Case 1:24-cv-10437-PBS Document 75-1 Filed 01/31/25 Page 1 of 4

[EXHIBIT A]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PROGENICS PHARMACEUTICALS, INC., and EXINI DIAGNOSTICS AB, Plaintiffs, v. MIM SOFTWARE INC., Defendant.	Civil Action No. 1:24-cv-10437-PBS

~~[PROPOSED]~~ SCHEDULING ORDER

The parties jointly submit the following proposed schedule, which incorporates the topics contemplated by Fed. R. Civ. P. 16(b), Fed. R. Civ. P. 26, and Local Rule 16.6. It is hereby ORDERED that the following scheduling order shall be adopted in this action:

A. Preliminary Disclosures

a. Initial Disclosures: The parties stipulate that by February 28, 2025, the parties will complete initial disclosures required by Fed. R. Civ. P. 26(a)(1).

b. Automatic Patent-Related Disclosures: By April 17, 2025, the patentee shall complete disclosures required under Local Rule 16.6(d)(1)(A).

c. Preliminary Patent Disclosure Conference: By May 8, 2025, the parties shall meet and confer pursuant to Local Rule 16.6(d)(2).

d. Accused Infringer's Preliminary Disclosures and Production: By May 29, 2025, the accused infringer shall complete the disclosures and production required by Local Rule 16.6(d)(4).

MIM Software Inc. v. Progenics Pharmaceuticals, Inc.
IPR2025-00630
Progenics EX2008

Case 1:24-cv-10437-PBS Document 75-1 Filed 01/31/25 Page 2 of 4

B. Claim Construction Proceedings

a. Exchange Proposed Claim Terms to be Construed: By June 5, 2025, the parties shall simultaneously exchange a list of claim terms to be construed and their proposed constructions pursuant to Local Rule 16.6(e)(1)(A).

b. Conference on Proposed Claim Terms: By June 12, 2025, the parties shall confer to see if agreement can be reached on the construction of claim terms and the number of claims to be considered pursuant to Local Rule 16.6(e)(1)(B).

c. Joint Statement: By June 18, 2025, the parties shall file a joint statement of the number of claims and terms to be construed pursuant to Local Rule 16.6(e)(1)(D).

d. Opening Claim Construction Briefs: By July 11, 2025, the patentee shall file its opening claim construction brief.[1]

e. Patentee's Expert Claim Construction Testimony: By August 1, 2025, any expert whose testimony upon which patentee relies to support claim construction must be made available for deposition pursuant to Local Rule 16.6(e)(3).

f. Answering Claim Construction Brief: By August 8, 2025, the accused infringer shall file its answering claim construction brief.

g. Accused Infringer's Expert Claim Construction Testimony: By August 29, 2025, any expert whose testimony upon which the accused infringer relies to support claim construction must be made available for deposition pursuant to Local Rule 16.6(e)(3).

h. Reply Claim Construction Brief: By September 5, 2025, the patentee shall file its reply claim construction brief.

i. Sur-Reply Claim Construction Brief: By September 19, 2025, the accused infringer shall file its sur-reply claim construction brief.

j. Page Limits for Claim Construction Briefs: The parties stipulate that each side's claim construction briefs (two per side) shall be no longer than 40 pages in length combined, which differs from the page limits set forth in Local Rule 16.6(e). The additional pages are necessary in view of the number of patents (currently six) at issue in this case.

k. Claim Construction Hearing: The Court shall conduct a Claim Construction Hearing on or around November 14, 2025, or as soon as is practical thereafter subject to the convenience of the Court's calendar and pursuant to Local Rule 16.6(c)(2).

---

[1] The parties' proposal for sequential opening, answering, reply, and sur-reply briefing differs from the simultaneous exchange schedule stated in Local Rule 16.6(e)(2)-(4). The parties believe that this different suggested format would help streamline and clarify any claim construction disputes, without unduly delaying completion of claim construction briefing.

MIM Software Inc. v. Progenics Pharmaceuticals, Inc.
IPR2025-00630
Progenics EX2008

Case 1:24-cv-10437-PBS Document 75-1 Filed 01/31/25 Page 3 of 4

C. Discovery Deadlines (Subject to Change Per Local Rule 16.6(c)(4))

a. Substantial Completion of Document Production: By May 20, 2026, discovery of paper and electronic documents and things shall be substantially completed.

b. Final Fact Discovery Deadline: By June 18, 2026, fact discovery must be complete, pursuant to Local Rule 16.6(c)(4).

c. Designation of Trial Experts: By July 24, 2026, the party with the burden of proof of disclosing the information contemplated by Fed. R. Civ. P. 26(a)(2) must designate its trial experts and serve the required reports.

d. Designation of Rebuttal Trial Experts: By August 21, 2026, the party without the burden of proof of disclosing the information contemplated by Fed. R. Civ. P. 26(a)(2) must designate its rebuttal trial experts and serve the required reports.

e. Reply Expert Reports: By September 18, 2026, the party with the burden of proof of disclosing the information contemplated by Fed. R. Civ. P. 26(a)(2) may serve a reply report responding to any expert report served on July 24, 2026.

f. Expert Discovery Deadline: By October 13, 2026, expert discovery must be complete, pursuant to Local Rule 16.6(c)(5).

D. *Daubert* and Dispositive Motions

a. *Daubert* and Dispositive Motions: By October 23, 2026, the parties must file any *Daubert* and dispositive motions intended.

b. Opposition Briefs: Oppositions to the motions must be filed by November 13, 2026.

c. Reply Briefs: Reply briefs must be filed by December 4, 2026.

E. Final Pretrial and Trial Proceedings

a. Meet and Confer to Prepare Pretrial Memorandum: The parties shall meet and confer 14 days before the final pretrial conference to prepare a pretrial memorandum for submission to the court.

b. Joint Pretrial Memorandum: The parties shall file a pretrial memorandum 7 days before the final pretrial conference.

MIM Software Inc. v. Progenics Pharmaceuticals, Inc.
IPR2025-00630
Progenics EX2008

Case 1:24-cv-10437-PBS Document 75-1 Filed 01/31/25 Page 4 of 4

c. Final Pretrial Conference: The pretrial conference date shall be set by the Court.

d. Trial: The trial date shall be set by the Court.

It is SO ORDERED.

Dated: 3/5/2025

The Honorable Patti B. Saris
U.S. District Judge, District of Massachusetts

MIM Software Inc. v. Progenics Pharmaceuticals, Inc.
IPR2025-00630
Progenics EX2008