1 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
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3 PROGENICS PHARMACEUTICALS, INC.,)
et al,)
4)
Plaintiffs)
5) CA No. 24-10437-PBS
-VS-) Pages 1 - 13
6)
MIM SOFTWARE INC.,)
7)
Defendant)
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MOTION HEARING BY VIDEO
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BEFORE THE HONORABLE PATTI B. SARIS
11 UNITED STATES DISTRICT JUDGE

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United States District Court
16 1 Courthouse Way
Boston, Massachusetts 02210
17 May 12, 2025, 10:59 a.m.

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LEE A. MARZILLI
23 OFFICIAL COURT REPORTER
United States District Court
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MIM Software Inc. v. Progenics Pharmaceuticals, Inc.
IPR2025-00725
Progenics EX2006

1 MR. CALHOUN: Over the next six months, which would be
2 the period of time during which the PTAB would make its
3 decisions, we would receive briefing on claim construction from
4 the parties, but a lot of other important work could be done in
5 trying to --
6 THE COURT: I can't do that many claims, I can't. I
7 mean, I have two law clerks. It doesn't make sense for me,
8 just the court resources. And then I can dig in on two
9 patents. Why doesn't that make sense?
10 MR. CALHOUN: We certainly agree that we should
11 proceed on at least the two patents, your Honor. I'm trying to
12 convince you that the burden on the Court over the next six
13 months, at least for the institution decision timeline, would
14 be, we would hope -- I certainly don't want to tell you what
15 the burden would be for you -- but not as severe as though this
16 were for summary judgment and trial because we would be talking
17 about a limited number of claims to construe, and otherwise the
18 parties would be engaging in fact discovery, which would set
19 this case up for further progression if, as we expect, the IPR
20 doesn't institute these patents.
21 MS. BUTLER: Your Honor, if I can answer your questions.
22 THE COURT: That would be great. Thank you.
23 MS. BUTLER: Yes, so the reason from MIM's perspective
24 that you should not allow the two patents to proceed while the
25 IPRs are before the PTAB is because there is, your Honor,

1 significant overlap in the claims across all six patents. All
2 of these patents relate to use of artificial intelligence in
3 medical imaging to diagnose and treat cancer. They all involve
4 claim terms like "hot spots, detection of radiopharmaceutical
5 uptake, creation of risk maps, risk indices." So across all
6 six patents, the issues relating to claim construction, and to
7 a large extent infringement, are going to overlap. So, your
8 Honor --
9 THE COURT: Well, how do I even know that? I mean,
10 why didn't you institute the IPR, if there's such an overlap,
11 on the last two?
12 MS. BUTLER: Because, your Honor, not only was the
13 Court overwhelmed by six patents, your Honor, we had to get as
14 many IPRs filed as we could within the deadline between this
15 Court's order on the motion to dismiss and the upcoming
16 deadlines, and we prioritized things, and these are the IPRs
17 that we filed during that time period.
18 THE COURT: Are you time barred from the other two?
19 MS. BUTLER: You've got a year, your Honor, yes, from
20 when service of the complaint was filed to get the IPRs on
21 file.
22 THE COURT: So you're time barred now?
23 MS. BUTLER: As to the other two, that's right. There
24 is no intention to file IPRs on the other two, absolutely. We
25 did file on these two. But, your Honor, not only will issues