectual Property Strategist*, August 1, 2020.

MEDIA COMMENTARY

- Quoted, “‘I Want to Thank You’: Who and What IP Stakeholders are Giving Thanks for This Year,” *IPWatchdog*, November 22, 2023.
- Quoted, “LeBron, Hadid Photo Posts Highlight Celebrity Copyright War,” *Bloomberg Law*, October 10, 2023.
- Quoted, “All I Want for IP in 2023: Kicking off the New Year with the IP Community’s Wildest Dreams,” *IPWatchdog*, January 2, 2023.
- Quoted, “What’s in Store for IP in 2023? Here’s What *IPWatchdog* Readers Are Keeping on Their Radar,” *IPWatchdog*, December 29, 2022.