



Ryan P. McCarthy

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Overview

Ryan McCarthy advises clients on the cutting edge. As technologies evolve, he is leading the way in prosecuting patents and serving on litigation teams to enforce his clients' vital patent rights.

Ryan provides comprehensive patent counsel in the context of patent prosecution, litigation, post-grant proceedings, opinions, intellectual property due diligence, IP strategy, portfolio management, licensing deals, and other transactions. Much of Ryan's work focuses on new and evolving technologies such as blockchain, artificial intelligence, augmented reality, augmented virtuality, and machine learning, including deep learning and reinforcement learning. He has years of experience in various technical arts, including software, computer science, mechanical, electro-mechanical, electrical systems, and controls.

Ryan has developed a particular focus on patent eligibility in the wake of the Supreme Court's 2014 holding in *Alice Corp. v. CLS Bank*. As courts and innovators struggle with interpreting *Alice* requirements, Ryan offers his clients greater clarity. He has a nearly encyclopedic knowledge of the case law and devises both prosecution and litigation strategies for navigating evolving patent eligibility case law. A leader in the field, he is helping to influence the law's trajectory for his clients' benefit.

Currently based in China, Ryan is Fish & Richardson's chief representative in the firm's Shenzhen, China office. Previously, he lived and worked in Munich, Germany, where he prosecuted patents and participated in post-grant proceedings before the German and European patent offices. He has a well-developed international perspective on IP issues and the challenges his clients face across the globe.

Ryan is actively studying Mandarin and has achieved HSK Level 2 proficiency. He is fluent in English and 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.

Experience

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. Tex.) – Representing defendant in patent litigation involving printing technology.

Data Detection Systems, LLC v. BMC Software, Inc. (S.D. Tex.) – 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.

Recognitions & awards

IAM Strategy 300

IAM2021-2024

IAM Patent 1000

IAM2019-2024

Professional associations

Michigan Intellectual Property Lawyers Association

American Intellectual Property Lawyers Association

Federal Circuit Bar Association

Pro bono activities

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 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.

Training

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

Insights

Blog | January 7, 2025

Protecting Innovation in an AI-Powered Age: Patents

Blog | July 19, 2024

Legal Alert: USPTO Updates Eligibility Guidance on AI Inventions

Blog | February 21, 2024

Legal Alert: USPTO Says AI-Assisted Inventions Not Categorically Unpatentable in New Guidance

Blog | April 2, 2019

As Blockchain Goes Mainstream, Patent Applicants Face Familiar Hurdles

Blog | February 10, 2017

Q&A Follow Up — Alice at 2½: Evolving Case Law and Perspectives on USPTO Guidelines

Webinar | January 25, 2017

Alice at 2½: Evolving Case Law and Perspectives on USPTO Guidelines

News

News | June 11, 2024

Fish & Richardson Receives Top Rankings in 2024 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | June 11, 2024

Fish & Richardson Attorneys Named to the 2024 *IAM Strategy 300* List

News | October 2, 2023

Fish & Richardson Attorneys Named to *IAM's 2023 Strategy 300* List

News | June 27, 2023

Fish & Richardson Receives Top Rankings in 2023 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | September 8, 2022

Fish & Richardson Receives Top Rankings in 2022 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | October 21, 2021

Fish & Richardson Secures Rare Win in ITC Trade Secrets Case

News | September 2, 2021

Fish Principals Named to *IAM's 2021 Strategy 300* List

News | July 7, 2021

Fish & Richardson Receives Top Rankings in 2021 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

News | January 28, 2021

Fish & Richardson Wins Full Federal Circuit Reversal and Summary Judgment of Non-Infringement for uCloudlink in Patent Dispute

News | August 12, 2020

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Litigation Practice; National Rankings in the Plaintiff Firm and Prosecution...

News | June 20, 2019

Fish & Richardson Receives Top "Gold" Ranking from *IAM Patent 1000* for National Patent Litigation Practice

News | March 20, 2019

Fish & Richardson Celebrates Opening of Shenzhen Office

News | February 22, 2019

Fish & Richardson Opens Shenzhen Office

News | November 15, 2018

Fish & Richardson To Open Office in Shenzhen, Innovation Capital of China's Silicon Valley

Media Coverage | September 21, 2016

How Recent Case Law Can Be Used To Fight Alice Challenges

Law360

Events

March 5, 2025

IP Forefront ICT Forum 2025

May 31, 2024

2nd IP Forefront Auto Forum 2024

May 11, 2023

2023 Global Automotive Intellectual Property Summit

March 9, 2023

Global ICT IP Summit (GIIPS) 2023

November 10, 2022

China Intellectual Property & Innovation Summit (CIPIS) 2022

August 25, 2022

2022 Guangdong Overseas IP Protection Talents Cultivation Program

August 19, 2022

China AI IP Summit (CAIIP)

August 18, 2022

2022 China Intellectual Property & Innovation Summit (CIPIS)

April 5, 2018

The State Bar of Texas: International Law 30th Annual Institute

March 12, 2017

Ryan McCarthy to Emcee at SXSW 2017: Internet of Things + Wearables & Finance Exhibitor Showcase

November 14, 2016

The Center for American and International Law: 54th Annual Conference on Intellectual Property Law

April 28, 2016

2016 Broad Institute Innovation & Intellectual Property Symposium

March 14, 2016

SXSW Interactive - Startup Village - Pub Quiz: It's Too Soon To Worry About IP, Right?

March 14, 2016

SXSW Interactive - Startup Village - Startup Success, Stories from Startup Veterans

October 5, 2015

SXSW Eco

March 16, 2015

Go Check with Legal: Office Hours Hosted by Fish & Richardson at SXSW Interactive

October 8, 2014

Startup Bootcamp: Legal + IP

October 6, 2014

SXSW Eco

March 17, 2014

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

March 10, 2014

South by Southwest Mentor Session: Fish's Ryan McCarthy

Additional insights

Speaking engagements

- "A Potpourri of *Al/ice* - Decisions Across Jurisdictions as Guides to Eligibility," Fish & Richardson webinar (September 30, 2015)
- "Intellectual Property IQ: A Workshop For Artists, Developers, And Entrepreneurs," [SXSW Interactive](#) (2014)
- [SXSW Interactive 2014](#) – Mentor
- [SXSW Eco 2013](#) – Mentor

Media mentions

- ["Building Business at SXSW: Festival-Going Lawyers Mix and Mingle With People In Tech and Entertainment Biz"](#) (2014)

Services

Patent Litigation

Post-Grant
Patent
Patent Prosecution
Strategic Patent Counseling & Opinions
Patent Portfolio Management
IP Licensing, Transactions & Agreements

Industries

Electrical & Computer Technology
Software & Internet
Digital Health
Digital Media & E-Commerce
Financial, Business & FinTech Services
Telecommunications
Transportation, Aerospace & Defense
Manufacturing

Admissions

U.S. Patent and Trademark Office (2002)
Michigan (2003)
Texas (2009)
U.S. Court of Appeals for Veterans Claims
U.S. District Court for the Eastern District of Michigan
U.S. District Court for the Southern District of Texas

Languages

English
German

Education

J.D. *cum laude*, Wayne State University Law School (2002)
B.S., Mechanical Engineering, Oakland University (1996)