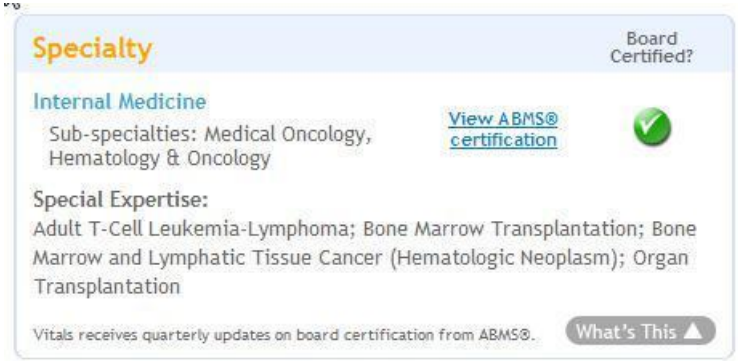
EXHIBIT 8
Part 4

U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		Additionally, the report on Dr. Brunvand uses information verified by the independent third-party sources, namely, board certifications and medical school information as shown in Screenshot Nos. 55-56 below. MDx also uses compiled licensure information to ensure that only licensed physicians, including Dr. Brunvand, are displayed in the search results. Screenshot 55  Screenshot 56

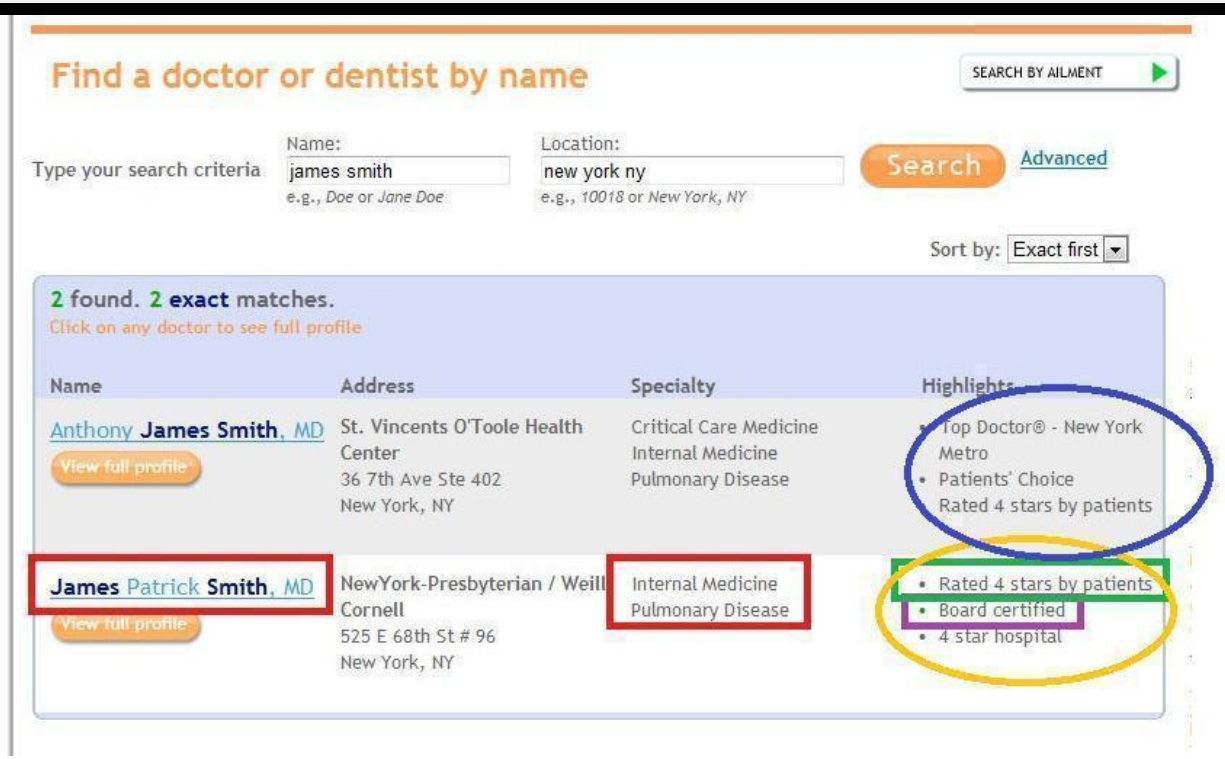
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U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		 With regard to the example shown above with respect to the request for information regarding the first healthcare provider as construed by the Court, the following screenshot shows a portion (e.g. a first page) of a healthcare provider report for the first healthcare provider discussed above, Dr. James Smith, in New York, NY. This report uses at least the following information: (1) healthcare provider-verified information, circled in red; (2) patient-provided information, circled in green; and (3) information verified by an independent third party circled in purple. The report also includes comparison ratings, circled in orange, about Dr. James Smith, and other healthcare providers as required by the Court's Markman Order, circled in blue .

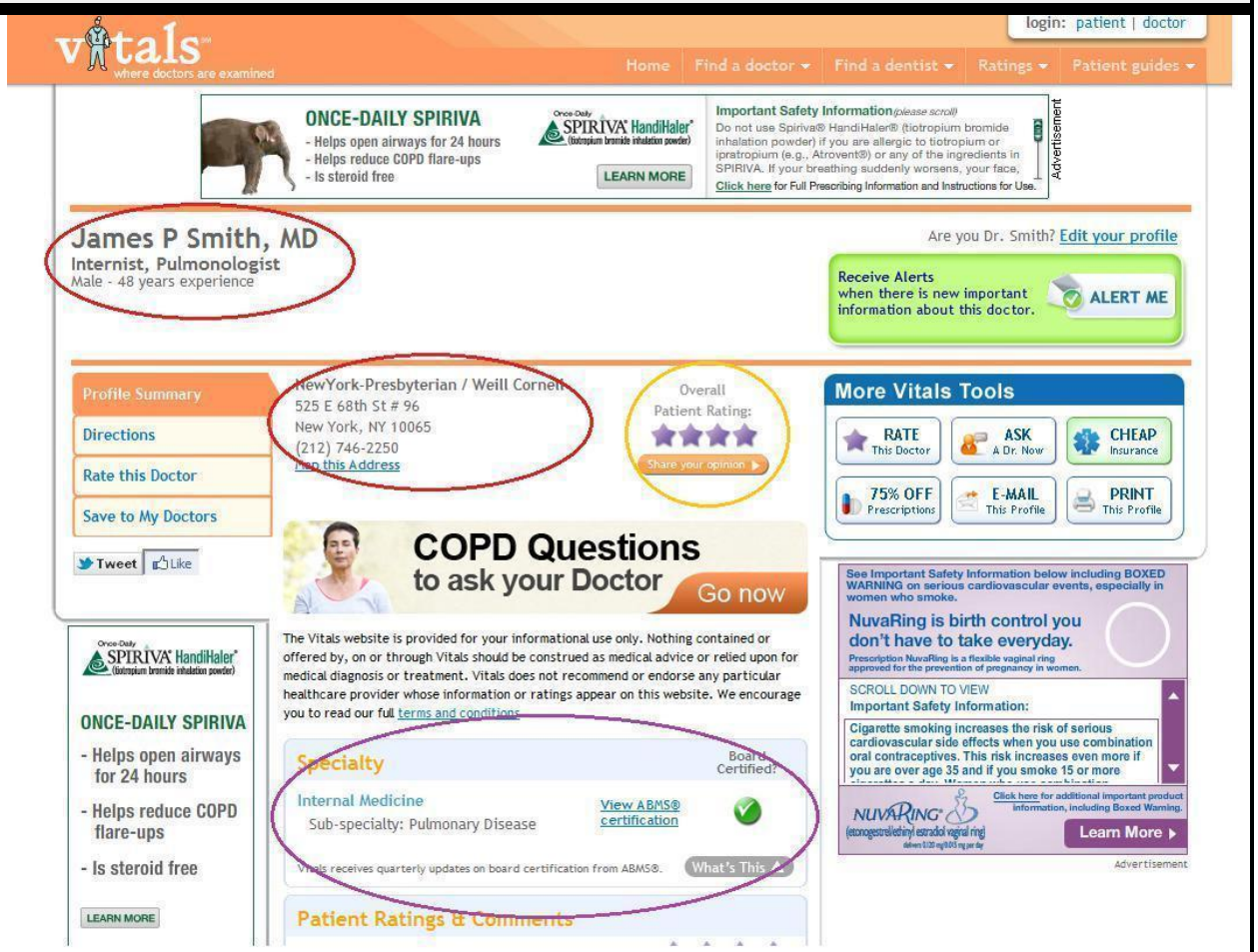
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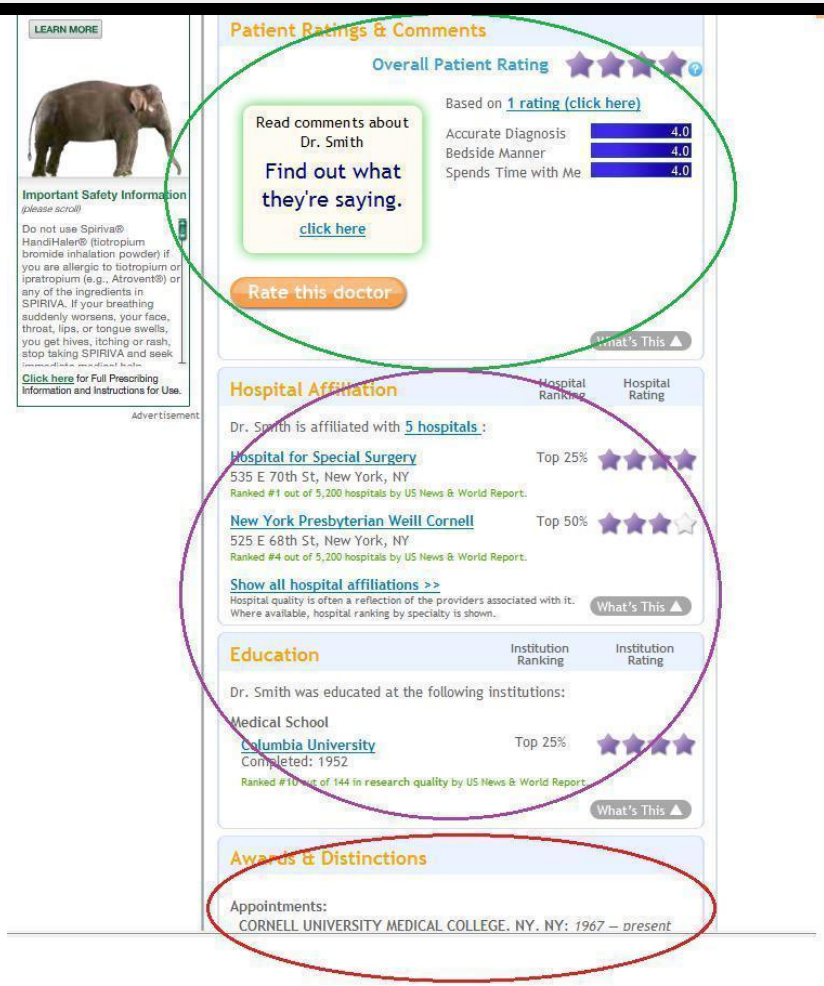
U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		 Additional portions (e.g. pages) of Dr. Smith's report include additional (1) healthcare provider-verified information, circled in red; (2) patient-provided information, circled in green; and (3) information verified by an independent third party circled in purple:

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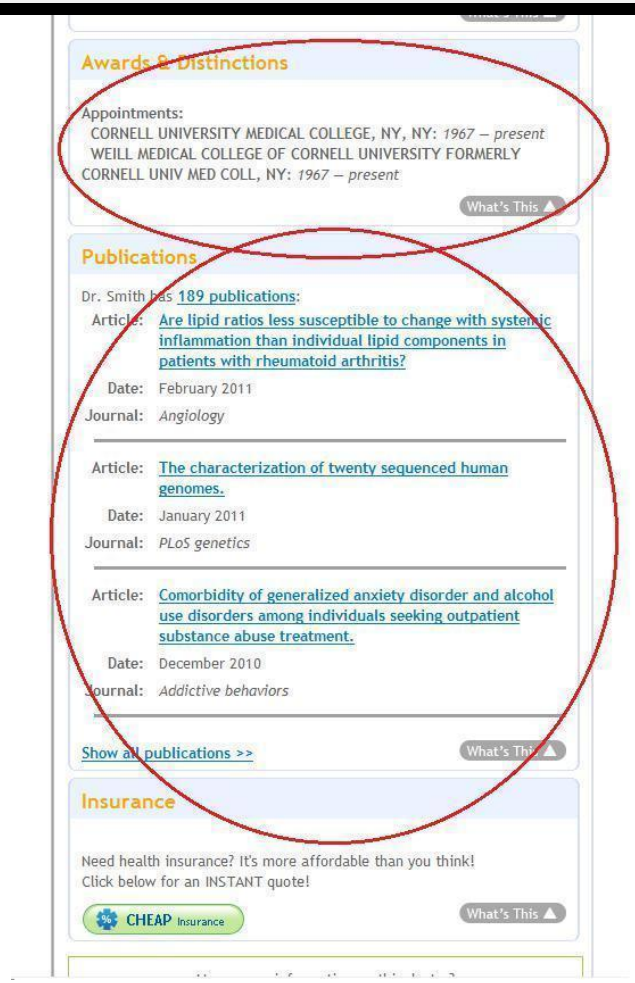
EXHIBIT 8

U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		

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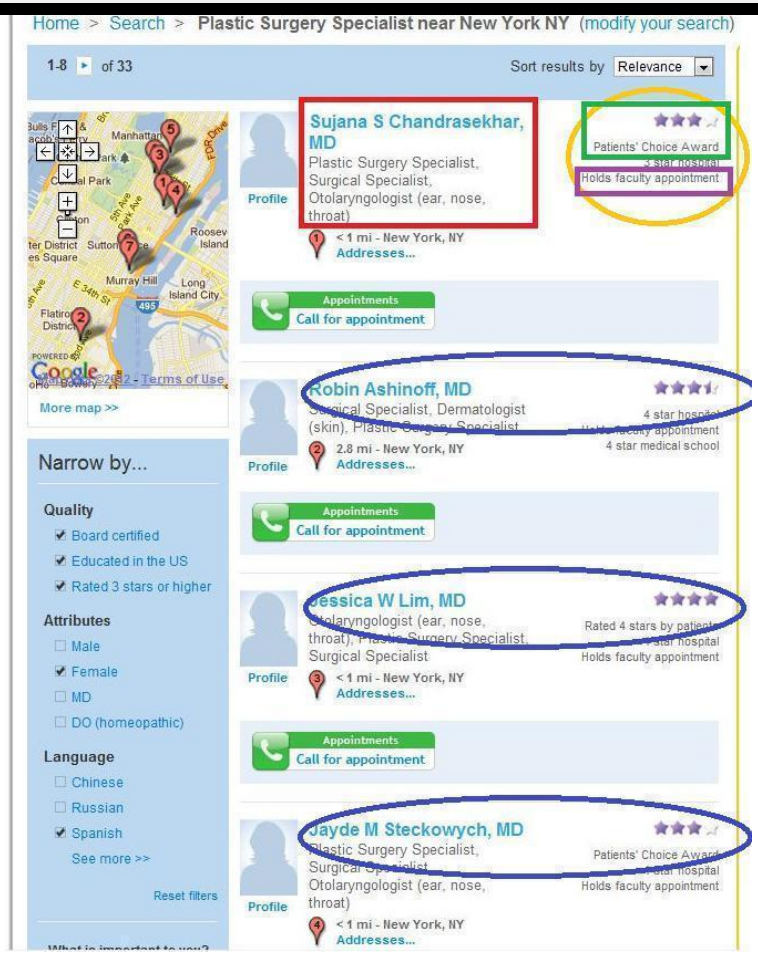
U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		

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U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		As another example, the following screenshot shows a portion (e.g. a first page) of a healthcare provider report for the first healthcare provider discussed above, Dr. Sujana Chandrasekhar. This report uses at least the following information: (1) healthcare provider-verified information, circled in red; (2) patient-provided information, circled in green; and (3) information verified by an independent third party circled in purple. The report also includes comparison ratings, circled in orange, about Dr. Chandrasekhar, and other healthcare providers as required by the Court's Markman Order (circled in blue). Additional pages of this report on Dr. Chandrasekhar contain additional healthcare provider verified, patient provided information, third party verified information as required by the claims.

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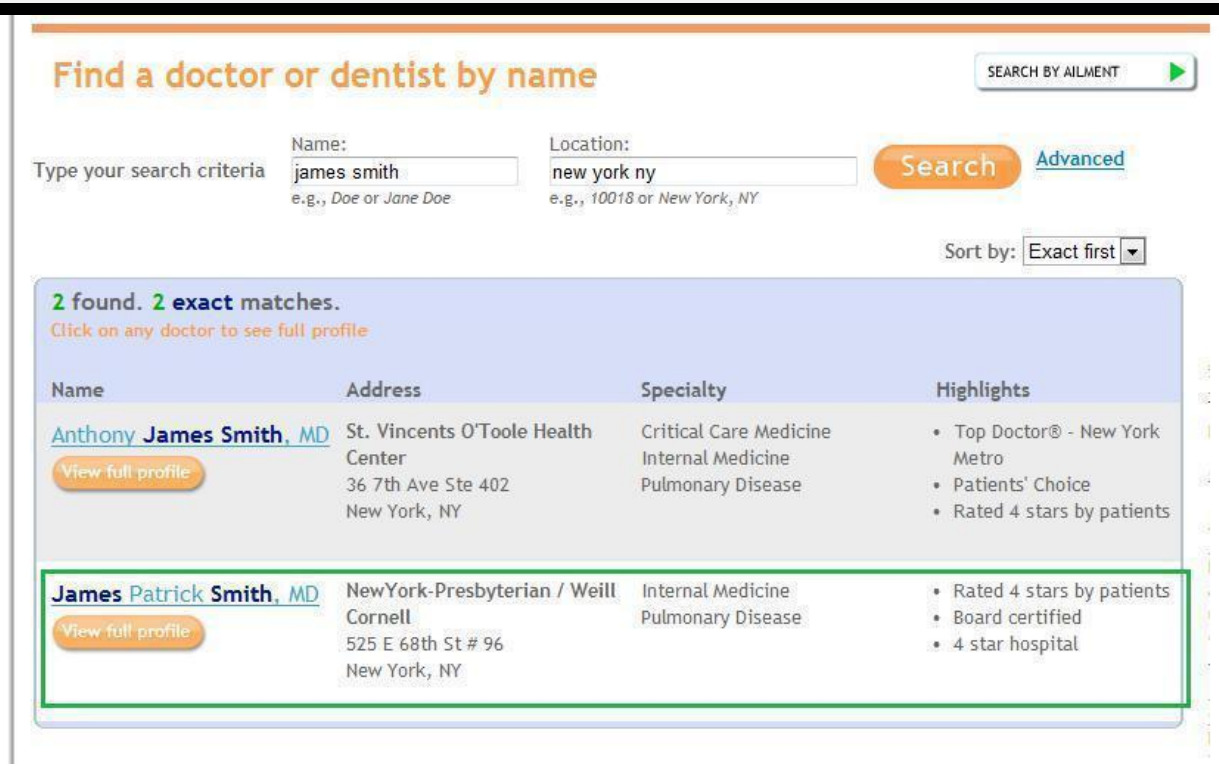
U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		 To the extent that the Court's construction of first healthcare provider requires that the

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EXHIBIT 8

U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		healthcare provider report on the first healthcare provider include *only* one particular healthcare provider, a position with which Health Grades disagrees, MDx both literally infringes this element and infringes under the doctrine of equivalents. MDx literally infringes this element because the www.vitals.com website is capable of creating a healthcare provider report about *only* one particular physician. A portion of a healthcare provider report about Dr. James Smith (e.g. the first page of the healthcare provider report on the first healthcare provider), and only Dr. James Smith, is shown in the green square below:

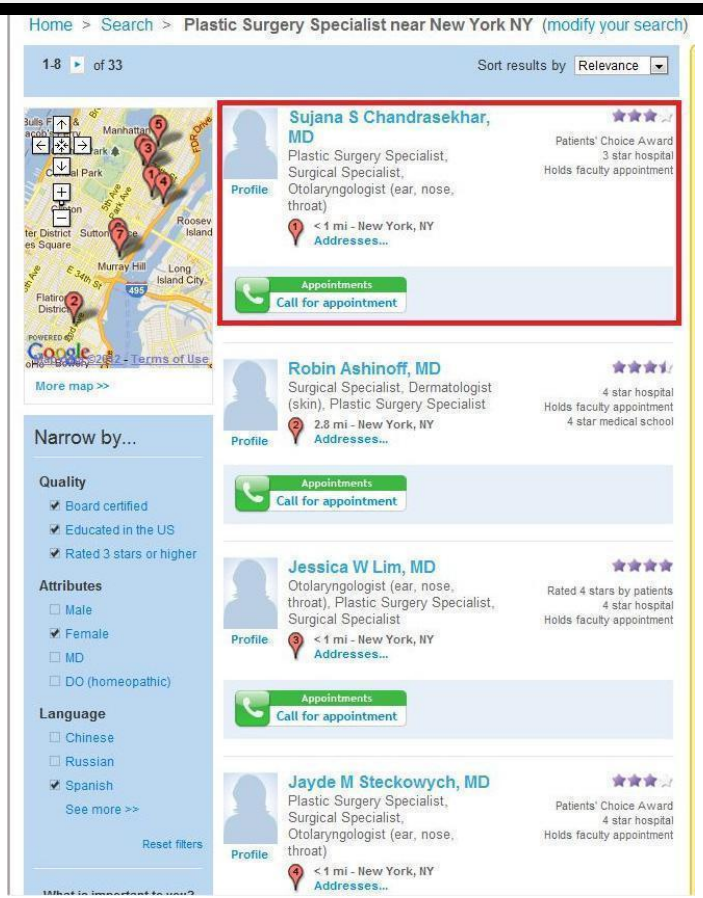
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U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		 As another example, a portion of a healthcare provider report about Dr. Sujana Chandrasekhar (e.g. the first page of the healthcare provider report on the first healthcare provider), and only Dr. Chandrasekhar, is shown in the red square below:

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		 MDx infringes under the doctrine of equivalents because creating a report that includes multiple particular physicians performs substantially the same function, in substantially the same way, to achieve substantially the same result as creating a healthcare provider report about

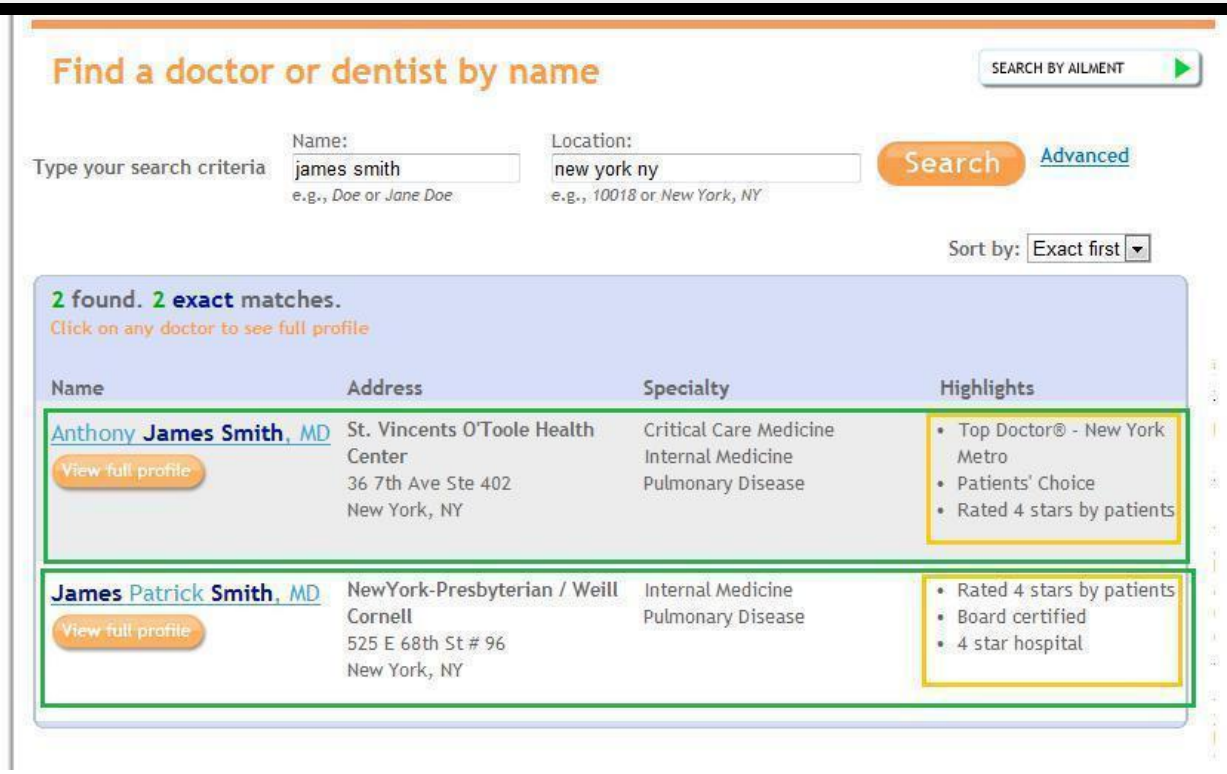
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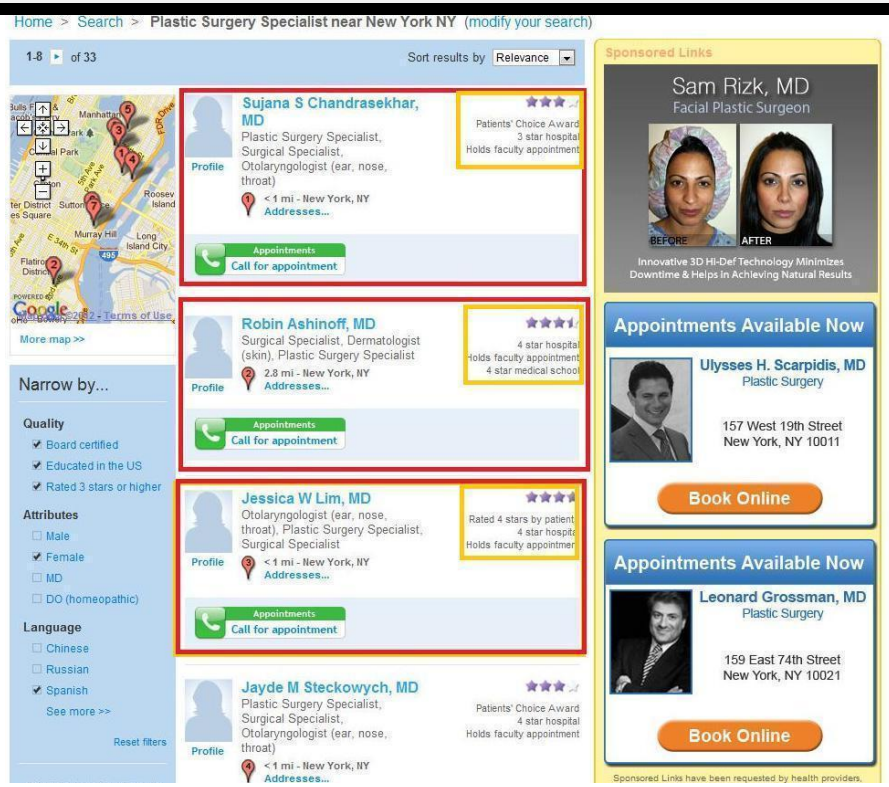
U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		one particular physician. To the extent that the Court's Markman Order additionally requires that the comparison ratings of the first healthcare provider be within the same report as the comparison ratings of the other healthcare providers, MDx infringes under the doctrine of equivalents because it displays at least the first page of multiple healthcare provider reports, each about a single particular healthcare provider (reports are shown by green boxes), and each including comparison ratings of that particular healthcare provider (comparison ratings shown by orange boxes), on the same viewable page, side-by-side, as shown below:

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		 And as another example (reports are shown in red squares, comparison ratings of the first healthcare provider are shown in the orange square):

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U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		 Displaying multiple healthcare provider reports, each about a single healthcare provider and each including comparison ratings of that particular healthcare provider, performs substantially the same function, in substantially the same way, to achieve substantially the same result as creating a report about a first healthcare provider that includes comparison ratings of multiple healthcare providers.

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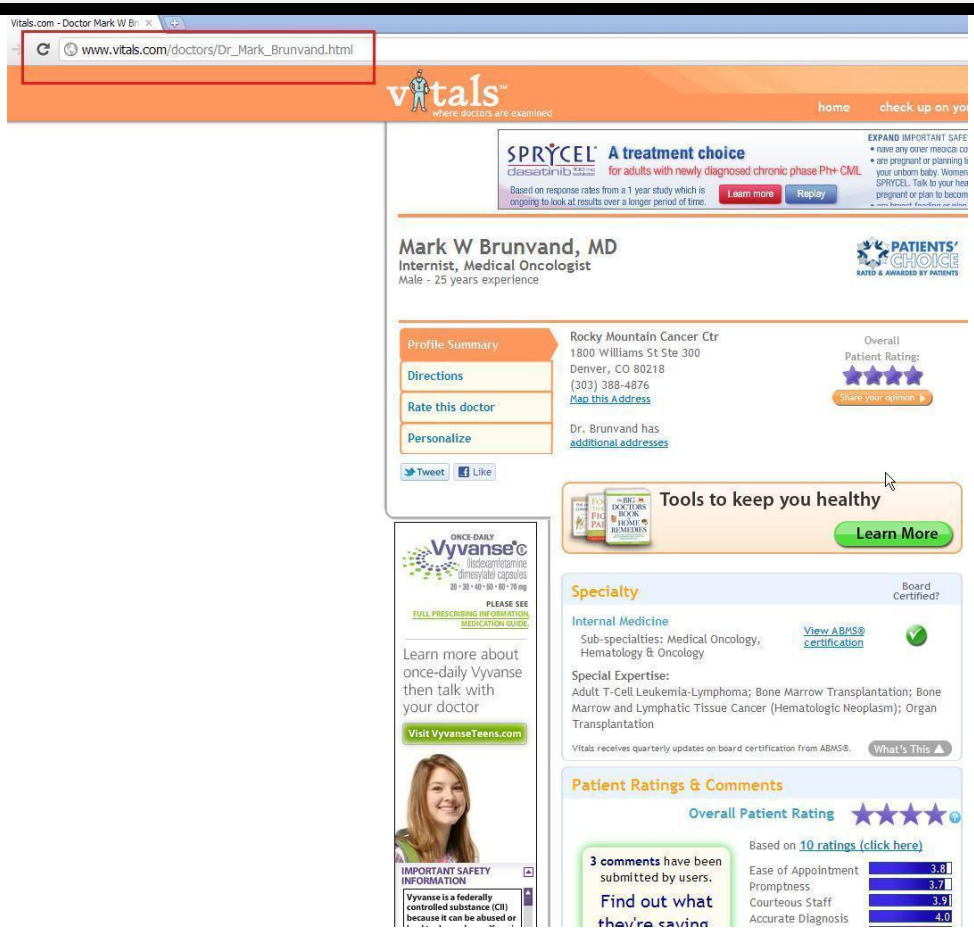
U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		To the extent that the Court's construction of comparison ratings of healthcare providers requires that the comparison ratings of the first healthcare provider be shown on the same page (e.g. side by side) as the comparison ratings of other healthcare providers, MDx both literally infringes this element and infringes under the doctrine of equivalents. MDx literally infringes this element because the www.vitals.com website is capable of providing a healthcare provider reports on a particular healthcare provider that include comparison ratings of that particular healthcare provider as well as other healthcare providers, which are displayed on the same page, side-by-side. MDx infringes under the doctrine of equivalents because a healthcare provider report that displays comparison ratings of the first healthcare provider on a different page than comparison ratings of other healthcare providers performs substantially the same function, in substantially the same way, to achieve substantially the same result as displaying this information side-by-side. To the extent that the Court's construction of first healthcare provider requires that the healthcare provider report on the first healthcare provider be limited to a single viewable page, a position with which Health Grades disagrees, MDx both literally infringes this element and infringes under the doctrine of equivalents. MDx literally infringes this element because the www.vitals.com website is capable of healthcare provider report on the first healthcare provider be limited to a single viewable page as shown above. MDx infringes under the doctrine of equivalents because creating a healthcare provider report on the first healthcare provider that is displayed on multiple viewable pages, linked together, performs substantially the same function, in substantially the same way, to achieve substantially the same result as creating a healthcare provider report on the first healthcare provider be limited to a single viewable page. The purpose of this element is to provide a patient with a report containing information about a particular healthcare provider, e.g., a first healthcare provider, who matches a patient's search criteria. Additionally, it facilitates comparisons among the matching healthcare providers. MDx's website is capable of doing this. In fact, it is capable of providing the claimed

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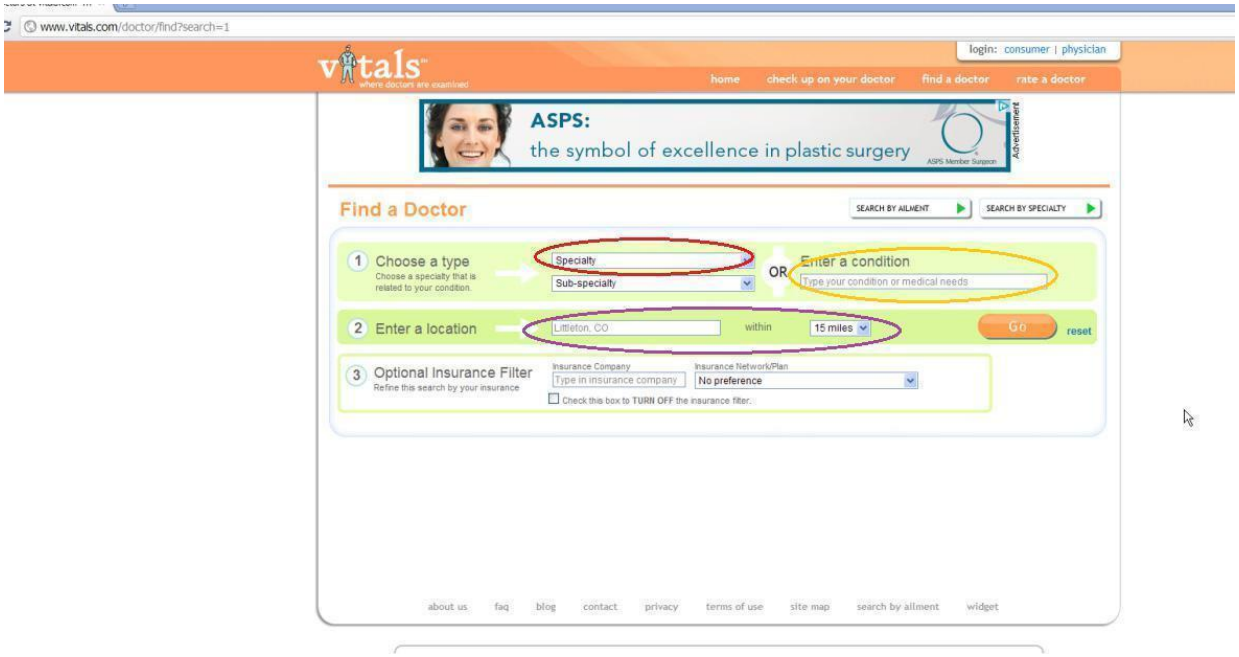
U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
		information about multiple healthcare providers and has multiple ratings systems that facilitate comparisons among the healthcare providers that match the search query as described above. To the extent that MDx does not include comparison ratings in its report, MDx infringes under the doctrine of equivalents at least because it includes ratings that function to allow customers to compare physicians against other physicians. The way in which these ratings are included is substantially the same, i.e., through the above mentioned computer method. The result is substantially similar, i.e., a website that allows a customer to compare physicians using ratings.
and provide access to the healthcare provider report on the first healthcare provider over a computer network.		See "access" element of claim 1 above. MDx provides access to the healthcare provider report over the internet. *See* Screenshot No. 57 (web address circled in red). Screenshot No. 57

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16. The on-		

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U.S. Patent No. 7,752,060	Markman Order	MDx's Current On-line Information System
line information system defined in claim 15, wherein: the healthcare provider report is obtained through one or more from the group consisting of: a predetermined Webpage that provides search capabilities on its database and a third-party search engine; and the search capabilities of the predetermined Webpage permit searching based on one or more from the group consisting of: name, medical specialty, gender, state, city,		MDx provides a predetermined webpage. This webpage permits a patient to search based on medical specialist, diagnosis, and location criteria. *See* Screenshot No. 58 (specialist, location criteria circled, and diagnosis in red, blue, and orange respectively). Screenshot No. 58 

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procedure, diagnosis, and location criteria.		

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