



Ryan N. Phelan

Partner

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Ryan N. Phelan is a registered patent attorney who counsels and works with clients in intellectual property (IP) matters, with a focus on patents. As a former technology consultant with Accenture and with a background in computer science and engineering, Ryan has extensive experience in computer system and software design, engineering, development and related technologies. He has represented numerous Fortune 500 clients with patent matters in technical areas including electrical and software engineering, machine learning, virtual reality, imaging, internet and e-commerce, computer networking, encryption and security, mobile telecommunications, consumer electronics, insurance and finance applications.

Ryan focuses on results for his clients in legal areas such as patent protection and procurement, patent portfolio development and management, infringement and invalidity opinions, intellectual property litigation and post-grant proceedings at the United States Patent and Trademark Office (USPTO), including Inter Partes Reviews (IPR) and Covered Business Method (CBM) petitions.



Practices

- Design Patents
- IP Litigation
- Patent Prosecution
- Post-Grant Patent Proceedings

Industries

- Consumer Products
- Electrical & Computer Technologies
- Industrial & Mechanical Technologies
- Insurance & Financial Services
- Internet & Cyberlaw
- Medical Devices

Representative Experience

Ryan has experience in and has represented clients in technical areas including:

- Computer engineering, architecture, and networking
- Cloud-based computing and client-server architectures
- Internet of Things (IoT), devices, and applications
- Internet and e-commerce related web systems
- Machine learning and artificial intelligence
- Big Data systems and applications
- Imaging applications, including 3D, point cloud, and sensor based systems and applications
- Virtual Reality (VR), Augmented Reality (AR), and Mixed Reality (MR) technologies
- Security, cryptography and encryption
- Secured Sockets Layer (SSL) and Transport Layer Security (TLS) internet communication technology
- Digital rights management technology
- Databases and information systems
- Wireless, mobile, and related telecommunications systems
- Next generation mobile devices
- Radio frequency communication circuits and systems
- Digital signal processing
- Interactive user program guide interfaces
- Computer graphics and gaming
- Financial and Insurance industry innovations
- Mechanical devices

Ryan has also represented clients in cases in various U.S. district courts and has practiced before the U.S. Patent Trial and Appeal Board (PTAB), and before the U.S. International Trade Commission (ITC). He is experienced in all stages of litigation, including pleadings, discovery, summary judgment and trial. Ryan's experience includes:

- *In re the Matter of Certain Height-Adjustable Desk Platforms and Components Thereof* (USITC 337-TA-1125) – Counsel for Lorell and Huizhou Chang He Home Supplies Co., Ltd. in a patent infringement case involving height adjustable desks. Reached settlement agreement following claim construction. (Settlement reached: Q1 2019).
- *In re the Matter of Certain Collapsible Sockets for Mobile Electronic Devices and Components Thereof* (USITC 337-TA-1056) – Counsel for PopSockets in a patent infringement case involving consumer products for mobile devices. The International Trade Commission found in favor of PopSockets and issued a General Exclusion Order (GEO) preventing infringing products from being imported into the United States. (GEO issued: 6/14/2018).
- *ContentGuard Holdings, Inc. v. Apple, Inc.* (E. D. Tex.) – Counsel for Apple in a patent infringement case involving digital rights management technology and Apple iTunes. Jury found on behalf of Apple with a verdict of non-infringement (Jury Verdict: 09/23/2015).
- *Petitions for Inter Partes Review (IPR2015-01956 and IPR2015-01957)* – Counsel for Old Republic General Insurance Group for IPR petitions filed to invalidate patents regarding Internet and e-commerce technologies that were asserted in district court litigation. The Patent Trial and Appeal Board (PTAB) instituted the petitions on all grounds asserted.
- *Intellectual Ventures II LLC v. BITCO General Insurance Corporation f/k/a Bituminous Casualty Corporation et al.* (E.D. Tex.) – Counsel for BITCO General Insurance Corp. and Great West Casualty Company in a patent infringement case involving Internet, e-commerce, and encryption technologies.
- *Protegrity Corp v. Trustwave Holdings, Inc.* (D. Conn.) – Counsel for Trustwave in a patent infringement case involving database security and encryption.
- *Wargaming.Net LLP v. Changyou.com Limited et al* (N.D. Ill.) – Counsel for Changyou in a copyright infringement case involving Wargaming's World of Tanks® video game; claims against Changyou settled in 2014.
- *Stambler v. Northern Trust Corporation et al* (E.D. Tex.) – Counsel for Northern Trust in a patent infringement case involving Secured Sockets Layer (SSL) and Transport Layer Security (TLS) Internet communication technology; claims against Northern Trust dismissed in 2013.

- *TQP Development, LLC v. Northern Trust Corporation* (E.D. Tex.) – Counsel for Northern Trust in a patent infringement case involving the RC4 internet encryption algorithm; claims against Northern Trust dismissed in 2013.
- *In the Matter of Certain Products Containing Interactive Program Guide and Parental Controls Technology* (USITC 337-TA-820) – Counsel for Rovi Corporation in a patent infringement case involving Internet technology and interactive program guides brought against Vizio Inc.; claims against Vizio settled in 2013.
- *In the Matter of Certain Products Containing Interactive Program Guide and Parental Controls Technology* (USITC 337-TA-845) – Counsel for Rovi Corporation in a patent infringement case involving Internet technology and interactive program guides brought against various respondents, including LG Electronics and Mitsubishi; claims against Mitsubishi and LG Electronics settled in 2013.
- *Guardian Media Technologies, Ltd. v. Acer America Corporation et al* (E.D. Tex.) – Counsel for defendant Office Depot in a patent infringement case involving consumer electronic equipment; claims against Office Depot dismissed in 2013.
- *Extreme Networks, Inc. v. Enterasys Networks, Inc.* (W.D. Wis.) — Trial counsel for Extreme Networks, defending Extreme Networks in a patent infringement jury trial involving computer networking equipment. Jury found on behalf of Extreme Networks with a verdict of non-infringement (Jury Verdict: 11/04/2011).

Background and Credentials

Ryan received his J.D., *cum laude*, from Northwestern University School of Law, concurrent with an M.B.A. from Northwestern University, Kellogg School of Management. While in law school, he served as an Executive Editor of the *Northwestern Journal of Technology and Intellectual Property*.

Prior to attending law school, Ryan worked as a capital markets technology consultant at Accenture where he developed broad experience in software engineering and computer architecture. Ryan has extensive experience with a variety of technologies, including Java/J2EE, Microsoft C#.NET, C++, Perl, XML, SOAP, XSL, HTML, CSS, JavaScript, Web 2.0, cloud-based and machine learning technologies. Ryan is also a Certified Java Programmer.

Ryan received his B.S., *magna cum laude*, in computer science from the University of Louisiana-Lafayette. While at University of Louisiana-Lafayette, Ryan served as president of his school's Association of Computing Machinery (ACM) chapter.

Education

- Northwestern University School of Law (J.D., *cum laude*)
- Northwestern University Kellogg School of Management (MBA)
- University of Louisiana Lafayette (B.S., *magna cum laude*)
 - Computer Science

Bar Admissions

- Illinois
- U.S. Patent and Trademark Office
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Wisconsin

Publications and Presentations

February 24, 2019

"Return Mail Reaction: Patent Bar Sampling Narrowly Favors Finding for Petitioner" (featured quotes)

IPWatchdog

February 18, 2019

"SCOTUS to Consider Whether Government is a 'Person' (featured quotes)

World IP Review

July 30, 2018

"Federal Circuit Ruling Invites PTAB Fights Over Hidden Parties" (featured quotes)

Law360

June 15, 2018

"What PTAB Attorneys Need to Know About Real Parties-in-Interest" (featured quotes)

Law360

February 26, 2018

"Patenting Software & AI Inventions: Why, What, and How"

February 9, 2018

"Patent Quality Review Including 101 Rejections"

February 16, 2017

"IP Law and the IoT"

January 5, 2017

"En Banc Federal Circuit Time-Bar Case May Increase AIA Appeals" (featured quotes)

Law360

September 1, 2013

"Case Exceptional for Maintaining Suit After Adverse Claim Construction Ruling"

May 2013

"Second Circuit is Not the Place to Judge Claims of Fraud, Negligence, Breach of Contract, Unjust Enrichment and Conversion Against the Holy See"

September 2012

"Web-Linking is Not Necessarily Copying"

Community and Professional Involvement

- Member, American Intellectual Property Law Association (AIPLA)
- Member, Intellectual Property Law Association of Chicago (IPLAC)
- Lawyers for the Creative Arts—Pro Bono Representation