

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PROGENICS PHARMACEUTICALS, INC.,
AND EXINI DIAGNOSTICS AB,

Plaintiffs,

v.

MIM SOFTWARE INC.,

Defendant.

Civil Action No. 24-10437-PBS

**DEFENDANT MIM SOFTWARE INC.’S OBJECTIONS AND RESPONSES TO
PLAINTIFFS’ FIRST SET OF INTERROGATORIES (NOS. 1–15)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the applicable Local Rules of the District of Massachusetts, Defendant MIM Software Inc. (“MIM” or “Defendant”) hereby provides the following Objections and Responses to Plaintiffs Progenics Pharmaceuticals, Inc. (“Progenics”), and EXINI Diagnostics AB (“EXINI”) (collectively “Plaintiffs”) First Set of Interrogatories (Nos. 1–15) (the “Interrogatories,” and each an “Interrogatory”).

MIM’s discovery and investigation in connection with this action are ongoing. As a result, MIM’s objections and responses are limited to information reviewed to date and are given without prejudice to MIM’s right to supplement or amend these objections and responses to the extent allowed by the Federal Rules of Civil Procedure, the Local Rules of this Court, and any applicable scheduling orders as discovery and MIM’s investigation in this action proceeds.

INTERROGATORY NO. 5:

State the date and circumstances when Defendant first became aware of each of the Asserted Patents, and describe all internal or external discussions concerning each of the Asserted Patents, including whether Defendant considered obtaining a license or designing around them.

RESPONSE TO INTERROGATORY NO. 5:

MIM incorporates its General Objections as though fully set forth herein. MIM objects to this Interrogatory as overly broad, unduly burdensome, and seeking information that is neither relevant to the claims or defenses of any party to this action nor proportional to the needs of the case because it broadly seeks the identification of “*all* internal or external discussions concerning each of the Asserted Patents.” MIM further objects to this Interrogatory on the ground that use of the terms “aware,” “each,” and “all” are vague, ambiguous, and lacking clear meaning, rendering the Interrogatory unclear, overly broad, unduly burdensome and not proportional to the needs of the case. MIM objects to the undefined term “became aware of” as overly broad, vague, ambiguous, and lacking clear meaning as used in this Interrogatory such that the Interrogatory is unclear in scope, unduly burdensome, and not proportional to the needs of the case. MIM objects to this Interrogatory because it is a compound Interrogatory in that it seeks (a) “when Defendant first became aware of each of the Asserted Patents,” (b) internal discussions concerning each of the Asserted Patents, (c) external discussions concerning each of the Asserted Patents, (d) “whether Defendant considered obtaining a license,” and (e) whether MIM considered “designing around” the Asserted Patents. MIM objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. MIM also objects to this Interrogatory to the extent that it seeks information not in the possession, custody, or control of MIM.

Subject to the foregoing General Objections, Specific Objections, and limits of the Court’s ESI and Protective Orders, MIM responds as follows:

To the extent any such documents exist, can be located after a reasonably diligent search, and are not privileged, consistent with Federal Rule of Civil Procedure 33(d), MIM will produce documents sufficient to show the earliest date when it became aware of the Asserted Patents and non-privileged discussions, if any, concerning the Asserted Patents. MIM became aware of the '346 patent, '486 patent, and '035 patent around October 2022 when Plaintiffs shared a draft Collaboration Agreement. MIM became aware of the '428 patent and '141 patent when Plaintiffs filed their First Amended Complaint on March 15, 2024. MIM became aware of the '817 patent when Plaintiffs filed their Second Amended Complaint on April 5, 2024.

MIM's investigation is ongoing, and MIM reserves the right to supplement its response.

INTERROGATORY NO. 6:

Identify all individuals employed by or affiliated with Defendant (including [but not limited to] all individuals employed by or affiliated with GE HealthCare) who analyzed, reviewed, or discussed the Asserted Patents before Plaintiffs filed this lawsuit on February 23, 2024, and describe the nature and purpose of such reviews/discussions.

RESPONSE TO INTERROGATORY NO. 6:

MIM incorporates its General Objections as though fully set forth herein. MIM objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. MIM objects to this Interrogatory as overly broad, unduly burdensome, and seeking information that is neither relevant to the claims or defenses of any party to this action nor proportional to the needs of the case because it broadly seeks the identification of “*all* individuals employed by or affiliated with GE HealthCare.” MIM further objects to this Interrogatory on the ground that use of the terms “all,” “nature,” and “affiliated” are vague, ambiguous, and lacking clear meaning, rendering the Interrogatory unclear, overly broad, unduly burdensome and not proportional to the needs of the case. MIM objects to the undefined terms “affiliated with,” “analyzed,” “reviewed,” and