IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-00520-PAB-BNB

HEALTH GRADES, INC.,

Plaintiff,

v.

MDX MEDICAL, INC.,
doing business as Vitals.com,

Defendant.

ORDER

This matter is before the Court on defendant's motion for reconsideration [Docket No. 139] of the Court's December 7, 2011 Order [Docket No. 83] denying defendant's motion for partial summary judgment [Docket No. 9] without prejudice.

Plaintiff is the assignee and owner of U.S. Patent No. 7,752,060 (the "patent") and contends that a website owned by defendant infringes the patent. In the motion for partial summary judgment, defendant argued that the current version of its website does not infringe plaintiff's patent. In the December 7 Order, the Court pointed out that the parties' positions on that issue turned on their respective interpretation of specific claim language. Because the patent had not yet been construed, the Court concluded that defendant's motion for partial summary judgment was premature and denied the motion without prejudice to defendant refiling a motion for partial summary judgment after the Court construed the disputed claim language.

In the present motion, defendant requests that the Court "reconsider" this ruling

in light of the fact that the Court has since construed the disputed claim language "consistently" with defendant's construction. The Court and the parties will benefit from briefing that takes into account the Court's actual claim construction. Therefore, it is

ORDERED that defendant's motion for reconsideration [Docket No. 139] is DENIED. It is further

ORDERED that the parties' respective motions for leave to file excess pages [Docket Nos. 155, 167] are DENIED as moot.

DATED May 2, 2012.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge