UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

ORDER

May 13, 2025

Saris, D.J.

Defendant MIM Software Inc. ("MIM") moves to stay this lawsuit pending final resolution of the petitions for inter partes review ("IPR") that it has filed for four of the six patents that remain at issue in this case. After a hearing and review of the parties' filings, MIM's motion is allowed in part and denied in part.

The Court concludes that a stay of the claims of infringement of the four patents for which MIM has filed IPR petitions is warranted. The litigation is still in its early stages, any decisions by the Patent Trial and Appeal Board ("PTAB") will simplify the issues in this case, and a stay will not unduly prejudice Plaintiffs. See InMode Ltd. v. BTL Indus., Inc., __ F. Supp. 3d __, __ (D. Mass. 2025) [2025 WL 926481, at *1] (describing standard for motion to stay pending IPR); see also DiversiTech

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Corp. v. RectorSeal, LLC, No. 20-cv-11896, 2021 WL 2953324, at *3-4 (D. Mass. July 14, 2021) (granting a stay even though the PTAB had not yet decided whether to institute IPR). While the parties are direct competitors as to certain products, Plaintiffs have not shown that they will suffer significant market harm during the period of a stay that is not compensable by money damages. See InMode Ltd., __ F. Supp. 3d at __ [2025 WL 926481, at *2].

The Court declines, however, to stay the claims of infringement of the two patents for which MIM has not sought IPR. The differences between the claims in these two patents and those in the other four both reduce the likelihood that the IPRs will simplify the issues regarding these two patents and mitigate the inefficiencies that a partial stay might otherwise cause. Cf. ACQIS, LLC v. EMC Corp., 109 F. Supp. 3d 352, 357-58 (D. Mass. 2015) (staying the entire lawsuit even though the PTAB instituted IPR as to only two of the eleven asserted patents because of "the significant overlap among the patents-in-suit"). Moreover, given the Court's limited resources, it would be necessary to tackle this massive and complex patent infringement suit in stages regardless of the pending IPR petitions. Proceeding with the two patents for which MIM has not sought IPR is a logical way to bifurcate the case.

Accordingly, MIM's motion to stay (Dkt. 88) is **ALLOWED IN PART** and **DENIED IN PART**. The Court **STAYS** this action only with

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respect to the claims of infringement of the '346 patent, the '035 patent, the '141 patent, and the '817 patent. The parties shall file a joint status report within fourteen days of the PTAB's issuance of final determinations as to any of the IPRs.

SO ORDERED.

/s/ PATTI B. SARIS
Hon. Patti B. Saris
United States District Judge

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