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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PROGENICS PHARMACEUTICALS, INC.,	)	
et al,	)	
	)	
Plaintiffs	)	
	)	CA No. 24-10437-PBS
-VS-	)	Pages 1 - 13
	)	
MIM SOFTWARE INC.,	)	
	)	
Defendant	)	

**MOTION HEARING BY VIDEO**

BEFORE THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT JUDGE

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

LEE A. MARZILLI  
OFFICIAL COURT REPORTER  
United States District Court  
1 Courthouse Way, Room 7200  
Boston, MA 02210  
leemarz47@gmail.com

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