

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

MIM SOFTWARE, INC.,
Petitioner,

v.

PROGENICS PHARMACEUTICALS, INC.,
Patent Owner.

Case IPR2025-00726
U.S. Patent No. 11,894,141

**PETITIONER'S MOTION FOR
ADMISSION *PRO HAC VICE* OF
MARLA R. BUTLER**

I. Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 5 authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Petitioner, MIM Software, Inc. (“Petitioner” or “MIM”), requests that the Patent Trial and Appeal Board (the “Board”) admit Marla R. Butler *pro hac vice* in this proceeding, IPR2025-00726. The parties have met and conferred, and Patent Owner has confirmed that it does not oppose this motion.

II. The Facts of this Proceeding Show Good Cause for the Board to Recognize Counsel *Pro Hac Vice*.

Per 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* subject to the conditions that (1) the lead counsel be a registered practitioner; (2) the moving party shows good cause for recognition *pro hac vice*; and (3) any other conditions as imposed by the Board are met. Generally, “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts of this proceeding herein acknowledged demonstrate good cause for the Board to recognize Marla Butler *pro hac vice* in this proceeding.

Petitioner's lead counsel, Jeffrey C. Metzcar, is a registered practitioner. Backup counsel, David R. Jaglowski, is also a registered practitioner. Marla Butler

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is a highly skilled and experienced litigator and has institutional knowledge and familiarity concerning the subject matter at issue in this proceeding.

Accompanying this motion as Exhibit 1029 is the June 30, 2025, Declaration of Marla R. Butler in Support of Motion for Admission *Pro Hac Vice* ("Butler Decl."). In her declaration, Marla Butler explains:

I am a member in good standing of the Bars of Georgia, Minnesota, and New York and am admitted to practice before the U.S. District Courts for the District of Minnesota, the Eastern District of New York, the Eastern District of Texas, the Northern District of Georgia, the Middle District of Georgia and the Southern District of New York. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit, Georgia Supreme Court, and Minnesota Supreme Court.

Butler Decl. ¶ 2.

Marla Butler demonstrates a working knowledge of the relevant subject matter through her participation in the parallel district court proceeding in which U.S. Patent No. 11,894,141 is also a patent-in-suit, as well as the parallel *inter partes* review proceedings challenging U.S. Patents Nos. 10,665,346, 11,424,035, and 11,941,817, for which she is also applying for admission to practice *pro hac vice* before the Board. *Id.* ¶ 9. And Marla Butler has experience with patent litigation concerning the application of software, including artificial intelligence algorithms, to medical imaging and diagnostic technology. *Id.* ¶ 10.

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In her declaration, Marla Butler further attests that she meets each requirement from “Order – Authorizing Motion for *Pro Hac Vice* Admission” (Paper 7) in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639. See Butler Decl. ¶¶ 1-11. For example, she attests that she has read, will comply with, and agrees to be subject to the Patent Office Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42 (*see id.* ¶ 7), as well as the United States Patent and Trademark Office's Rules of Professional Conduct and disciplinary jurisdiction (as set forth in 37 C.F.R. §§ 11.101 *et seq.* and 37 C.F.R. § 11.19(a) respectively) (*see id.* ¶ 8).

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board recognize and admit Marla Butler *pro hac vice* as counsel for Petitioner. The undersigned, on behalf of Petitioner, authorizes the Office to charge \$250 to Deposit Account No. 20-0809 for the corresponding fees per 37 C.F.R. § 42.15(e) in support of this motion. Additionally, please charge any shortage of fees or credit any overpayments to the same Deposit Account.

Dated: June 30, 2025

Respectfully Submitted,

/Jeffrey C. Metzcar/
Jeffrey C. Metzcar, Reg. No. 52,027
Counsel for Petitioner

PETITIONER'S UPDATED EXHIBIT LIST

No.	Description
Ex1001	U.S. Patent No. 11,894,141 (“the Patent”)
Ex1002	Declaration of Dr. Rosen
Ex1003	Dr. Rosen Curriculum Vitae
Ex1004	Prosecution History File of the Patent (Application No. 17/862,528)
Ex1005	U.S. Patent Application Publication No. 2016/0203263 (“Maier”)
Ex1006	U.S. Patent Application Publication No. 2007/0081712 (“Huang”)
Ex1007	PCT Patent Application Publication No. 2015/058151 (“Armor”)
Ex1008	U.S. Patent No. 10,112,974 (“Neumaier”)
Ex1009	U.S. Patent No. 10,815,200 (“Cardinale”)
Ex1010	Giesel et al., “ ¹⁸ F-Labelled PSMA-1007 shows similarity in structure, biodistribution and tumour uptake to the theragnostic compound PSMA-617,” <i>European Journal of Nuclear Medicine and Molecular Imaging</i> 43(10):1929-1930 (June 2016) (“Giesel”)
Ex1011	Weineisen et al., “ ⁶⁸ Ga- and ¹⁷⁷ Lu- Labeled PSMA I&T: Optimization of a PSMA-Targeted Theranostic Concept and First Proof-of-Concept Human Studies,” <i>Journal of Nuclear Medicine</i> 56(8):1169-1176 (2015) (“Weineisen”)
Ex1012	RESERVED
Ex1013	RESERVED
Ex1014	Second Amended Complaint, Progenics Pharmaceuticals, Inc. v.

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	MIM Software Inc., Case No. 1:24-cv-10437-PBS, Dkt. 25, April 5, 2024
Ex1015	Kaur, "Various Image Segmentation Techniques: A Review," International Journal of Computer Science and Mobile Computing 3(5):809-814 (May 5, 2014) ("Kaur")
Ex1016	Sharma, "Automated medical image segmentation techniques," Journal of Medical Physics 35(1):3-14 (2010) ("Sharma")
Ex1017	Greenspan, "Deep Learning in Medical Imaging: Overview and Future Promise of an Exciting New Technique," IEEE Transactions on Medical Imaging, 35(5):1153-1159 (May 2016) ("Greenspan")
Ex1018	Litjens, "A Survey on Deep Learning in Medical Image Analysis," Medical Image Analysis 42:60-88 (Dec. 2017) ("Litjens")
Ex1019	Shen, "Deep Learning in Medical Image Analysis," Annual Review of Biomedical Engineering 19:221-248 (2017) ("Shen")
Ex1020	Seifert et al., "Hierarchical Parsing and Semantic Navigation of CT Data," Medical Imaging 2009: Image Processing, Proceedings of SPIE Vol. 7259, pp.725902-1 to 725902-8 (2009) ("Seifert")
Ex1021	Afshar-Oromieh et al., "Radiation dosimetry of ⁶⁸ Ga-PSMA-11 (HBED-CC) and preliminary evaluation of optimal imaging timing," European Journal of Nuclear Medicine and Molecular Imaging 43:1611-1620 (2016) ("Afshar-Oromieh")
Ex1022	RESERVED

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Ex1023	RESERVED
Ex1024	RESERVED
Ex1025	RESERVED
Ex1026	Electronic Order, Progenics Pharmaceuticals, Inc. v. MIM Software Inc., Case No. 1:24-cv-10437-PBS, Dkt. 69, October 8, 2024.
Ex1027	Amended Joint Statement, Progenics Pharmaceuticals, Inc. v. MIM Software Inc., Case No. 1:24-cv-10437-PBS, Dkt. 75, January 31, 2025.
Ex1028	Scheduling Order, Progenics Pharmaceuticals, Inc. v. MIM Software Inc., Case No. 1:24-cv-10437-PBS, Dkt. 85, March 5, 2025.
Ex1029	Declaration of Marla R. Butler in Support of Motion for Admission <i>Pro Hac Vice</i>
Ex1030	Declaration of Jesse L. Jenike-Godshalk in Support of Motion for Admission <i>Pro Hac Vice</i>

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2025, I served a true and correct copy of the following materials:

- Petitioner's Motion for Admission *Pro Hac Vice* of Marla R. Butler
- Exhibit 1029, Declaration of Marla R. Butler in Support of Motion for Admission *Pro Hac Vice*
- Petitioner's Updated Exhibit List

via electronic mail on the following attorneys of record:

William R. Haulbrook
Stephanie L. Schonewald
Michael H. Bunis
Anita M.C. Spieth
CHOATE HALL & STEWART LLP
Two International Place
Boston, MA 02110
whaulbrook@choate.com
sschonewald@choate.com
mbunis@choate.com
aspieth@choate.com
ProgenicsPTAB@choate.com

By: /David R. Jaglowski/
David R. Jaglowski
Registration No. 58,514
Thompson Hine LLP
41 South High Street, Suite 1700
Columbus, Ohio, 43215