

**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
JESSE L. JENIKE-GODSHALK**

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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 Jesse L. Jenike-Godshalk *pro hac vice* in this proceeding, Case 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 Jesse Godshalk *pro hac vice* in this proceeding.

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Petitioner's lead counsel, Jeffrey C. Metzcar, is a registered practitioner. Backup counsel, David R. Jaglowski, is also a registered practitioner. Jesse Godshalk 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 1030 is the June 30, 2025, Declaration of Jesse L. Jenike-Godshalk in Support of Motion for Admission *Pro Hac Vice* ("Godshalk Decl."). In his declaration, Jesse Godshalk explains:

I am a member in good standing of the Bar of Ohio and am admitted to practice before the U.S. District Courts for the Northern District of Ohio, the Southern District of Ohio, the Eastern District of Michigan, the Eastern District of Texas, and the Western District of Wisconsin. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the District of Columbia, and U.S. Court of Appeals for the Sixth Circuit.

Godshalk Decl. ¶ 2.

Jesse Godshalk demonstrates a working knowledge of the relevant subject matter through his 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 he is also applying for admission to practice *pro hac vice* before the Board. *Id.* ¶ 9. And Jesse Godshalk 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 his declaration, Jesse Godshalk further attests that he 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* Godshalk Decl. ¶¶ 1-11. For example, he attests that he 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 Jesse Godshalk *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> |

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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 Jesse L. Jenike-Godshalk
- Exhibit 1030, Declaration of Jesse L. Jenike-Godshalk in Support of Motion for Admission *Pro Hac Vice*
- Petitioner's Updated Exhibit List

via electronic mail on the following attorneys of record:

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