

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:24-cv-10437-PBS**

Progenics Pharmaceuticals, Inc. et al v. MIM Software Inc.  
Assigned to: Judge Patti B. Saris  
Cause: 35:271 Patent Infringement

Date Filed: 02/23/2024  
Jury Demand: Both  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Progenics Pharmaceuticals, Inc.**

represented by **Michael H. Bunis**  
Choate, Hall & Stewart  
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**Plaintiff**

**EXINI Diagnostics AB**

represented by **Michael H. Bunis**  
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*LEAD ATTORNEY*  
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**Anita M.C. Spieth**  
(See above for address)  
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**John Calhoun**  
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V.

**Defendant**

**MIM Software Inc.**

represented by **Alexis Cohen**  
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**Counter Claimant**

**MIM Software Inc.**

represented by **Alexis Cohen**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Gilbert T. Smolenski**  
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**Laura E. Powell**  
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**Jeffrey C Metzcar**  
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**Lisa J. Pirozzolo**  
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**Marla R. Butler**  
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**Marla R. Butler**  
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V.

**Counter Defendant**

**EXINI Diagnostics AB**

represented by **Michael H. Bunis**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anita M.C. Spieth**  
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*ATTORNEY TO BE NOTICED*

**John Calhoun**  
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**Counter Defendant**

**Progenics Pharmaceuticals, Inc.**

represented by **Michael H. Bunis**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anita M.C. Spieth**  
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*ATTORNEY TO BE NOTICED*

**John Calhoun**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/23/2024	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 405, receipt number AMADC-10283410 (Fee Status: Filing Fee paid), filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Civil Cover Sheet, # <u>4</u> Category Form)(Bunis, Michael) (Entered: 02/23/2024)
02/23/2024	<u>2</u>	REPORT ON THE FILING OF AN ACTION REGARDING PATENT OR TRADEMARK. (Bunis, Michael) (Entered: 02/23/2024)
02/23/2024	<u>3</u>	CORPORATE DISCLOSURE STATEMENT by Progenics Pharmaceuticals, Inc. identifying Corporate Parent Lantheus Holdings, Inc. for Progenics Pharmaceuticals, Inc... (Bunis, Michael) (Entered: 02/23/2024)
02/23/2024	<u>4</u>	CORPORATE DISCLOSURE STATEMENT by EXINI Diagnostics AB identifying Corporate Parent Lantheus Holdings, Inc. for EXINI Diagnostics AB.. (Bunis, Michael) (Entered: 02/23/2024)
02/23/2024	<u>5</u>	ELECTRONIC NOTICE of Case Assignment. Judge Patti B. Saris assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Donald L. Cabell. (Phillips, Sophie) (Entered: 02/23/2024)
02/23/2024	<u>6</u>	Summons Issued as to MIM Software Inc.. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Dore, Samantha) (Entered: 02/23/2024)
02/27/2024	<u>7</u>	SUMMONS Returned Executed MIM Software Inc. served on 2/23/2024, answer due 3/15/2024. (Bunis, Michael) (Entered: 02/27/2024)
02/29/2024	<u>8</u>	NOTICE of Appearance by Anita M.C. Spieth on behalf of EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc. (Spieth, Anita) (Entered: 02/29/2024)
02/29/2024	<u>9</u>	NOTICE of Appearance by John Calhoun on behalf of EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc. (Calhoun, John) (Entered: 02/29/2024)
03/05/2024	<u>10</u>	Judge Patti B. Saris: ORDER entered pursuant to 28 U.S.C. § 455(a). Objections due by 5:00PM EST on Monday, March 18, 2024. (Geraldino-Karasek, Clarilde) (Entered: 03/05/2024)
03/13/2024	<u>11</u>	STIPULATION <i>and Proposed Order Extending Time to Respond to the Complaint</i> by MIM Software Inc.. (Pirozzolo, Lisa) (Entered: 03/13/2024)

03/13/2024	<u>12</u>	NOTICE of Appearance by Lisa J. Pirozzolo on behalf of MIM Software Inc. (Pirozzolo, Lisa) (Entered: 03/13/2024)
03/15/2024	<u>13</u>	Judge Patti B. Saris: ELECTRONIC ORDER entered Allowed re <u>11</u> Parties' Stipulation Extending time to Respond to Complaint.  ANSWER DUE BY 5/20/2024.  (Geraldino-Karasek, Clarilde) (Entered: 03/15/2024)
03/15/2024	<u>14</u>	AMENDED COMPLAINT against MIM Software Inc., filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Bunis, Michael) (Entered: 03/15/2024)
03/15/2024	<u>15</u>	REPORT ON THE FILING OF AN ACTION REGARDING PATENT . (Bunis, Michael) (Main Document 15 replaced on 3/19/2024 to correct PDF document format) (Geraldino-Karasek, Clarilde). (Entered: 03/15/2024)
04/05/2024	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Gilbert T. Smolenski Filing fee: \$ 125, receipt number AMADC-10352868 by MIM Software Inc.. (Attachments: # <u>1</u> Certification of Gilbert T. Smolenski)(Pirozzolo, Lisa) (Entered: 04/05/2024)
04/05/2024	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Alexis Cohen Filing fee: \$ 125, receipt number AMADC-10352900 by MIM Software Inc.. (Attachments: # <u>1</u> Exhibit Certification of Alexis Cohen)(Pirozzolo, Lisa) (Entered: 04/05/2024)
04/05/2024	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Laura E. Powell Filing fee: \$ 125, receipt number AMADC-10352950 by MIM Software Inc.. (Attachments: # <u>1</u> Exhibit Certification of Laura E. Powell)(Pirozzolo, Lisa) (Entered: 04/05/2024)
04/05/2024	<u>19</u>	JOINT STIPULATION and Consent to the filing of the SECOND AMENDED COMPLAINT and Extending Defendant's Deadline to Respond by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.  (Attachments: # <u>1</u> Exhibit A – Second Amended Complaint, # <u>2</u> Exhibit B – Proposed Order)(Bunis, Michael) Modified docket text on 4/10/2024 to correct docket entry. (Geraldino-Karasek, Clarilde). (Entered: 04/05/2024)
04/05/2024	<u>20</u>	REPORT ON THE FILING OF AN ACTION REGARDING PATENT . (Bunis, Michael) (Entered: 04/05/2024)
04/05/2024	<u>21</u>	NOTICE of Scheduling Conference  This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.  Audio access to the hearing may be available to the media and public. Please check the <u>Court schedule</u> . In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a> .  For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact <a href="mailto:media@mad.uscourts.gov">media@mad.uscourts.gov</a> .  Scheduling Conference set for 6/11/2024 02:30 PM in Remote Proceeding before Judge Patti B. Saris. (Entered: 04/05/2024)
04/05/2024	<u>25</u>	SECOND AMENDED COMPLAINT against MIM Software Inc., filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.  RE-DOCKET BY COURT STAFF. SECOND AMENDED COMPLAINT filed as attachment to Docket <u>19</u> Joint Stipulation – ALLOWED.  Additional attachments added on 4/11/2024: EXHIBITS (1-7) : # <u>1</u> Exhibit 1) , # <u>2</u> Exhibit 2) , # <u>3</u> Exhibit 3) , # <u>4</u> Exhibit 4) , # <u>5</u> Exhibit 5) , # <u>6</u> Exhibit 6) , # <u>7</u> Exhibit 7) (Geraldino-Karasek, Clarilde).

		Docket entry modified on 4/11/2024 to attached Exhibits 1–7. (Geraldino–Karasek, Clarilde). (Entered: 04/10/2024)
04/08/2024	22	<p>Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>16</u> Motion for Leave to Appear Pro Hac Vice Added Gilbert T. Smolenski.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions  <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(Geraldino–Karasek, Clarilde) (Entered: 04/08/2024)</p>
04/08/2024	23	<p>Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>17</u> Motion for Leave to Appear Pro Hac Vice Added Alexis Cohen.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions  <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(Geraldino–Karasek, Clarilde) (Entered: 04/08/2024)</p>
04/08/2024	24	<p>Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>18</u> Motion for Leave to Appear Pro Hac Vice Added Laura E. Powell.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions  <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(Geraldino–Karasek, Clarilde) (Entered: 04/08/2024)</p>
04/10/2024	<u>26</u>	<p>Judge Patti B. Saris: ORDER entered on <u>19</u> Joint Stipulation and Consent to the Filing of the Second Amended Complaint.</p> <p>Defendant's Response as to <u>25</u> SECOND AMENDED COMPLAINT due by 6/17/2024.</p> <p>(Geraldino–Karasek, Clarilde) (Entered: 04/10/2024)</p>
04/11/2024	<u>27</u>	<p>CORPORATE DISCLOSURE STATEMENT by MIM Software Inc. identifying Corporate Parent GE HealthCare Technologies, Inc. for MIM Software Inc... (Pirozzolo, Lisa)  (Entered: 04/11/2024)</p>

04/11/2024	<u>28</u>	NOTICE of Appearance by Alexis Cohen on behalf of MIM Software Inc. (Cohen, Alexis) (Entered: 04/11/2024)
04/11/2024	<u>29</u>	NOTICE of Appearance by Laura E. Powell on behalf of MIM Software Inc. (Powell, Laura) (Entered: 04/11/2024)
04/11/2024	<u>30</u>	NOTICE of Appearance by Gilbert T. Smolenski on behalf of MIM Software Inc. (Smolenski, Gilbert) (Entered: 04/11/2024)
04/16/2024	<u>31</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Jeffrey C. Metzcar Filing fee: \$ 125, receipt number AMADC-10369190 by MIM Software Inc.. (Attachments: # <u>1</u> Certification of Jeffrey C. Metzcar)(Pirozzolo, Lisa) (Entered: 04/16/2024)
04/16/2024	<u>32</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Marla R. Butler Filing fee: \$ 125, receipt number AMADC-10369218 by MIM Software Inc.. (Attachments: # <u>1</u> Certification of Marla R. Butler)(Pirozzolo, Lisa) (Entered: 04/16/2024)
04/26/2024	<u>33</u>	Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>31</u> Motion for Leave to Appear Pro Hac Vice Added Jeffrey C. Metzcar.  <b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a> .  (Geraldino-Karasek, Clarilde) (Entered: 04/26/2024)
04/26/2024	<u>34</u>	Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>32</u> Motion for Leave to Appear Pro Hac Vice Added Marla R. Butler.  <b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a> .  (Geraldino-Karasek, Clarilde) (Entered: 04/26/2024)
05/01/2024	<u>35</u>	NOTICE of Appearance by Jeffrey C Metzcar on behalf of MIM Software Inc. (Metzcar, Jeffrey) (Entered: 05/01/2024)
05/07/2024	<u>36</u>	NOTICE of Appearance by Marla R. Butler on behalf of MIM Software Inc. (Butler, Marla) (Entered: 05/07/2024)
05/20/2024	<u>37</u>	MOTION to Postpone the Scheduling Conference ( <i>Unopposed</i> ) by MIM Software Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Pirozzolo, Lisa) (Entered: 05/20/2024)
05/29/2024	<u>38</u>	Judge Patti B. Saris: ENDORSED ORDER entered ALLOWED re <u>37</u> Motion to Postpone the Scheduling Conference (Unopposed). A New Date will be Announced by the Court.  (Geraldino-Karasek, Clarilde) (Entered: 05/29/2024)
05/29/2024	<u>39</u>	ELECTRONIC NOTICE Canceling Hearing: Scheduling Conference set for 6/11/2024 02:30 PM in Remote Proceeding before Judge Patti B. Saris. (Geraldino-Karasek, Clarilde) (Entered: 05/29/2024)
05/29/2024	<u>42</u>	Judge Patti B. Saris: ORDER entered. ORDER Postponing the Scheduling Conference set for 6/11/2024 02:30 PM before Judge Patti B. Saris. (Geraldino-Karasek, Clarilde) (Entered: 06/06/2024)
06/05/2024	<u>40</u>	Assented to MOTION for Leave to File Excess Pages <i>for Briefing on Motion to Dismiss</i> by MIM Software Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Pirozzolo, Lisa) (Entered: 06/05/2024)

06/06/2024	41	Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>40</u> Assented to Motion for Leave to File Excess Pages for Briefing on Motion to Dismiss.  Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Geraldino–Karasek, Clarilde) (Entered: 06/06/2024)
06/17/2024	<u>43</u>	MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> by MIM Software Inc..(Pirozzolo, Lisa) (Entered: 06/17/2024)
06/17/2024	<u>44</u>	MEMORANDUM in Support re <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> filed by MIM Software Inc.. (Pirozzolo, Lisa) (Entered: 06/17/2024)
06/17/2024	<u>45</u>	APPENDIX/EXHIBIT re <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> by MIM Software Inc.. (Pirozzolo, Lisa) (Entered: 06/17/2024)
06/25/2024	<u>46</u>	MOTION for Extension of Time to July 19, 2024 to File Response/Reply ( <i>Unopposed</i> ) by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc..(Spieth, Anita) (Entered: 06/25/2024)
06/28/2024	47	Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>46</u> Motion for Extension of Time to File Response ( <i>Unopposed</i> ) to <u>43</u> MOTION to Dismiss <i>Second Amended Complaint</i> .  Response due by 7/19/2024. (Geraldino–Karasek, Clarilde) (Entered: 06/28/2024)
07/19/2024	<u>48</u>	Opposition re <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Bunis, Michael) (Entered: 07/19/2024)
07/22/2024	49	ELECTRONIC NOTICE Setting Hearing on <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> :  This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.  Audio access to the hearing may be available to the media and public. Please check the <u>Court schedule</u> . In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a> .  For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact <a href="mailto:media@mad.uscourts.gov">media@mad.uscourts.gov</a> .  <b>Hearing on Motion to Dismiss 2nd Amended complaint is set for 8/1/2024 09:30 AM in Remote Proceeding before Judge Patti B. Saris. (Molloy, Maryellen) (Entered: 07/22/2024)</b>
07/23/2024	50	ELECTRONIC NOTICE Canceling Motion Hearing scheduled for 8/1/2024 until further notice.  Hearing scheduled for 8/1/2024 is hereby canceled.  Notice rescheduling to a later date to follow.  (mm) (Entered: 07/23/2024)
07/25/2024	<u>51</u>	MOTION for Leave to File a <i>Reply Memorandum in Support of Motion to Dismiss Second Amended Complaint (Unopposed)</i> by MIM Software Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Pirozzolo, Lisa) (Entered: 07/25/2024)
07/26/2024	52	Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>51</u> Motion for Leave to File a Reply.

		Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Geraldino–Karasek, Clarilde) (Entered: 07/26/2024)
07/26/2024	53	ELECTRONIC NOTICE RESETTING HEARING by Video on <u>43</u> MOTION to Dismiss Second Amended Complaint and Request for Oral Argument :  MOTION HEARING SET FOR 10/4/2024 09:30 AM By Video before Judge Patti B. Saris.  This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.  Audio access to the hearing may be available to the media and public. Please check the <u>Court schedule</u> . In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a> .  For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact <a href="mailto:media@mad.uscourts.gov">media@mad.uscourts.gov</a> .  (Geraldino–Karasek, Clarilde) (Entered: 07/26/2024)
08/01/2024	<u>54</u>	MOTION to Reschedule Hearing on Motion to Dismiss ( <i>Unopposed</i> ) by MIM Software Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Pirozzolo, Lisa) (Entered: 08/01/2024)
08/02/2024	<u>55</u>	Judge Patti B. Saris: ENDORSED ORDER entered ALLOWED re <u>54</u> Motion to Reschedule Hearing on Motion to Dismiss. (Geraldino–Karasek, Clarilde) (Entered: 08/02/2024)
08/02/2024	56	ELECTRONIC NOTICE CANCELING HEARING: MOTION HEARING SET FOR 10/4/2024 09:30 AM By Video before Judge Patti B. Saris. A New Date will be announced by the Court. (Geraldino–Karasek, Clarilde) (Entered: 08/02/2024)
08/02/2024	<u>57</u>	REPLY to Response to <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> filed by MIM Software Inc.. (Pirozzolo, Lisa) (Entered: 08/02/2024)
08/05/2024	58	ELECTRONIC NOTICE Resetting Hearing on <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> :  This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.  Audio access to the hearing may be available to the media and public. Please check the <u>Court schedule</u> . In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a> .  For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact <a href="mailto:media@mad.uscourts.gov">media@mad.uscourts.gov</a> .  Motion Hearing reset from 10/4/2024 to 10/8/2024 09:30 AM in Remote Proceeding before Judge Patti B. Saris. (mm) (Entered: 08/05/2024)
08/06/2024	<u>59</u>	MOTION for Leave to File a <i>Surreply</i> ( <i>Unopposed</i> ) by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Bunis, Michael) (Entered: 08/06/2024)
08/06/2024	60	Judge Patti B. Saris: ELECTRONIC ORDER entered Allowed re <u>59</u> Motion for Leave to File a Sur–Reply.  Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the

		document. (Geraldino–Karasek, Clarilde) (Entered: 08/06/2024)
08/16/2024	<u>61</u>	SUR–REPLY to Motion re <u>43</u> MOTION to Dismiss <i>Second Amended Complaint and Request for Oral Argument</i> filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit)(Bunis, Michael) (Entered: 08/16/2024)
09/12/2024	<u>62</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Jesse Jenike–Godshalk Filing fee: \$ 125, receipt number AMADC–10596585 by MIM Software Inc.. (Attachments: # <u>1</u> Certification of Jesse Jenike–Godshalk)(Pirozzolo, Lisa) (Entered: 09/12/2024)
09/19/2024	63	Judge Patti B. Saris: ELECTRONIC ORDER entered granting <u>62</u> Motion for Leave to Appear Pro Hac Vice Added Jesse Jenike–Godshalk.  <b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number under ADDITIONAL FILER INFORMATION on your form when registering or it will be rejected.</b>  Pro Hac Vice Admission Request Instructions <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a> .  A Notice of Appearance must be entered on the docket by the newly admitted attorney.  (Geraldino–Karasek, Clarilde) (Entered: 09/19/2024)
09/27/2024	<u>64</u>	JOINT STATEMENT re scheduling conference . (Attachments: # <u>1</u> Text of Proposed Order)(Bunis, Michael) (Entered: 09/27/2024)
09/27/2024	<u>65</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Bunis, Michael) (Entered: 09/27/2024)
09/30/2024	<u>66</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Pirozzolo, Lisa) (Entered: 09/30/2024)
10/07/2024	67	NOTICE of Time Change – Motion hearing scheduled for Tuesday October 8, 2024 at 9:30 will go forward at 10:00 AM per order of Judge Saris. Please use the original zoom link that was issued by the court. (mm) (Entered: 10/07/2024)
10/08/2024	68	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:  Motion Hearing held on 10/8/2024 re <u>43</u> MOTION to Dismiss <i>Second Amended Complaint</i> .  Motion taken under advisement.  (Court Reporter: Lee Marzilli at leemarz47@gmail.com.) (Entered: 10/08/2024)
10/08/2024	69	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:  Scheduling Conference held on 10/8/2024.  Proposed Joint Statement – NOT adopted.  All discovery stayed pending a ruling on the defendants motion to dismiss.  (Court Reporter: Lee Marzilli at leemarz47@gmail.com.) (mm) (Entered: 10/08/2024)
11/08/2024	<u>70</u>	Transcript of Motion Hearing by video held on October 8, 2024, before Judge Patti B. Saris. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Lee Marzilli at leemarz47@gmail.com. Redaction Request due 11/29/2024. Redacted Transcript Deadline set for 12/9/2024. Release of Transcript Restriction set for 2/6/2025. (Kelly, Danielle) (Entered: 11/08/2024)
11/08/2024	71	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above–captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (Kelly, Danielle) (Entered: 11/08/2024)

		11/08/2024)
01/14/2025	<u>72</u>	District Judge Patti B. Saris: MEMORANDUM AND ORDER entered.  MIM's motion to dismiss (Dkt. <u>43</u> ) is ALLOWED as to the claim of infringement of the 486 patent (Count II) with regard to LesionID and as to the claim of infringement of the 508 patent (Count V), without prejudice to filing a third amended complaint within 30 days. The motion is otherwise DENIED. (CGK) (Entered: 01/14/2025)
01/14/2025	73	SET DEADLINES AS TO :  THIRD AMENDED COMPLAINT due by 2/13/2025;  AMENDED PROPOSED JOINT STATEMENT due by 1/31/2025. (CGK) (Entered: 01/14/2025)
01/28/2025	<u>74</u>	STIPULATION <i>and Proposed Order Extending Time to Respond to the Second Amended Complaint</i> by MIM Software Inc.. (Pirozzolo, Lisa) (Entered: 01/28/2025)
01/31/2025	<u>75</u>	Amended JOINT SUBMISSION pursuant to Local Rule 16.1 by Progenics Pharmaceuticals, Inc., EXINI Diagnostics AB. (Attachments: # <u>1</u> Exhibit A)(Spieth, Anita) (Entered: 01/31/2025)
01/31/2025	<u>78</u>	District Judge Patti B. Saris: ENDORSED ORDER entered ALLOWED re <u>74</u> STIPULATION Extending Time to Respond to the Second Amended Complaint.  Response to SECOND AMENDED COMPLAINT due by 2/11/2025. (CGK) (Entered: 02/03/2025)
02/03/2025	<u>76</u>	CERTIFICATION pursuant to Local Rule 16.1 (D)(3). (Bunis, Michael) (Entered: 02/03/2025)
02/03/2025	<u>77</u>	CERTIFICATION pursuant to Local Rule 16.1 (D)(3). (Pirozzolo, Lisa) (Entered: 02/03/2025)
02/11/2025	<u>79</u>	ANSWER to <u>25</u> Amended Complaint,, , COUNTERCLAIM against EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc. by MIM Software Inc..(Pirozzolo, Lisa) (Entered: 02/11/2025)
02/28/2025	<u>80</u>	Joint MOTION for Order to Establish Protocol Governing Production of Documents and Electronically Stored Information (ESI) by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit A – Proposed Order)(Bunis, Michael) (Entered: 02/28/2025)
02/28/2025	<u>81</u>	STIPULATION (Joint) Extending Time to Submit a Proposed Protective Order by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Bunis, Michael) (Entered: 02/28/2025)
03/04/2025	<u>82</u>	<i>Plaintiffs'</i> ANSWER to Counterclaim by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc..(Bunis, Michael) (Entered: 03/04/2025)
03/05/2025	83	District Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>81</u> Joint Stipulation Extending Time to Submit a Proposed Protective Order.  Proposed Protective Order due by 3/7/2025. (CGK) (Entered: 03/05/2025)
03/05/2025	<u>84</u>	District Judge Patti B. Saris: ORDER entered. Order to Establish Protocol Governing Production of Documents and Electronically Stored Information (ESI). (CGK) (Entered: 03/05/2025)
03/05/2025	<u>85</u>	District Judge Patti B. Saris: SCHEDULING ORDER entered re <u>74</u> Proposed Scheduled – Approved.  SET DEADLINES AS TO : 1. Joint Statement of the number of claims and terms to be construed pursuant to Local Rule 16.6(e)(1)(D)– DUE BY 6/18/2025.  2. Opening Claim Construction briefs – DUE BY 7/11/2025.

		<p>3. Answering Claim Construction briefs – DUE BY 8/8/2025.</p> <p>4. Reply Claim Construction Brief – DUE BY 9/5/2025.</p> <p>5. Sur–Reply Claim Construction Brief – DUE BY 9/19/2025.</p> <p>6. Final Fact Discovery to be completed by 6/18/2026.</p> <p>7. Daubert and Dispositive Motions – DUE BY 10/23/2026; Oppositions due by 11/13/2026; Replies due by 12/4/2026. Please see Order Attached for further deadlines details. (CGK) (Entered: 03/05/2025)</p>
03/07/2025	<u>86</u>	Joint MOTION for Protective Order by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit A – Proposed Order)(Bunis, Michael) (Entered: 03/07/2025)
03/11/2025	<u>87</u>	District Judge Patti B. Saris: ORDER entered. PROTECTIVE ORDER.  (CGK) (Entered: 03/11/2025)
04/08/2025	<u>88</u>	MOTION to Stay <i>Pending Inter Partes Review</i> by MIM Software Inc..(Butler, Marla) (Entered: 04/08/2025)
04/08/2025	<u>89</u>	MEMORANDUM in Support re <u>88</u> MOTION to Stay <i>Pending Inter Partes Review</i> filed by MIM Software Inc.. (Butler, Marla) (Entered: 04/08/2025)
04/08/2025	<u>90</u>	DECLARATION re <u>88</u> MOTION to Stay <i>Pending Inter Partes Review Declaration of Jesse Jenike–Godshalk in Support of Defendant's Motion to Stay Pending Inter Partes Review</i> by MIM Software Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Butler, Marla) (Entered: 04/08/2025)
04/22/2025	<u>91</u>	Opposition re <u>88</u> MOTION to Stay <i>Pending Inter Partes Review</i> filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Bunis, Michael) (Entered: 04/22/2025)
04/22/2025	<u>92</u>	DECLARATION re <u>91</u> Opposition to Motion ( <i>Aseem Anand</i> ) by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Bunis, Michael) (Entered: 04/22/2025)
04/25/2025	93	<p>ELECTRONIC NOTICE SETTING HEARING by video on <u>88</u> MOTION to Stay Pending Inter Partes Review :</p> <p>MOTION HEARING SET FOR 5/12/2025 11:00 AM by video before District Judge Patti B. Saris.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the courtroom deputy of the session as soon as possible.</p> <p>Audio access to the hearing may be available to the media and public. Please check the <u>Court schedule</u>. In order to gain access to the hearing, you must sign up at the following address: <a href="https://forms.mad.uscourts.gov/courtlist.html">https://forms.mad.uscourts.gov/courtlist.html</a>.</p> <p>For questions regarding access to hearings, you may refer to the general orders and public notices of the Court available on <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a> or contact the session <a href="#">here</a>.</p> <p>(CGK) (Entered: 04/25/2025)</p>
04/30/2025	<u>94</u>	MOTION to Seal <i>Exhibit A of Motion for Leave to File a Reply Memorandum</i> by MIM Software Inc.. (Attachments: # <u>1</u> Declaration of Lisa Pirozzolo in Support)(Pirozzolo, Lisa) (Entered: 04/30/2025)
04/30/2025	<u>95</u>	MOTION for Leave to File <i>A Reply Memorandum in Support of 88 Motion to Stay Pending Inter Parties Review</i> by MIM Software Inc.. (Attachments: # <u>1</u> Exhibit A – Reply Memorandum and Declaration in Support of Motion to Stay Pending Inter Partes Review (Redacted))(Pirozzolo, Lisa) (Entered: 04/30/2025)

05/01/2025	96	District Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>95</u> Motion for Leave to File Reply Memorandum in Support of <u>88</u> Motion to Stay Pending Inter Parties Review.  Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (CGK) (Entered: 05/01/2025)
05/02/2025	<u>97</u>	REPLY to Response to <u>88</u> MOTION to Stay <i>Pending Inter Partes Review</i> (REDACTED) filed by MIM Software Inc.. (Attachments: # <u>1</u> Declaration in Support of Defendant's Motion to Stay Pending Inter Partes Review (REDACTED))(Pirozzolo, Lisa) (Additional attachment(s) added on 5/6/2025: # <u>2</u> (Sealed) Reply) (CGK). (Entered: 05/02/2025)
05/05/2025	98	District Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>94</u> Motion to Seal Exhibit A of Motion for Leave to File a Reply Memorandum.  Counsel will receive an email within twenty–four (24) hours of this order with instructions for submitting sealed documents for which leave has been granted in accordance with the Local Rules of the U.S. District Court of Massachusetts. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (CGK) (Entered: 05/05/2025)
05/07/2025	<u>99</u>	MOTION for Leave to File a <i>Surreply</i> ( <i>Unopposed</i> ) by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit A – Surreply)(Bunis, Michael) (Entered: 05/07/2025)
05/07/2025	100	District Judge Patti B. Saris: ELECTRONIC ORDER entered ALLOWED re <u>99</u> Motion for Leave to File Sur–Reply.  Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (CGK) (Entered: 05/07/2025)
05/07/2025	<u>101</u>	SUR–REPLY to Motion re <u>88</u> MOTION to Stay <i>Pending Inter Partes Review</i> filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Bunis, Michael) (Entered: 05/07/2025)
05/12/2025	103	Electronic Clerk's Notes for proceedings held before District Judge Patti B. Saris:  Motion Hearing held on 5/12/2025 re: <u>88</u> Motion to Stay Pending Inter Partes Review by MIM Software Inc.  See Order docket entry # <u>102</u> for further details.  (Court Reporter: Lee Marzilli at leemarz47@gmail.com.)(Court Reporter: Lee Marzilli at leemarz47@gmail.com.) (MM) (Entered: 05/13/2025)
05/13/2025	<u>102</u>	District Judge Patti B. Saris: ORDER entered re <u>88</u> Motion to Stay Pending Inter Partes Review by MIM Software Inc.  MIM's motion to stay (Dkt. <u>88</u> ) is <b>ALLOWED IN PART</b> and <b>DENIED IN PART</b> . The Court <b>STAYS</b> this action only with respect to the claims of infringement of the '346 patent, the '035 patent, the '141 patent, and the '817 patent. The parties shall file a joint status report within fourteen days of the PTAB's issuance of final determinations as to any of the IPRs. (CGK) (Entered: 05/13/2025)
05/22/2025	104	ELECTRONIC NOTICE OF CLAIM CONSTRUCTION HEARING :  CLAIM CONSTRUCTION HEARING SET FOR 11/17/2025 09:30 AM in Courtroom 19 (IN PERSON ONLY) before District Judge Patti B. Saris. (CGK) (Entered: 05/22/2025)
05/23/2025	<u>105</u>	<b>SEALED</b> Transcript of Motion Hearing by video held on May 12, 2025, before Judge Patti B. Saris. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Lee Marzilli at leemarz47@gmail.com. Redaction Request due 6/13/2025.

		Redacted Transcript Deadline set for 6/23/2025. Release of Transcript Restriction set for 8/21/2025. (DRK) (Additional attachment(s) added on 6/12/2025: # <u>1</u> <b>REDACTED</b> Transcript) (DRK). <u>Modified on 6/12/2025</u> : Redacted transcript added to entry pursuant to Electronic Order [#110] (DRK). (Attachment 1 replaced on 6/12/2025 – Replaced with corrected redacted version from Court Reporter) (DRK). (Entered: 05/27/2025)
05/23/2025	106	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="https://www.mad.uscourts.gov/caseinfo/transcripts.htm">https://www.mad.uscourts.gov/caseinfo/transcripts.htm</a> (DRK) (Entered: 05/27/2025)
06/04/2025	<u>107</u>	NOTICE of Intent to Request Redaction by Lisa J. Pirozzolo re <u>105</u> Transcript, (Pirozzolo, Lisa) (Entered: 06/04/2025)
06/06/2025	<u>108</u>	Assented to MOTION to Redact <u>105</u> Transcript, by MIM Software Inc.. (Attachments: # <u>1</u> Exhibit A)(Pirozzolo, Lisa) (Entered: 06/06/2025)
06/10/2025	110	District Judge Patti B. Saris: <b>ELECTRONIC ORDER entered ALLOWED re <u>108</u> Assented to Motion to Redact <u>105</u> Transcript.(CGK)</b> (Entered: 06/11/2025)
06/18/2025	<u>111</u>	Joint Claim Construction and Prehearing Statement by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc.. (Attachments: # <u>1</u> Exhibit A)(Bunis, Michael) (Entered: 06/18/2025)
06/30/2025	112	District Judge Patti B. Saris: <b>ELECTRONIC ORDER entered Allowed re <u>111</u> Joint Claim Construction and Prehearing Statement filed by EXINI Diagnostics AB, Progenics Pharmaceuticals, Inc. (CGK)</b> (Entered: 06/30/2025)
06/30/2025	113	ELECTRONIC NOTICE TUTORIAL HEARING :  TUTORIAL HEARING SET FOR 11/12/2025 02:30 PM in Courtroom 19 (In person only) before District Judge Patti B. Saris. (CGK) (Entered: 06/30/2025)