






# Ryan P. McCarthy

## Principal

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## Overview

### About Ryan

Ryan is the chief representative of the Shenzhen, China, representative office of Fish & Richardson P.C. Ryan's practice emphasizes patent prosecution, litigation support, opinion work, IP due diligence, IP strategy, portfolio management, agreements and licensing. Now in China, and having lived and worked in Munich, Germany, prosecuting patents before the German and European patent offices, Ryan has developed an international perspective on IP issues, and challenges clients face across the globe.

Ryan has participated in post-grant proceedings before the U.S. Patent and Trademark Office and the European Patent Office, and has several years of experience in various technical arts including software, computer science, mechanical, electro-mechanical, electrical systems, and controls. Much of Ryan's work focuses on cutting edge technologies including blockchain, artificial intelligence and machine learning, including deep learning and reinforcement learning. He has developed a particular focus on patent-eligibility in the wake of the Supreme Court's 2014 holding in *Alice Corp. v. CLS Bank*. In addition to architecting Fish's Alice Tracker website, Ryan has developed both prosecution, and litigation strategies for navigating the evolving patent-eligibility case law from the U.S. Court of Appeals for the Federal Circuit and U.S. district courts.

While still on the road to learning Mandarin, he is fluent in German, and his professional technical experience includes working as an applications engineer at GKN Automotive Inc., and as a graduate engineer in the GKN plc Group graduate development scheme in Germany and the United Kingdom.

# Focus Areas

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## Services

- IP Licensing, Transactions, and Agreements
- Patent
- Post-Grant
- Opinions and Strategic Counseling
- Patent Portfolio Management
- Patent Prosecution
- Startup and Early-Stage Companies
- ITC Litigation
- Patent Litigation

## Industries

- Digital Health
- Digital Media and E-Commerce
- Electrical and Computer Technology
- Financial and Business Services
- Internet
- Manufacturing
- Software
- Telecommunications
- Transportation

## Education

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J.D. *cum laude*, Wayne State University Law School (2002)

B.S., Mechanical Engineering, Oakland University (1996)

# Experience

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## IP Cases

*Certain Access Control Systems and Components Thereof* – (International Trade Commission) Representing Complainant in patent litigation involving moveable barrier systems.

*The Chamberlain Group, Inc. v. Techtronic Industries Co. Ltd.* – (E.D. Ill.) Representing plaintiff in patent litigation involving moveable barrier systems.

*Industrial Print Technologies, LLC v. Hewlett-Packard Co.* – (N.D. Texas) Representing defendant in patent litigation involving printing technology.

*Data Detection Systems, LLC v. BMC Software, Inc.* – (S.D. Texas) Represented defendant in patent litigation involving network monitoring and management software. Settled favorably.

*Diagnostic Systems Corp. v. Symantec Corp. et al.* – (C.D. Cal.) Represented defendant in patent litigation involving expert system software. Settled favorably.

## Pro Bono Cases

*State of Arizona v. Brian Womble* (CR ) – Represent death row inmate in State-level post-conviction relief proceedings.

*McCallum v. Peake, M.D.* – (U.S. Court of Appeals for Veterans Claims) *pro bono* representation of Mr. McCallum in his appeal to the CAVC. Appeal decided in Appellant's favor.

Ryan represents Fish & Richardson as a member of the Steering Committee for the Texas AIA – USPTO Pro Bono Patent Assistance Program, and drafts patent applications in support of the program.

Periodic casework for Central Texas Volunteer Legal Services.

## Additional Training

Coursework in Department of Electrical and Computer Engineering, University of Texas at Austin

# Insights

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## Publications

Building Business at SXSW: Festival-Going Lawyers Mix and Mingle With People In Tech and Entertainment Biz

## Speaking Engagements

SXSW Interactive 2014 – Intellectual Property IQ: A Workshop For Artists, Developers, And Entrepreneurs

SXSW Interactive 2014 – Mentor

SXSW Eco 2013 – Mentor

## Recognition

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*IAM Patent 1000: The World's Leading Patent Professionals list (2019-2020).*

## Memberships & Affiliations

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Member, Michigan Intellectual Property Lawyers Association

Member, American Intellectual Property Lawyers Association

Member, Federal Circuit Bar Association

## Languages

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- English
- German