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**DiMuroGinsberg Secures Victory for Client in the Federal Circuit**

(Alexandria, Va., March XX, 2016) – [DiMuroGinsberg PC](http://www.dimuro.com/) successfully represented Investpic LLC in TheUnited States Court of Appeals for the Federal Circuit. On March 10 2016, the Federal Circuit reversed or vacated the Patent Trial and Appeal Board's (PTAB) rejection of many claims of an InvestPic patent on a statistical analysis method for investment data that IBM challenged in re-examinations, ruling the board used unreasonable claim constructions.

InvestPic and the inventor, Samir Varma, appealed the PTAB's decisions in two related re-examination proceedings, one initiated by IBM Corp. and SAS Institute Inc. and the other by SAS alone. The Federal Circuit agreed that the board erred regarding two claim phrases.

[Jay Kesan](http://www.dimuro.com/meet-our-attorneys/jay-p-kesan/) of DiMuroGinsberg and attorney for InvestPic LLC and Varma said

“My client is pleased that the Federal Circuit recognized the novelty and the genuine breakthrough that his invention represents, and looks forward to further advancing his case.”

The Federal Circuit found fault with the board interpretation of two claim terms: a "bias parameter" that "determines the degree of randomness in a sample" and a "a statistical analysis request corresponding to two or more selected investments."

With regard to the "bias parameter" term, the Federal Circuit held that the board's reading was incorrect. Under a correct reading, the prior art does not disclose a bias parameter, so the board's cancellation of the claims involving that term must be reversed. On the second claim term, the court held that board's interpretation was unreasonable and remanded to reconsider those terms under the proper reading.

In addition to Kesan, Varma and InvestPic are represented by [Teresa Summers](http://www.dimuro.com/meet-our-attorneys/teresa-summers-2/) and [Cecil Key](http://www.dimuro.com/meet-our-attorneys/cecil-e-key/), all of counsel and members of DiMuroGinsberg’s DG Key IP Group.

Key focuses his practice on IP litigation, including patents, trademarks and copyrights, in which he has represented both plaintiffs and defendants before numerous federal district and appellate courts, including the Courts of Appeal for the First, Fourth and Federal Circuits, and the U.S. Supreme Court, as well as the USPTO. He has been involved in many seminal IP cases, including one before the U.S. Supreme Court regarding the scope of protection for product trade dress.

Kesan is a registered patent attorney who has worked with clients across a wide variety of industries, and has represented clients before federal district courts and agencies, including the USPTO. Kesan previously held research or scientist positions with the IBM T.J. Watson Research Center, the Massachusetts Institute of Technology, and Columbia University. Kesan also has served on the boards of directors or advisors for numerous technology start-ups.

Summers counsels and represents clients in patent, commercial and Hatch-Waxman matters and litigation and in appeals to the U.S. Court of Appeals for the Federal Circuit. She is the chairperson of the Federal Circuit Bar Association’s Patent Reform Committee and created the Tokyo IP American Inn of Court, the first Inn of Court based in Japan and the first American Inn of Court based outside of the United States.

DiMuroGinsberg PC is a litigation and business law firm operating in Alexandria, Virginia since 1990. The firm practices in the areas of corporate and commercial law, business torts, business disputes, RICO, criminal law, employment law, professional liability and ethics, intellectual property and patent cases. The firm also has a strong complementary corporate law and business law practice. The DG Key IP Group combines essential elements of the firm’s litigation and intellectual property practices to help clients minimize their risks associated with litigation while also providing transactional representation. The [DG Key IP Group](http://www.dimuro.com/about-our-firm/dg-key-ip-group/) delivers focused services in the areas of IP transactions, patents, trade secrets, trademarks and copyrights. For more information, visit <http://www.dimuro.com>.

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