EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

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

HEALTH GRADES, INC.,

Plaintiff,

vs.

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

Defendant.

HEALTH GRADES, INC.'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

Plaintiff, Health Grades, Inc., by its undersigned counsel, and in accordance with Section 6(f)(1) of the Scheduling Order dated June 16, 2011 (Docket No. 34), hereby serves its Disclosure of Asserted Claims and Infringement Contentions:

At the outset, Health Grades notes that this disclosure and associated claim charts are based on public information it has been able to obtain through MDx's websites. Health Grades has not obtained any discovery from MDx and reserves the right to supplement and/or amend these disclosures after it has obtained discovery from MDx.

A. Claims Infringed by Defendant MDx

Health Grades asserts infringement claims against Defendant MDx Medical under 35 U.S.C. §§271(a), (b), and (c) for claims 1, 4-11, and 14-16 of U.S. Patent No. 7,752,060 ("the '060 patent").

B. Infringing Products Relating To Each Defendant

Health Grades accuses the following systems and methods of infringing the following claims:

(i) Claims 1, 4-11, and 14-16: Defendant MDx's current version of its on-line information system that includes, without limitation, its website at www.vitals.com, MDx's database of healthcare provider information, and the web server(s), processors, memory, software, and hardware used to run MDx's on-line information system, as well as its services associated therewith ("Current Version"); and

(ii) Claims 1, 4-11, and 14-16: Defendant MDx's prior version of its on-line information system that includes, without limitation, its website at www.vitals.com, MDx's database of healthcare provider information, and the web server(s), processors, memory, software, and hardware used to run MDx's on-line information system, as well as its services associated therewith ("Prior Version").

C. Claim Charts

Infringement claim charts are attached hereto for both the Current Version of MDx's on-line information system (Exhibit A) and the Prior Version of MDx's on-line information system (Exhibit B).

D. Indirect Infringement under 35 U.S.C. §§ 271(b) and (c)

Health Grades contends that the potential patients and on-line users of MDx's on-line information systems use them in a manner that directly infringes the asserted claims. Health Grades further contends that MDx promotes, markets and sells its on-line information system

and associated services with the knowledge of the existence of the ‘060 patent, and with the knowledge and intent that its on-line information system will be used in a manner that directly infringes the claims of the '060 patent.

Furthermore, MDx’s on-line information system and services cannot be used in any substantial way that does not infringe the '060 patent.

E. Literal Infringement and Infringement under the Doctrine of Equivalents

At the time of this filing, Health Grades contends that MDx infringes claims 1, 4-11, and 14-16 of the '060 patent both literally and under the doctrine of equivalents. Details regarding these contentions are provided in the claim charts attached as Exhibits A and B.

In its motion for partial summary judgment, MDx argued that only one portion of one claim element was missing from the Current Version of its on-line information system, namely a healthcare provider report that includes comparison ratings. MDx has thus effectively conceded that all other claim elements are present in its accused system. Therefore, Health Grades’ claim charts address the doctrine of equivalents only for the comparison ratings claim element. If MDx is permitted to change its position and to assert that other claim elements are missing from the accused systems and services, Health Grades will supplement and/or amend these disclosures accordingly to include doctrine of equivalents contentions for such elements.

F. Priority Dates of the Patents

Per agreement of the parties, Health Grades will provide this information by July 19, 2011.

G. Plaintiffs' Product That Practices the Claimed Inventions

Per agreement of the parties, Health Grades will provide this information by July 19, 2011.

H. Willful Infringement

Health Grades asserts that MDx's infringement has been and continues to be willful. Via its letter dated December 15, 2009, Health Grades put MDx on notice that its on-line information system was covered by pending claims in the application that issued as the '060 patent on July 6, 2010. MDx has continued to directly infringe in willful violation of Health Grades' patent rights.

Respectfully submitted this 1st day of July, 2011.

s/ Jesús M. Vazquez
Kris J. Kostolansky, Esq.
Jesús M. Vázquez, Jr., Esq.
Jeffrey D. Phipps, Esq.
Rothgerber Johnson & Lyons, LLP
1200 17th Street, Suite 3000
Denver, Colorado 80202-5855
Tel: (303) 623-9000
Facsimile: (303) 623-9222
Email: kkostolansky@rothgerber.com
jvazquez@rothgerber.com
jphipps@rothgerber.com
Attorneys for Plaintiff Health Grades, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2011, I electronically served the foregoing **HEALTH GRADES, INC.'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS** to the following

David Chunyi Lee
Sills Cummis & Gross P.C. – New York
One Rockefeller Plaza, 25th Floor
New York, NY 10020
Email: dlee@sillscummis.com

Ramona L. Lampley
Wheeler Trigg O'Donnell, LLP
1801 California Street, #3600
Denver, CO 80202-2617
Email: lampley@wtotrial.com

Mark Jon Rosenberg
Sills Cummis & Gross P.C.-New York
One Rockefeller Plaza, 25th Floor
New York, NY 10020
Email: mrosenberg@sillscummis.com

Scott David Stimpson
Sills Cummis & Gross P.C.-New York
One Rockefeller Plaza, 25th Floor
New York, NY 10020
Email: sstimpson@sillscummis.com

Marsha M. Piccone
Wheeler Trigg O'Donnell, LLP
1801 California Street, #3600
Denver, CO 80202-2617
Email: piccone@wtotrial.com

s/ Jesús M. Vazquez
Kris J. Kostolansky, Esq.
Jesús M. Vázquez, Jr., Esq.
Jeffrey D. Phipps, Esq.
Rothgerber Johnson & Lyons, LLP
1200 17th Street, Suite 3000
Denver, Colorado 80202-5855
Tel: (303) 623-9000
Facsimile: (303) 623-9222
Email: kkostolansky@rothgerber.com
jvazquez@rothgerber.com
jphipps@rothgerber.com
Attorneys for Plaintiff/Counterclaim Defendant Health Grades, Inc.