EXHIBIT D

David C. Lee

From: Scott D. Stimpson
Sent: Monday, July 23, 2012 9:11 AM
To: 'Vazquez, Jesus'; David C. Lee
Cc: Scott Murray; Kostolansky, Kris J.; Kanan, Greg; 'Kirstin Stoll-DeBell'; Henke, Peggy J.
Subject: RE: Health Grades, Inc. v. MDx Medical, Inc.; Civil Action No. 11-CV-00520-PAB-BNB

Jesus:

Thank you for your email, but these terms are obviously not acceptable, given the new arguments Health Grades has presented in Dr. Greenspun's report.

Please let us know the basis for your opposition to our supplement on the invalidity contentions.

Scott

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Scott D. Stimpson
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From: Vazquez, Jesus [mailto:jvazquez@rothgerber.com]
Sent: Thursday, July 19, 2012 5:54 PM
To: David C. Lee
Cc: Scott D. Stimpson; Scott Murray; Kostolansky, Kris J.; Kanan, Greg; 'Kirstin Stoll-DeBell'; Henke, Peggy J.
Subject: RE: Health Grades, Inc. v. MDx Medical, Inc.; Civil Action No. 11-CV-00520-PAB-BNB

David,

HG will not oppose MDx's motion for leave to supplement its invalidity contentions if:

(1) MDx agrees that HG can supplement its infringement contentions to incorporate its (Greenspun's) expert infringement report into its infringement contentions, and

(2) MDx makes clear in its motion for leave to supplement that to the extent it is incorporating its third supplemental contentions into the fourth supplemental contentions, HG does not agree to allow the priority argument HG has moved to strike from MDx's third supplemental contentions.

Regards, Jesus

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From: David C. Lee [mailto:dlee@sillscummis.com]
Sent: Tuesday, July 17, 2012 3:50 PM
To: Vazquez, Jesus
Cc: Scott D. Stimpson; Scott Murray
Subject: Health Grades, Inc. v. MDx Medical, Inc.; Civil Action No. 11-CV-00520-PAB-BNB

Jesus:

As I mentioned, attached are redlined versions of MDx's fourth supplemental invalidity contentions and charts. Please let us know whether Health Grades opposes a motion to supplement our invalidity contentions.

Regards,
David

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