

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIM SOFTWARE INC.,
Petitioner,

v.

EXINI DIAGNOSTICS AB,
Patent Owner.

IPR2025-00827
U.S. Patent No. 11,941,817

**DECLARATION OF ANITA M.C. SPIETH IN SUPPORT OF PATENT
OWNER'S NOTICE OF INTENT TO DESIGNATE ANITA M.C. SPIETH,
A PROVISIONALLY RECOGNIZED PTAB ATTORNEY, AS BACK-UP
COUNSEL UNDER 37 C.F.R. § 42.10(c)(2)**

I, Anita M.C. Spieth, hereby declare and certify as follows:

1. I attest to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

2. I am a member in good standing of the Bar of the Commonwealth of Massachusetts.

3. I have not been suspended or disbarred from practice before any court or administrative body.

4. I have never had an application for admission to practice before any court or administrative body denied. While my application for admission to practice before the USPTO was initially denied in IPR2019-01609 and IPR2019-01610 because my affidavit failed formal requirements, I was ultimately admitted in those proceedings once the formal requirements were addressed in my affidavit. I have never had an application for admission to practice before any other administrative body denied.

5. No sanction or contempt citation has been imposed against me by any court or administrative body.

6. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. part 42.

7. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8. In addition to IPR2019-1609 and -1610, referenced above, I was admitted *pro hac vice* in IPR2021-01355. I have not otherwise applied to appear *pro hac vice* in any other proceeding before the Office in the past three years.

9. I am an experienced litigation attorney with more than fifteen years of experience representing clients in patent litigation in various forums including the U.S. District Courts in Massachusetts, Delaware, the Eastern and Western Districts of Texas, the Federal Circuit Court of Appeals, and elsewhere. I am currently an equity partner in the Intellectual Property Litigation Practice Group of Choate Hall & Stewart, LLP, and have been involved in multiple patent, and trade secret litigations during the course of my career, including those involving biotech and pharmaceutical companies, as well as software, telecommunications technology companies, and internet service providers. In addition, I am currently acting as co-chair of the Intellectual Property Litigation Practice Group of the Choate Hall & Stewart law firm. My biography is attached hereto as Appendix A. In my practice, I have tried cases, argued dispositive motions and claim construction hearings, deposed, or defended the depositions of, and otherwise worked with numerous companies, with respect to various technology fields.

10. I am familiar with the subject matter at issue in this proceeding. I have invested a significant amount of time in reviewing and analyzing relevant materials as counsel of record for Patent Owner in the parallel district court proceeding, *Progenics Pharms., Inc. v. MIM Software Inc.*, Case 1:24-cv-10437-PBS (D. Mass.), and in preparation for representing Patent Owner in this proceeding.

11. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code. To the extent relevant, I understand that willful false statements herein may jeopardize the validity of the present application or any patent issued in reliance thereon.

I declare under penalty of perjury that the foregoing is true and correct.

Date: December 16, 2025

By: 

Anita M.C. Spieth
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110
617-248-5000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **DECLARATION OF ANITA M.C. SPIETH IN SUPPORT OF PATENT OWNER’S NOTICE OF INTENT TO DESIGNATE ANITA M.C. SPIETH, A PROVISIONALLY RECOGNIZED PTAB ATTORNEY, AS BACK-UP COUNSEL UNDER 37 C.F.R. § 42.10(c)(2)** was served electronically in its entirety on December 16, 2025 via electronic mail to the following attorneys of record:

- Jeff.Metzcar@thompsonhine.com
- David.Jaglowksi@thompsonhine.com
- Marla.Butler@thompsonhine.com
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Date: December 16, 2025

Respectfully submitted,

By: /William R. Haulbrook/

William R. Haulbrook (Reg. No. 53,002)
Stephanie L. Schonewald (Reg. No. 72,452)
Michael H. Bunis (*pro hac vice* motion filed)
Anita M.C. Spieth (provisionally admitted *pro hac vice*)
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Attorneys for Patent Owner

EX2036 – APPENDIX A

Anita Spieth

Co-Chair, Intellectual Property
Litigation



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Practice Areas

Complex Intellectual Property Disputes
Life Sciences

Education

Harvard Law School
JD (2009)

Boston College
BA (2004) *summa cum laude*,
Phi Beta Kappa

Admissions

Massachusetts
U.S. District Court, Massachusetts
U.S. Court of Appeals, First & Federal Circuits

Anita Spieth, co-chair of Choate's IP Litigation Group, has more than 10 years of experience representing life sciences and technology companies in high stakes patent infringement, trade secrets, and other complex IP litigation. She provides an effective and user-friendly case management approach and counsels clients on litigation strategy to achieve their goals. Anita also represents clients in connection with *inter partes* review proceedings before the USPTO Patent Trial and Appeal Board, as well as in copyright issues (particularly related to software and artificial intelligence) and trade secret disputes.

In order to make her clients' lives easier, Anita takes tasks off of their plates and makes their worries her own. She gains a thorough understanding of clients' internal workflow so that her work product is immediately useful and does not require additional cycles. She speaks in clear and plain terms that clients and – importantly – judges and juries can understand.

By developing a global strategy to help clients manage risk and protect U.S. intellectual property while related cases proceed internationally, including directing EPO strategy and various litigations throughout the world, Anita and her team are experienced at mustering and managing various international law firms to ensure that international positions are consistent with those taken in the U.S. Her clients include Takeda, Biogen, EMC/Dell, Alarm.com, and Pegasystems.

Representative Engagements

- ***Biogen, Inc. and Biogen MA, Inc. v. Sandoz, Inc. et al. (D. Del.)***: Represent Biogen in biosimilar patent litigation under the Biologics Price Competition and Innovation Act (BPCIA) concerning TYSABRI® (natalizumab).
- ***Progenics Pharmaceutical, Inc. v. MIM Software***: Represent Progenics in patent infringement lawsuit alleging infringement of 6 patents directed to methods of using machine learning to better diagnose and treat cancer.
- ***Ubiquitous v. Central Security Group***: Lead counsel to defendant in patent litigation related to smart home technology.
- ***Triplet Therapeutics, Inc. v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, (PTAB)***: Representing Patent Owner Louisiana State University and interested party Takeda Pharmaceuticals U.S.A., Inc. in defense of Louisiana State University's patent directed to oligonucleotide compositions targeting the DNA mismatch repair system for the treatment of associated DNA repeat expansion diseases.
- ***Shire v. CSL Behring LLC, D Del.***: Counsel to Shire (now Takeda) in patent infringement action relating to use of biologic for treatment of hereditary angioedema. Advised Shire in successfully defending patents in multiple IPRs.

- **Central Security Group - Nationwide, Inc. et al. v. Ubiquitous Connectivity, LP (PTAB):** Representing petitioner Central Security Group in challenging patents related to the use of SMS (short message service) messages and cellular networks to control and monitor environmental devices.
- **Children’s Medical Center Corp. v. Celgene Corp. D Mass:** Represented Celgene in breach of contract litigation regarding exclusive license agreement related to cancer therapies.
- Advising biotechnology company regarding future biosimilar litigation and licensing opportunities.
- Advised clinical-stage biotechnology company, in view of competitor’s patents, on freedom-to-operate and litigation-planning strategy with respect to a biologic/medical device combination product.
- Represent intelligent security company and numerous authorized resellers in multiple patent infringement cases, pending nationwide. Represented same entities before the Patent Trial & Appeal Board.
- Represented technology company in numerous misappropriation of trade secret actions relating to enterprise security, eGRC implementations, and data storage technology. Cases also involved former employee’s violation of non-competition and non-solicitation agreements. Successfully pursued and obtained preliminary injunctions.
- Represented leader in production and supply of reagents for life sciences industry regarding theft of trade secrets by former employees and founders with respect to new company.
- Represented US clothing retailer against claims of copyright infringement involving use of patterned fabric in apparel products.

Publications and Presentations

- IP Guest Lecturer for the Isenberg School of Management at University of Massachusetts Amherst, 2020-present
- “If I Were a Judge... : Case Law Updates,” moderator, BIO IPCC, November 2024
- “Patent Implications of the Inflation Reduction Act,” panelist, BIO IPCC, November 2023
- “Patents, Drug Pricing, and Price Controls: Understanding How the Inflation Reduction Act (IRA) Will Impact The Value of Pharmaceutical IP,” panelist, ACI Paragraph IV Disputes Master Symposium, October 2023
- “Biosimilar Litigation: Where are we now?” moderator, BIO IPCC Fall Conference, November 2022
- “Life Sciences IP Litigation Update,” panelist, Boston Bar Association, April 2021
- “Best Practices for Remote Proceedings,” webinar panelist, Boston Bar Association, May 2020
- “Accomplishing Your Deposition Goals,” webinar panelist, Practising Law Institute, March 2020
- “Trade Secrets in an Evolving Landscape: Practice Pointers for Biotech Patent Practitioners,” moderator, BIO IPCC Fall Conference, November 2018
- “Decision Makers,” speaker, Boston Patent Law Association, New Hampshire’s Arthur J. Gajarsa Inn of Court, the Boston IP Inn of Court, September 2018

- “2nd Circ. Set To Weigh in on CFAA Circuit Split,” co-author, *Appellate Law360*
- “Common Law v. UTSA: The Last States Standing,” co-author, *IP Law360*

Professional and Community Involvement

- Member, Boston Bar Association
- Member, Intellectual Property Inn of Court
- Elected Member, Parks and Recreation Committee of Lincoln, Massachusetts
- Board Member, Magic Garden Children’s Center

Recognition

- *The Legal 500* (2025)
- *The Legal 500: Next Generation Partner* (2017-2022)
- A World’s Leading Patent Practitioner by *IAM Patent 1000* (2024-2025)
- *Massachusetts Super Lawyers Rising Star* (2013-2022)
- *Massachusetts Super Lawyers*