IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-CV-00520-PAB

HEALTH GRADES, INC.,

Plaintiff,

v.

MDX MEDICAL, INC. d/b/a VITALS.COM,

Defendant.

MDX MEDICAL, INC.'S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS FOR ITS REPLY MEMORANDUM IN SUPPORT OF ITS MOTION FOR RECONSIDERATION OF MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT

Defendant and Counterclaim Plaintiff MDx Medical, Inc. ("MDx"), by its undersigned counsel, pursuant to D.C.Colo.LCivR 7.1 and Judge Philip A. Brimmer Practice Standard III(A) (the "Practice Standards"), respectfully submits MDx Medical, Inc.'s Motion for Leave to Exceed Page Limitations For Its Reply Memorandum in Support of its Motion for Reconsideration of Motion for Partial Summary Judgment of Non-Infringement.

In accordance with to D.C.COLO.LCivR 7.1A, the undersigned conferred on March 26, 2012 with counsel for Health Grades. On March 26, 2012, counsel for Health Grades, Inc. ("Health Grades") indicated that Health Grades does not oppose this motion.

As also stated in MDx's other filings today – (i) its Reply Memorandum in Support of its Motion for Reconsideration of Motion for Partial Summary Judgment of Non-Infringement ("Reply"); and (ii) its Opposition to Health Grades' Motion to Exceed Page Limits – MDx

respectfully submits that Plaintiff's Response to MDx's Motion for Reconsideration of Motion for Partial Summary Judgment on Non-Infringement ("Health Grades' Response") is entirely inappropriate because it addresses the underlying summary judgment motion, which was previously fully briefed by both parties. However, in an abundance of caution, MDx files its Reply to protect its rights in case the Court determines that it should consider Health Grades' Response to the motion for reconsideration. Pursuant to Section III(A) of the Practice Standards, "replies shall not exceed ten pages." MDx's reply is fifteen pages long, and MDx submits that good cause exists for the additional pages.

Health Grades filed a thirty-page Response in opposition to MDx's motion for reconsideration. (Dkt. # 156). As explained in MDx's Reply, many of the arguments raised by Health Grades in its Response are new arguments that Health Grades did not raise during the briefing of the underlying summary judgment motion. In effect, Health Grades has filed a ***second opposition*** to the summary judgment motion. Therefore, if the Court considers Health Grades' Response, then MDx's Reply needs to address the arguments in Health Grades' Response. Accordingly, MDx respectfully requests that it be permitted the five additional pages to address Health Grades' arguments.

Dated: March 26, 2012

Respectfully submitted,

s:/Scott D. Stimpson

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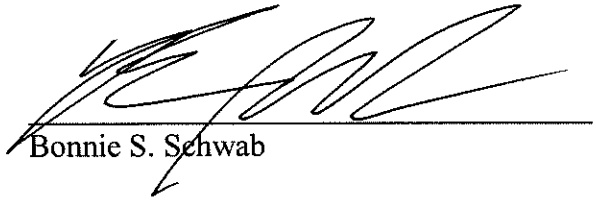
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury pursuant to 28 U.S.C. §1746 that on March 26, 2012, I electronically filed the foregoing MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS FOR ITS REPLY MEMORANDUM IN SUPPORT OF ITS MOTION FOR RECONSIDERATION OF MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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