EXHIBIT D

(Excerpted and Redacted Replacement
For Doc. # 253-2)

EXHIBIT 2 - Claim Chart

U.S. Patent No. 7,752,060 v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
1. A computer-implemented method of providing healthcare provider information to potential patients, said method comprising:	Aetna Inc.'s ("Aetna") iTriage mobile application ("iTriage App") directly infringes this claim by practicing a computer-implemented method of providing healthcare provider information to potential patients via its mobile interface, which includes the healthcare provider database it licenses from MDx (the "MDx Database"), the software and hardware that are associated with the iTriage App; and database hardware such as servers Aetna makes, uses, sells, and offers to sell the iTriage App for multiple platforms, including without limitation iOS devices, including the iPhone and iPad, and Android mobile devices. Aetna's iTriage App provides potential patients with access to the MDx Database, which is a database of information relating to healthcare providers, such as doctors, through its mobile interface. Various screenshots taken of the iTriage App from the iPhone[1] are provided in this claim chart to illustrate the various features of the iTriage App and how these features correspond to the features of claims 1, 4-9, 11, 14-16. For instance, the	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). In addition to the facts set forth relating to the direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx indirectly infringes by developing, maintaining, and managing the full database used by the iTriage App. REDACTED Without this information, iTriage would not be able to display the information in the application. Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED well after MDx was

[1] Screenshots herein were taken between 6/18/2012 and 7/06/2012.

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

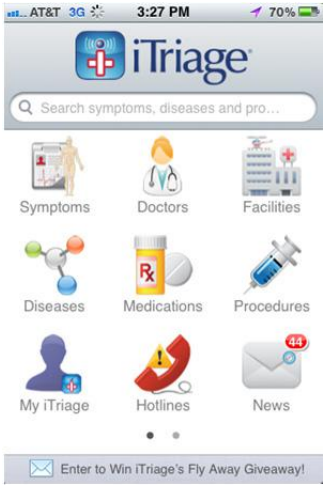
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	screenshot below illustrates the homepage of the iTriage App where a potential patient begins accessing healthcare provider information:  The iTriage App will provide information about individual doctors when a user selects the "Doctors" icon.	aware of the patent and Health Grades' infringement contentions. REDACTED
receiving, by a Web server computer of a company providing a service for connecting healthcare providers with	When a potential patient initiates a search for a healthcare provider on the iTriage App, iTriage's web server receives a request for information regarding a healthcare provider via the internet. iTriage's web server, as with any server, comprises	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following:

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
the potential patients, a request for information regarding a first healthcare provider, wherein the Web server computer comprises at least one computer processor and memory;	at least one computer processor and memory. The Court's Markman Order defines the "first healthcare provider" as "a particular healthcare provider about whom information is requested and a report is produced." (Markman Order at p. 23.) The iTriage App literally infringes this element as construed by the Court in its Markman Order. For example, in the iTriage App, information can be requested about a particular healthcare provider by performing various searches, which are initiated at the iTriage homepage. Specifically, a potential patient may initiate a search for a particular healthcare provider in the iTriage App, which prompts the patient's web browser to send a request for information about the particular doctor the patient is looking for to the iTriage App's web server, which receives the request for information and then accesses the MDx Database to find data that responds to the user's search query. The iTriage App's web server receives a request for information about a particular healthcare provider when a potential patient clicks the "doctor" icon shown below:	MDx provides the data and manages the database for the iTriage App. REDACTED Therefore, MDx must be aware that the iTriage App uses the MDx Database in an application that allows request information about a particular provider and create reports about such providers using the data from the MDx Database as described herein.

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

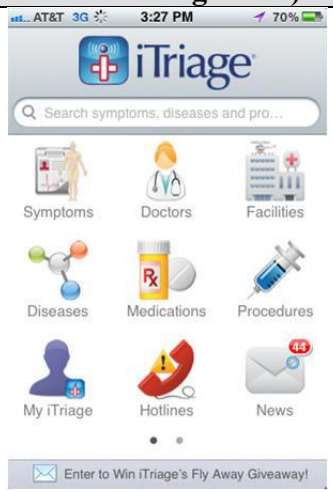
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 One way of searching for a doctor is by specialty. When a user selects the "Doctors" icon, a list of specialties by which a patient can search is displayed, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

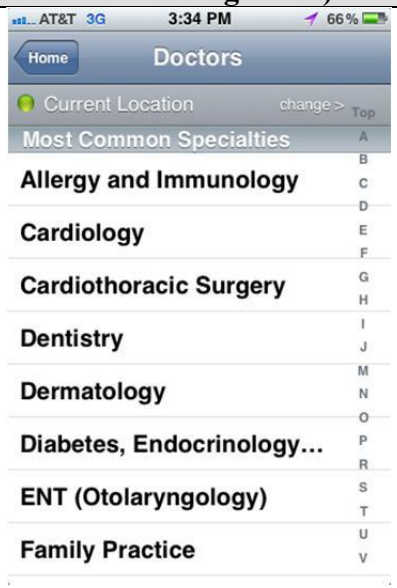
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 At this screen, a user can select the location for where the user would like to search. In the example shown above, the user has selected the user's current location, which is determined by the Global Positioning System (GPS) feature of the iPhone. For example, when one selects the family practice link, this prompts the patient's web browser to send a request for information about a doctor to the iTriage App's web server, which receives the	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	request for information and then accesses the Master Database developed by MDx to find data that responds to the user's search query. After a user selects a specialty, such as family practice, the user is given the opportunity to further restrict his or her request for information by selecting a sub-specialty or viewing all doctors near the user's current location with a family practice specialty, as shown below:  	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

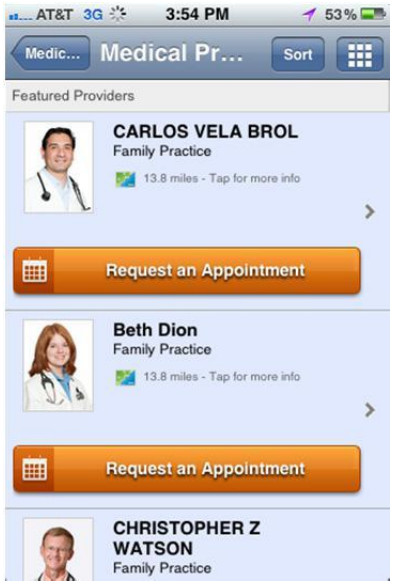
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	When a user selects "All Family Practice," a results list of compressed doctor's profiles for doctors near the user's current location with a specialty of family medicine is displayed, as shown below:  A user can further narrow his or her request for information by clicking the "sort" button above, and then the "advanced" icon shown in the screenshot below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

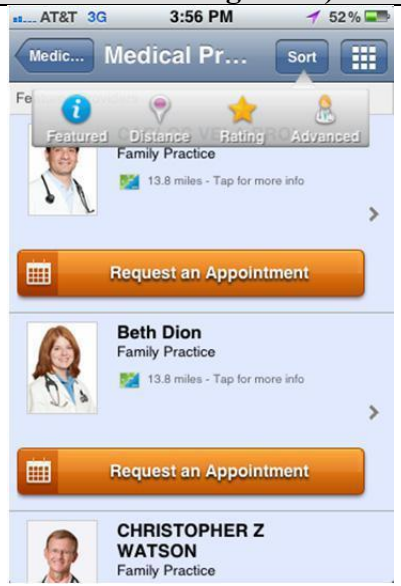
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 After selecting "Advanced" an advanced preferences menu is presented, as shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 From the advanced preferences menu a potential patient, for example, can request information about a particular, female, family practice specialist, located within 5 miles of his or her current location, who speaks English, has 5-10 years of experience, and was rated 3 stars or higher, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 After applying these search criteria, a results list with the particular physician best matching the search criteria is presented:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

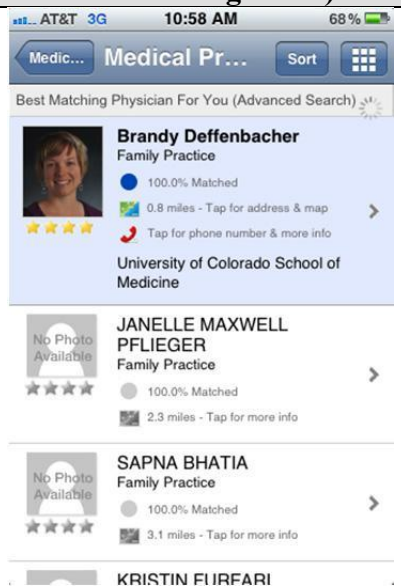
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 For example, the user could then select the first page of the profile of Brandy Deffenbacher, which would cause the iTriage App to move to the second page of Dr. Deffenbacher's profile, as shown below in the following two screenshots:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

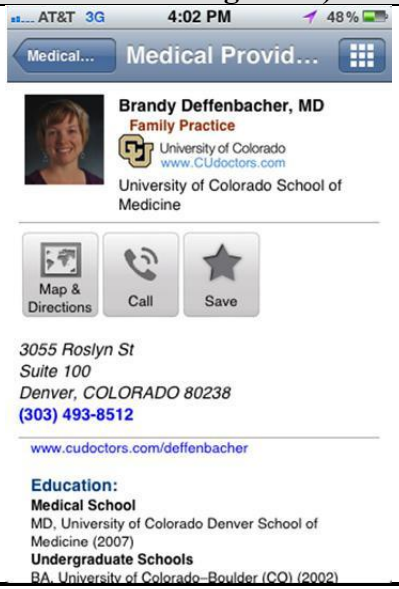
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 Another way a user can request information on a particular healthcare provider is to search for the healthcare provider by name, as shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

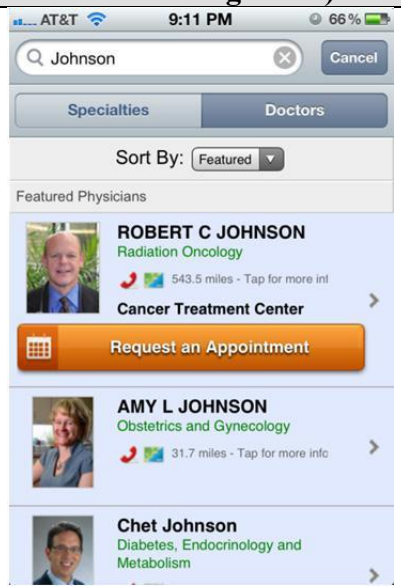
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen in the above screenshot, a doctor's name can be entered and list of profiles for doctors matching the name will be presented. In the example shown above, the name Johnson was searched for, and a list of profiles for doctors with the name of Johnson was produced. From the same screen, a user can further limit the search results by distance from a specified location, or by featured doctors, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

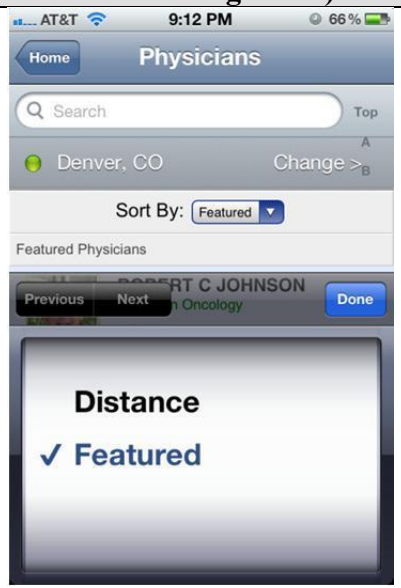
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 To the extent that the Court's construction of "first healthcare provider" requires that the request for information be directed to *only* one particular healthcare provider, a position with which Health Grades disagrees, the iTriage App both literally infringes this element and infringes under the doctrine of equivalents. The iTriage App literally infringes this element because it is capable of receiving requests for information about only one particular physician. The iTriage App infringes	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	under the doctrine of equivalents because a request for information about multiple particular physicians performs substantially the same function, in substantially the same way, to achieve substantially the same result as a request for one particular physician as shown above. To the extent that the Court's construction of "first healthcare provider" requires that the potential patient know the identity of the particular physician for whom he or she is requesting information before they request the information, a position with which Health Grades disagrees, the iTriage App both literally infringes this element and infringes under the doctrine of equivalents. The iTriage App literally infringes this element because it is capable of receiving requests for information about a particular physician. The iTriage App infringes under the doctrine of equivalents because a request for information about a particular physician that has characteristics that meet search criteria (e.g., female, Family Practitioner that Speaks English, within 5 miles of Denver, CO, with 5-10 years of experience) performs substantially the same function, in substantially the same way, to achieve substantially the same result as a request for a particular physician whose identity is known before	

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	the search is run.	
accessing healthcare provider-verified information about the first healthcare provider, wherein the healthcare provider-verified information is received from the first healthcare provider and comprises three or more from the group consisting of: specialty information, medical philosophy, gender, age, years in profession, years in practice, awards, honors, professional appointments, professional memberships, publications, languages, and hobbies;	The iTriage App provides for accessing healthcare provider-verified information about the first healthcare provider that is received from the first healthcare provider and includes at least three of the listed types of information. The Court's Markman Order defines the "first healthcare provider" as "a particular healthcare provider about whom information is requested and a report is produced." (Markman Order at p. 23.) At the initiation of the potential patient/user using iTriage App, the Triage App's web server accesses healthcare-provider-verified information about a particular healthcare provider. (*See* Screenshot below illustrating the result of accessing and displaying doctor supplied information on vitals.com). Highlighted in the following, among other things, are the following pieces of healthcare provider-verified information: doctor's gender, specialty information, and years in practice.	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED REDACTED REDACTED REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

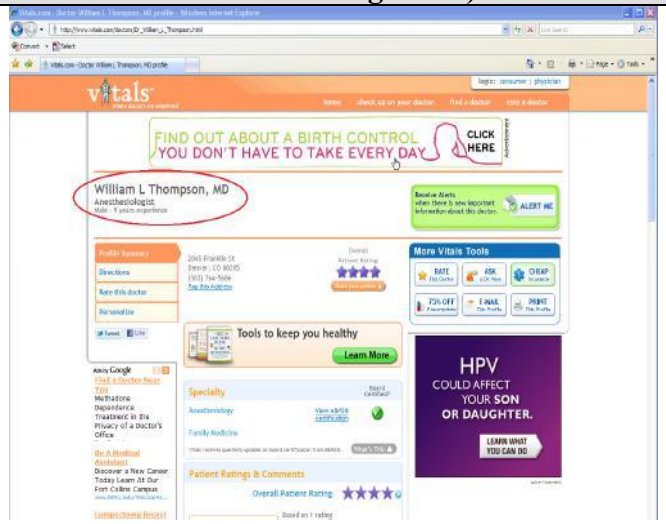
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 REDACTED	REDACTED REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	element. The Court's Markman Order defines "received from the first healthcare provider" as "receipt of information from the first healthcare provider or one of his or her agents, such as an employee, as distinguished from information received from patients or public sources." (Markman Order at p. 24.) REDACTED For example, MDx's website provides many opportunities for doctors to edit their own profiles as shown in the screenshot below taken from www.vitals.com:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx states on its website that it receives, compiles, and posts doctor-supplied information, as shown in the screenshot below taken from www.vitals.com:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

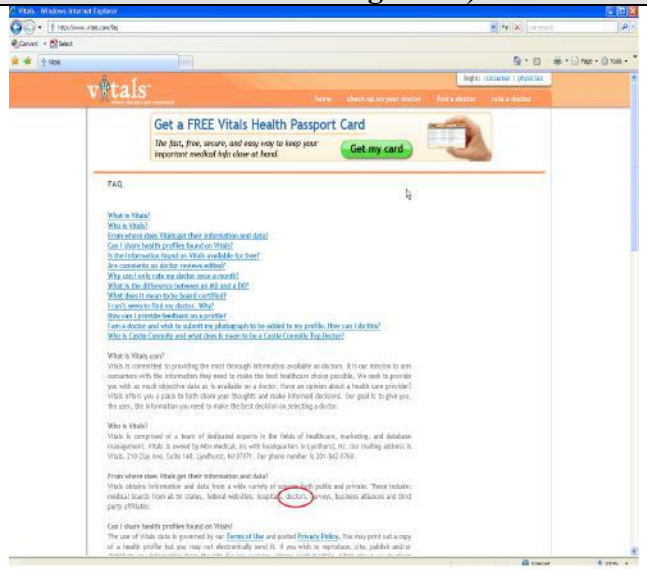
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 The Court's Markman Order states that "'verifying' requires only that the website receive confirmation of the information from some other source, in this instance the healthcare provider. Indeed, the confirmation described appears to not extend beyond receipt of such information from the first healthcare provider." (Markman Order at p. 15 n.8.) The iTriage App accesses information verified by a	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	physician or other healthcare professional. For example, the iTriage App literally infringes because it licenses data from MDx, data which MDx admits is provided to MDx by the healthcare provider, and therefore is verified by the healthcare provider. Moreover, even if every doctor does not provide every piece of his or her own personal information, and to the extent that any physician information originates with a third party, the iTriage App still literally infringes because MDx's system provides the capability for healthcare providers to verify and edit their own information as detailed above, which it then sells to Aetna. To the extent that the iTriage App does not literally infringe this element because the physician information is verified by a third party, it infringes under the doctrine of equivalents because it performs substantially the same function in substantially the same way to obtain the same result. The function of the claim is to make the information service more trustworthy. The way it makes it more trustworthy is to get information from a third party about the doctor. The result is	

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	that it is more trustworthy.	
compiling, by the at least one computer processor, patient-provided information regarding the first healthcare provider, wherein the patient-provided information comprises patient ratings from one or more past or current patients of the first healthcare provider, and wherein the patient ratings are received from an on-line patient experience survey completed on a company Web site by the one or more past or current patients of the first healthcare provider, and wherein the company Web site is managed by the company providing the service for connecting	Aetna's on-line information service, which includes a computer processor, compiles patient-provided information regarding healthcare providers. The patient ratings are compiled from a www.vitals.com on-line patient-experience survey; shown in the screenshot below.  "Compiling" means gathering and/or putting together. Aetna compiles this information thought its contract with MDX and literally by gathering it	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED MDx gathers its patient ratings from a web survey. REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

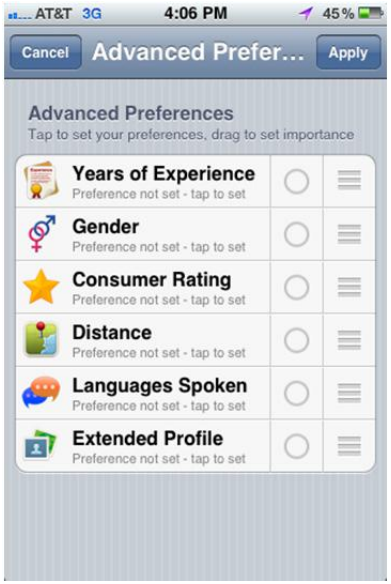
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
healthcare providers with the potential patients;	through an XML feed from MDX. The iTriage App uses and displays these ratings in several ways. For example, the screenshot below shows the advanced preferences feature that can be selected to filter the results of a search for a physician. Using this feature, the consumer rating of the physician can be specified by a user.  When a user selects the "Consumer Rating" icon	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

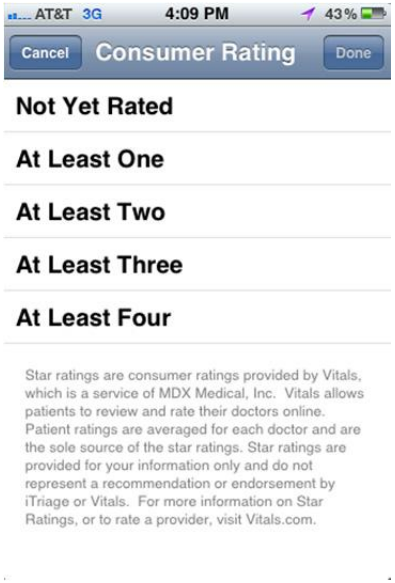
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	from the above screenshot, a selection option is made available, like the one depicted in the screenshot below:  The notice says: "Star ratings are consumer ratings provided by Vitals, which is a service of MDX Medical, Inc. Vitals allows patients to review and rate their doctors online. Patient ratings are averaged for each doctor and are the sole source of the star ratings. Star ratings are provided for your	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	information only and do not represent a recommendation or endorsement by iTriage or Vitals. For more information on Star Ratings, or to rate a provider, visit vitals.com." To the extent that the iTriage App does not literally infringe this element because the online survey is hosted by vitals.com, it infringes under the doctrine of equivalents because it performs substantially the same function in substantially the same way to obtain the same result. The function of the claim is to obtain the patient ratings. The way the patient ratings are obtained is through an on-line survey. The result is that Aetna has patient ratings obtained from an on-line survey. As can be seen from the above screenshot, a user can select the desired minimum rating for a physician. REDACTED	
compiling information	The Court's Markman Order defines "compiling"	In addition to the facts set forth relating to the

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
regarding the first healthcare provider verified by an independent third-party source, wherein the information verified by the independent third-party source comprises three or more from the group consisting of: board certification, licensure, disciplinary action information, medical school, medical internship, medical residency, and medical fellowship information;	as "gathering and/or putting together." (Markman Order at p. 24.) The iTriage App uses compiled information regarding doctors that is verified by an independent third-party source. REDACTED MDx obtains this information from third parties (vitals.com) as shown below:	Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

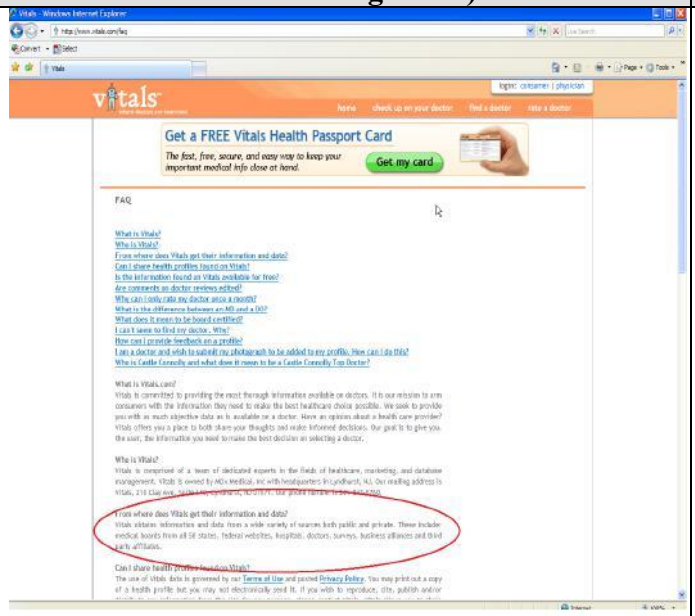
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As a specific example, MDx compiles medical school information on a given doctor from *U.S. News & World Report's* "America's Top Medical Schools." (*See* screenshot below "What's this?" section describing that MDx compiles medical school information from *U.S. News & World Report*). MDx then provides potential patients with medical school information associated with a given	

EXHIBIT A

'060 Patent v. iTriage Application and MDx

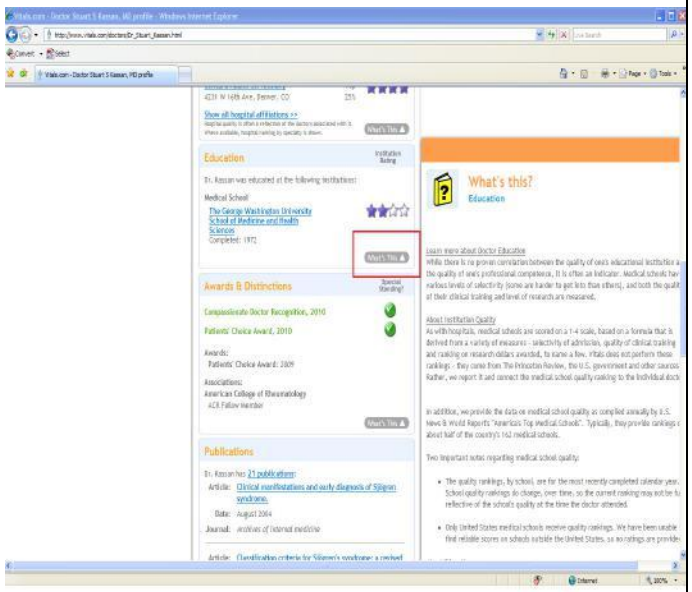
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	physician's academic and fellowship history.  MDx compiles licensure information. The screenshot below shows that MDx verifies each physician's license with a third party before adding the physician to the results list; to do this, MDx must compile the information in order to compare it to the entry field.	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx admits that it compiles board certification information. (*See* screenshot below "Vitals receives quarterly updates on board certification from ABMS", circled in orange.) Further, the American Board of Medical Specialties is an independent source. (*See* screenshot "About Board Certification" boxed in red below.)	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx compiles additional information verified by an independent third-party source regarding a physician's medical school, internship, residency, and fellowship positions. (*See* screenshot below noting that MDx obtains all educational information from independent third parties unless otherwise noted).	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

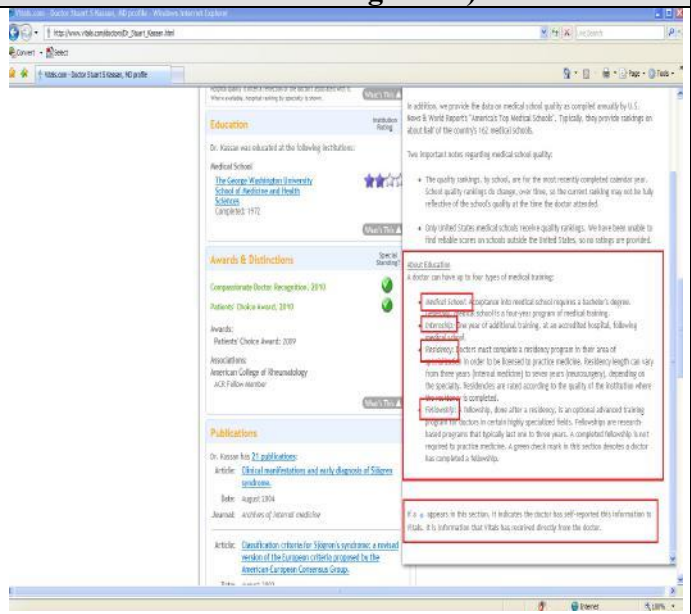
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		
creating, by the at least one computer processor, a healthcare provider report on the first healthcare provider using the healthcare provider-verified information, the patient-provided information, and the	The Court's Markman Order defines "first healthcare provider" as "a particular healthcare provider about whom information is requested and a report is produced." (Markman Order at p. 23.) The Court's Markman Order defines "comparison ratings of healthcare providers" as "ratings on multiple healthcare providers, including the 'first healthcare provider,' in the report on that 'first	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED By providing this data and being aware of Aetna's intentions concerning the

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

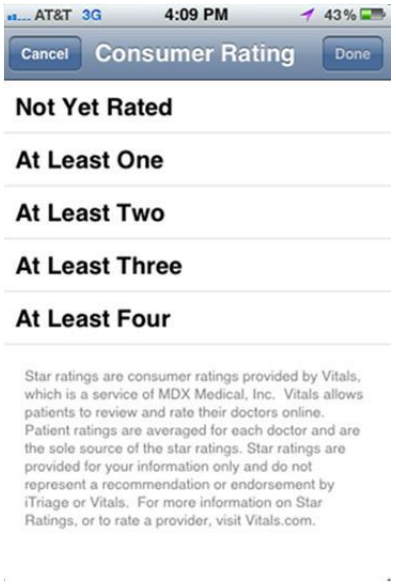
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
information verified by the independent third-party source, wherein the healthcare provider report on the first healthcare provider includes comparison ratings of healthcare providers; and	healthcare provider,' thus permitting comparison of the 'first healthcare provider' with other potential healthcare providers." (Markman Order at p. 24.) After a user enters the search criteria for a particular provider, the iTriage App creates one or more healthcare provider reports using information from the Aetna Master Database, which is developed, maintained, and managed by MDx and contains MDx's data. The iTriage App creates the reports using healthcare provider-verified information, patient-provided information, and information verified by the independent third-party source about the first healthcare provider. Further, the reports contain comparison ratings of the healthcare providers. The following screenshots show portions of a healthcare provider report for Dr. Brandy Deffenbacher, who is an example of a "first healthcare provider" as defined by the Court in its Markman Order. This report was created using at least the following information: (1) healthcare provider-verified information, circled or boxed in red; (2) patient-provided information, circled or boxed in green; and (3) information verified by an independent third party circled or boxed in purple.	iTriage App, MDx was well aware that this data was meant to go into a report on a physician. Further, a page of the iTriage App specifically notifies users that the star ratings are from Vitals, as shown below, and encourages the users to go to vitals.com to rate a provider: 

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	The report also includes comparison ratings, circled or boxed in orange, about Dr. Deffenbacher, and other healthcare providers as required by the Court's Markman Order. As with any computer generated report, it is generated by at least one computer processor. After entering the search criteria (specialty and geographic location) and preferences for Dr. Deffenbacher (e.g., female, years in practice, minimum star ratings, etc.) the iTriage App generates a report for Dr. Deffenbacher, the first page of which is shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

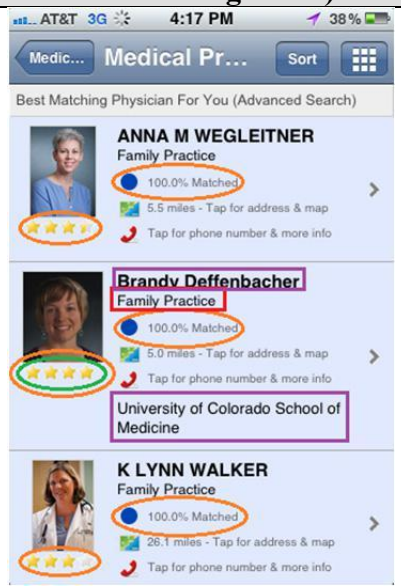
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 In the above screenshot, the percentage matched to the search criteria are comparison ratings as defined by the Court. These ratings provide the patient with information regarding how well physicians listed in the results list satisfy the patient's specified criteria, such as specialty, location, gender, language, patient rating, or having an extended profile. A user can thus use these ratings to compare which doctor best matches the user's preferences. There are percentage matched for the	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	first healthcare provider (i.e., Dr. Deffenbacher) and other healthcare providers (i.e., Dr. Walker and Dr. Wegleitner). Another comparison rating that exists in the above screenshot is the star ratings for Dr. Deffenbacher and the other doctors. By viewing these star ratings, a user can understand that by having 4 stars, Dr. Deffenbacher is rated higher than a doctor with a 3-star rating. The above report also includes percentage match ratings and star ratings for other providers as required by the Court's Markman Order. To the extent that MDx asserts that any of these three ratings do not literally satisfy the limitation of a healthcare provider report that includes comparison ratings, these ratings meet the claim limitation under the doctrine of equivalents because they have substantially the same function and operate in substantially the same way to achieve substantially the same result as comparison ratings in a healthcare provider report. The above screenshot of the report on Dr. Deffenbacher also shows physician-provided	

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

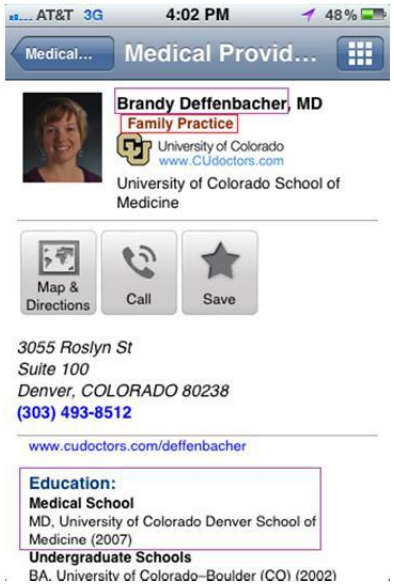
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	information of specialty, boxed in red. It also shows third-party verified information, boxed in purple: Dr.'s Licensed Name and Medical School. Also shown is patient-provided information, circled in green. When a user chooses to view more information on Dr. Deffenbacher, he or she can see additional pages of the report as shown below: 	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen from the above screenshots, this report includes provider-verified information, such as clinical interests, hobbies, and specialty information (red boxes). Also in the report is third-party verified information, boxed in purple, including: Medical School, Medical Residency, Medical School, and the doctor's licensed name. Additional pages for another healthcare provider report for a Dr. Allen, is shown below:	

EXHIBIT 2

Case 1:11-cv-00520-PAB-BNB Document 253-2 Filed 07/13/12 USDC Colorado Page 39 of 111

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen from Dr. Allen's profile, there is provider-verified information, including Dr. Allen's research, his memberships and awards, his clinical interests, and his specialty. Also, there is third-party verified information including his Board Certifications, his Medical Internship, Medical Residency, Medical Fellowship, and Medical School.	
providing access to the	It is impossible to obtain healthcare provider	In addition to the facts set forth relating to the

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

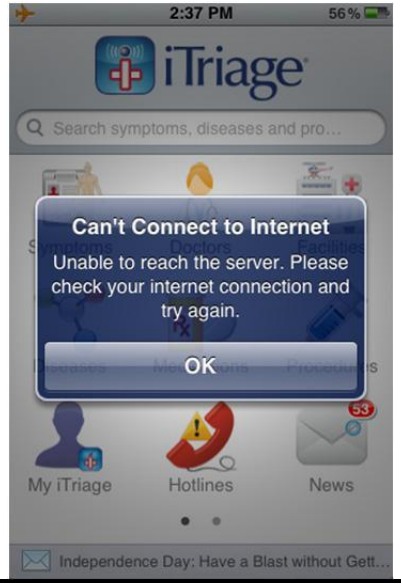
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
healthcare provider report on the first healthcare provider over a computer network.	reports from the iTriage App when a phone is in "airplane mode," as evidenced by the screenshot below. Based on viewing the network captures that show the phone making requests of the itriage.healthagen.com server in response to user interaction with the iTriage App, it is reasonable to say that the iTriage App provides access to healthcare provider reports over a computer network (via either WiFi or a carrier's data network).  	Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED Any access interface to that database via the computer network is likely also developed by MDx.

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

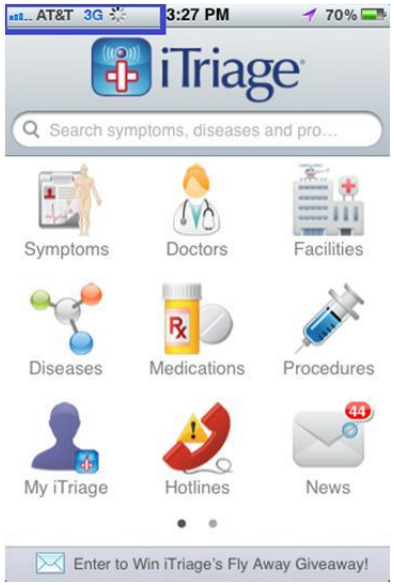
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	For further evidence, note the spinning dashed wheel in the upper left-hand corner of the screenshot below (boxed in blue) showing data is being exchanged over a computer network. 	
4. The method as defined in claim 1, wherein the healthcare provider report includes a hyperlink to an	The iTriage App provides including a hyperlink to an affiliated hospital, medical center, or other type of treatment center.	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c).

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

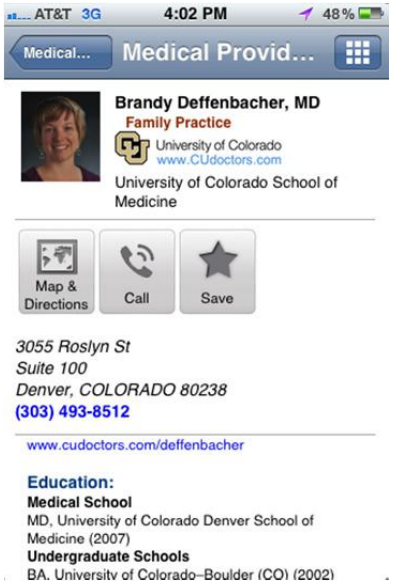
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
affiliated hospital, medical center, or other type of treatment center.	The screenshot below of the profile accessed using the iTriage App shows an external link to CUdoctors.com.  In the "Extended Profile" preferences section, there is also a selection to search by profiles that "Include[s] Website Link," as depicted in the screenshot below:	Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED , well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

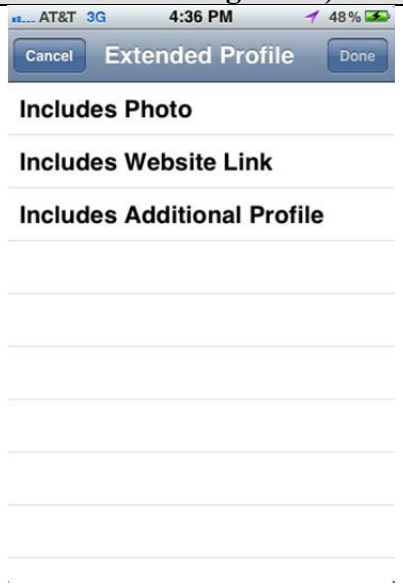
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		
5. The method as defined in claim 1, wherein the access to the healthcare provider report is obtained through a predetermined Web page that provides search capabilities for a database comprised of healthcare provider information.	The iTriage App provides access to a healthcare provider report through a predetermined home page in the application. This predetermined page provides search capabilities for Aetna's Master Database (developed by MDx), which comprises healthcare provider information From the iTriage home page, when "Doctors" is selected, a user can search for healthcare providers within the database. The home page is shown in the	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. MDx

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

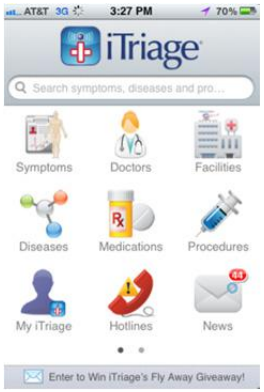
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	screenshot below:  At a minimum, the iTriage App provides a very similar user experience to a Web browser accessing a Web page. Therefore, the iTriage App infringes claim 5 under the doctrine of equivalents.	REDACTED well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED
6. The method as defined in claim 5, wherein the search capabilities permit a search based on one or more from the group consisting of: name, medical specialty, gender, state, city, procedure,	The search capabilities provided by iTriage App permit searching for healthcare providers by at least the following: specialty, name, gender, and location. For example, after selecting the "Doctors" icon from the iTriage App homepage, a list of specialties is presented, and a search can be based on a	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

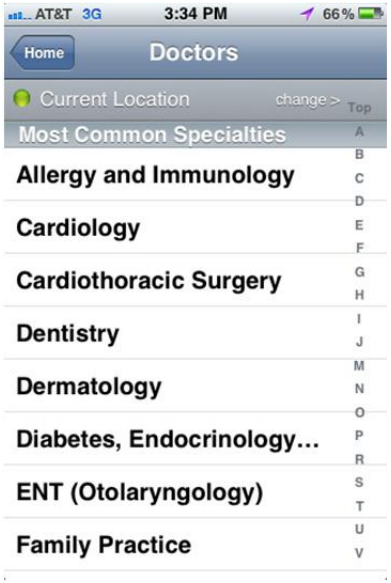
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
diagnosis, procedure, and location criteria.	specialty, as shown below:  Also, the "advanced preferences" allow the user to search by at least gender and location, as shown below:	served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		
7. The method as defined in claim 6, wherein the search of the database produces a results list of one or more healthcare providers satisfying the search criteria, wherein the results list includes the first healthcare provider.	The iTriage App produces a results list of healthcare providers satisfying the search criteria. Also, the results list includes the first healthcare provider. For example, once the preferences have been set, a results list of providers and the first page of their report, as shown below:	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. MDx

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

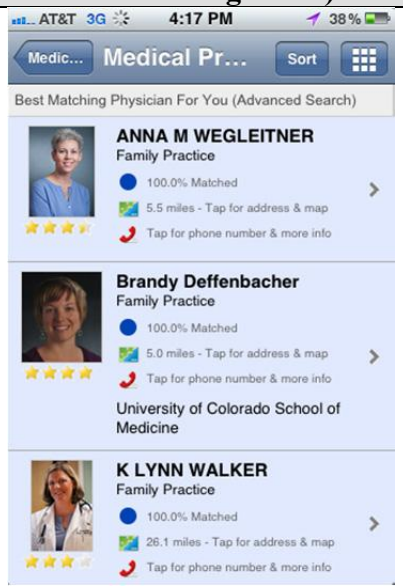
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		REDACTED well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED
8. The method as defined in claim 7, wherein the results list further includes an advertisement for the first healthcare provider with a hyperlink to information on the first healthcare provider.	The iTriage App allows for advertisements of the first healthcare provider and has a hyperlink to more information on the first healthcare provider. A physician can choose to become a member of iTriage by purchasing a premier listing, among other things, as shown below:	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. MDx

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

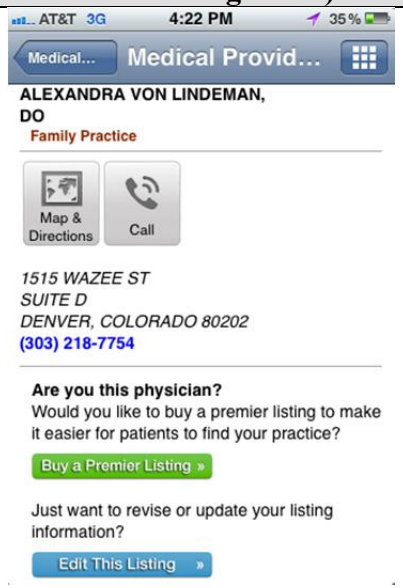
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 With a premier listing, the doctor can be displayed prominently and have a user book an appointment directly from the premier listing, as shown below:	REDACTED , well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

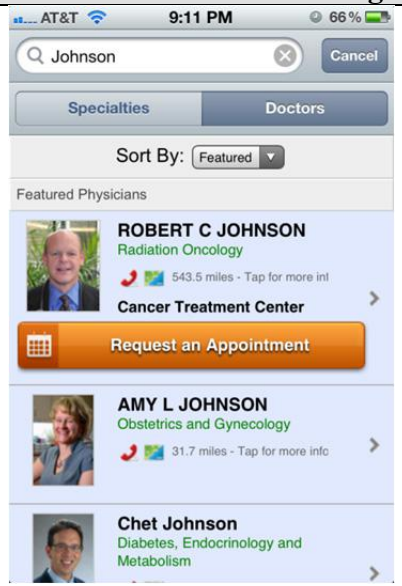
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
9. The method as defined in claim 7, further comprising: determining from the results list whether a particular healthcare provider is a member of the company managing the Web site; and	The iTriage App client-server system determines if certain healthcare providers are members of iTriage. A user can select in the advanced preferences section that extended profiles (member profiles) are preferred, as shown below:  Also, member profiles are shown in a higher position than non-member profiles, the profiles are	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

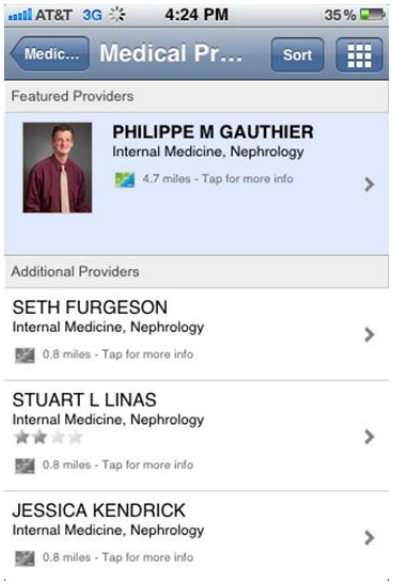
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	in color, and pictures are shown, as shown below: 	
if the particular healthcare provider is a member of the company managing the Web site, providing enhanced services for the member healthcare provider on the Web site.	If the healthcare provider is a member of iTriage, the iTriage App provides enhanced services for the member healthcare provider. The enhanced services, as shown below, include at least a higher position than non-member profiles, the profiles are in color, and pictures are shown.	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

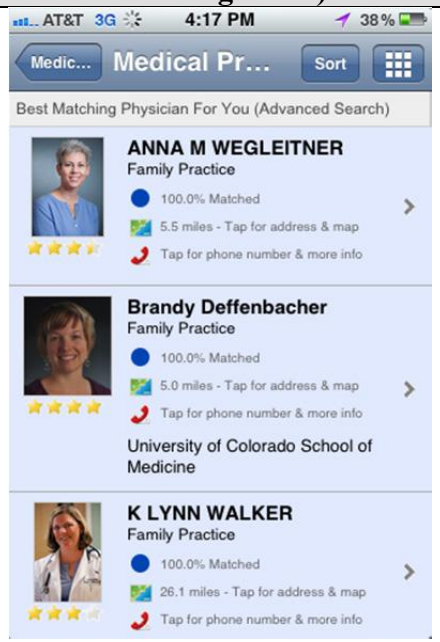
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		
11. The method as defined in claim 9, wherein the enhanced services comprise favorable positioning in the results list.	For one of the enhanced services, the iTriage App will list its member healthcare providers in favorable positions in the results list. As the list of profiles shows below, the member profiles can receive favorable positioning in the results list.	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

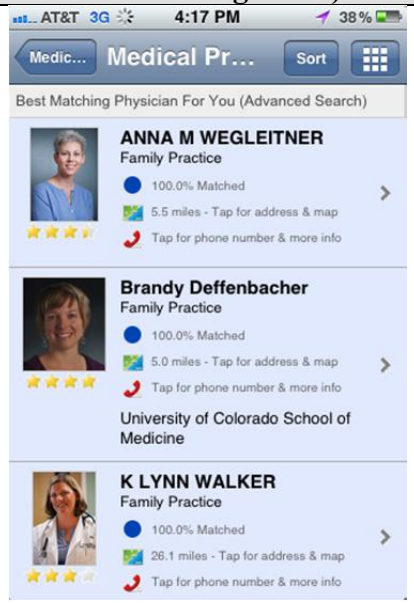
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 Also, users can sort their results to list the featured, or member, healthcare providers first, as shown below:	served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown by RED ACT ED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

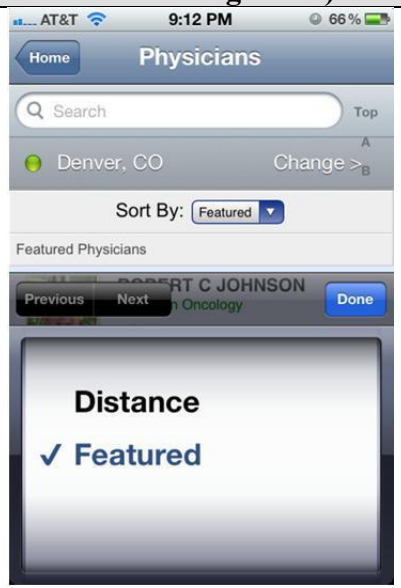
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		
14. The method as defined in claim 1, wherein the first healthcare provider is a physician.	The iTriage App provides information on healthcare providers that are physicians. As the profile shown below depicts, the healthcare provider may be a physician.	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. MDx

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

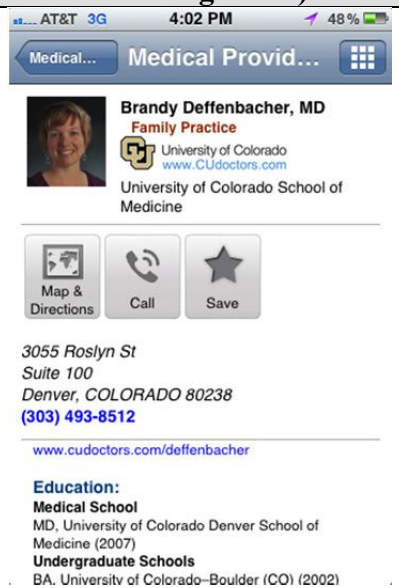
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		REDACTED well after MDx was aware of the patent and the infringement contentions. REDACTED In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. (REDACTED
15. An on-line information system for connecting healthcare providers with potential patients, the system comprising:	Aetna Inc.'s ("Aetna") iTriage mobile application ("iTriage App") directly infringes this claim by providing for an on-line information system for connecting healthcare providers with potential patients via its mobile interface, which includes the healthcare provider database it licenses from MDx (the "MDx Database"), the software and hardware that are associated with the iTriage App; and database hardware such as servers	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c). In addition to the facts set forth relating to the direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx indirectly infringes by developing,

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	Aetna makes, uses, sells, and offers to sell the iTriage App for multiple platforms, including without limitation iOS devices, including the iPhone and iPad, and Android mobile devices. Aetna's iTriage App provides potential patients with access to the MDx Database, which is a database of information relating to healthcare providers, such as doctors, through its mobile interface. Various screenshots taken of the iTriage App from the iPhone[2] are provided in this claim chart to illustrate the various features of the iTriage App and how these features correspond to the features of claims 1, 4-9, 11, 14-16. For instance, the screenshot below illustrates the homepage of the iTriage App where a potential patient begins accessing healthcare provider information:	maintaining, and managing the full database used by the iTriage App. REDACTED Without this information, iTriage would not be able to display the information in the application. Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED well after MDx was aware of the patent and Health Grades' infringement contentions. REDACTED

EXHIBIT 2

[2] Screenshots herein were taken between 6/18/2012 and 7/06/2012.

EXHIBIT A

'060 Patent v. iTriage Application and MDx

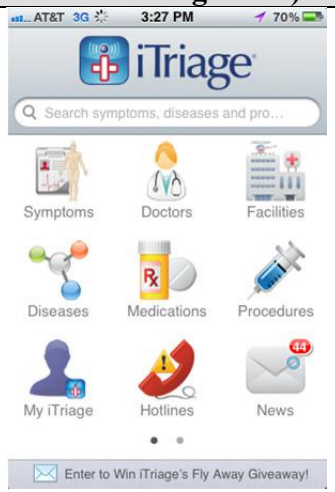
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 The iTriage App will provide information about individual doctors when a user selects the "Doctors" icon.	
at least one computer processor; and	When a potential patient initiates a search for a healthcare provider on the iTriage App, iTriage's web server receives a request for information regarding a healthcare provider via the internet. iTriage's web server, as with any server, comprises at least one computer processor and memory.	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED Therefore, MDx must be aware that the iTriage App uses the MDx Database

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		in an application that allows request information about a particular provider and create reports about such providers using the data from the MDx Database as described herein.
memory coupled with and readable by the at least one computer processor and comprising a series of instructions that, when executed by the at least one computer processor, cause the at least one computer processor to:	When a potential patient initiates a search for a healthcare provider on the iTriage App, iTriage's web server receives a request for information regarding a healthcare provider via the internet. iTriage's web server, as with any server, comprises at least one computer processor and memory.	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. (REDACTED Therefore, MDx must be aware that the iTriage App uses the MDx Database in an application that allows request information about a particular provider and create reports about such providers using the data from the MDx Database as described herein.
receive a request for information regarding a first healthcare provider;	When a potential patient initiates a search for a healthcare provider on the iTriage App, iTriage's web server receives a request for information regarding a healthcare provider via the internet. iTriage's web server, as with any server, comprises at least one computer processor and memory. The Court's Markman Order defines the "first	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED Therefore, MDx must be

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	healthcare provider" as "a particular healthcare provider about whom information is requested and a report is produced." (Markman Order at p. 23.) The iTriage App literally infringes this element as construed by the Court in its Markman Order. For example, in the iTriage App, information can be requested about a particular healthcare provider by performing various searches, which are initiated at the iTriage homepage. Specifically, a potential patient may initiate a search for a particular healthcare provider in the iTriage App, which prompts the patient's web browser to send a request for information about the particular doctor the patient is looking for to the iTriage App's web server, which receives the request for information and then accesses the MDx Database to find data that responds to the user's search query. The iTriage App's web server receives a request for information about a particular healthcare provider when a potential patient clicks the "doctor" icon shown below:	aware that the iTriage App uses the MDx Database in an application that allows request information about a particular provider and create reports about such providers using the data from the MDx Database as described herein.

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

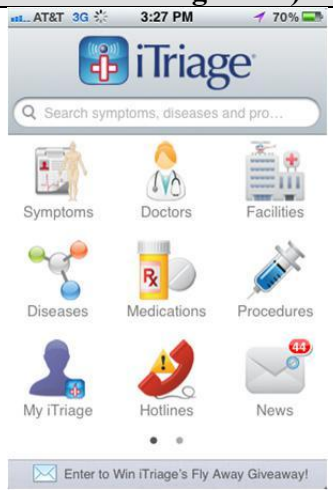
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 One way of searching for a doctor is by specialty. When a user selects the "Doctors" icon, a list of specialties by which a patient can search is displayed, as shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

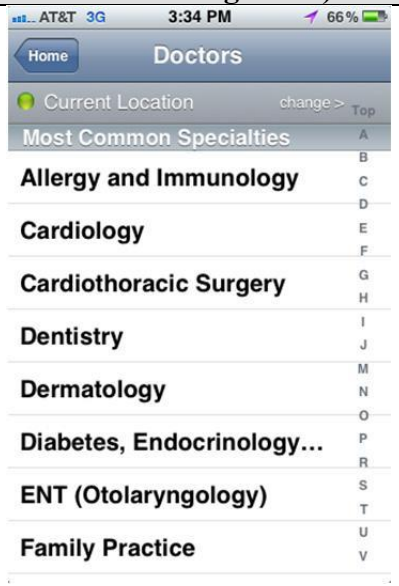
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 At this screen, a user can select the location for where the user would like to search. In the example shown above, the user has selected the user's current location, which is determined by the Global Positioning System (GPS) feature of the iPhone. For example, when one selects the family practice link, this prompts the patient's web browser to send a request for information about a doctor to the iTriage App's web server, which receives the	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	request for information and then accesses the Master Database developed by MDx to find data that responds to the user's search query. After a user selects a specialty, such as family practice, the user is given the opportunity to further restrict his or her request for information by selecting a sub-specialty or viewing all doctors near the user's current location with a family practice specialty, as shown below:  	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

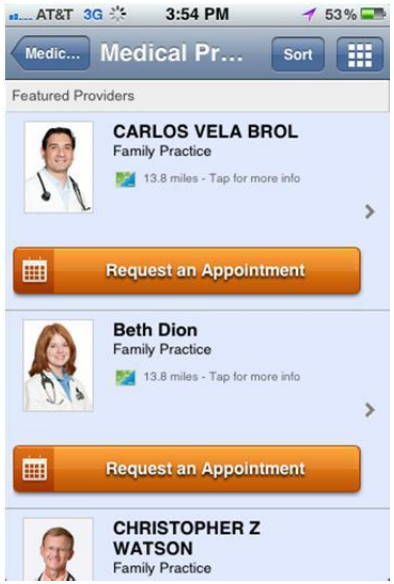
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	When a user selects "All Family Practice," a results list of compressed doctor's profiles for doctors near the user's current location with a specialty of family medicine is displayed, as shown below:  A user can further narrow his or her request for information by clicking the "sort" button above, and then the "advanced" icon shown in the screenshot below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

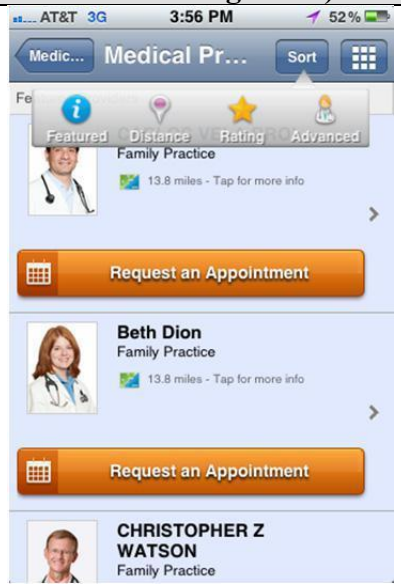
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 After selecting "Advanced" an advanced preferences menu is presented, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 From the advanced preferences menu a potential patient, for example, can request information about a particular, female, family practice specialist, located within 5 miles of his or her current location, who speaks English, has 5-10 years of experience, and was rated 3 stars or higher, as shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 After applying these search criteria, a results list with the particular physician best matching the search criteria is presented:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

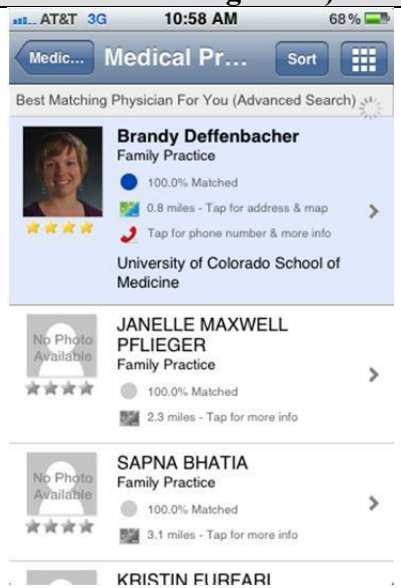
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 For example, the user could then select the first page of the profile of Brandy Deffenbacher, which would cause the iTriage App to move to the second page of Dr. Deffenbacher's profile, as shown below in the following two screenshots:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

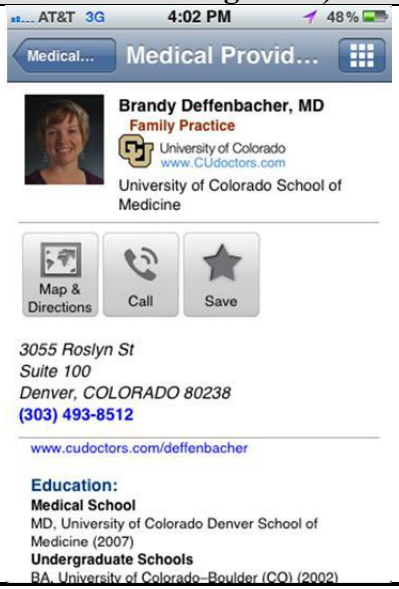
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 Another way a user can request information on a particular healthcare provider is to search for the healthcare provider by name, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

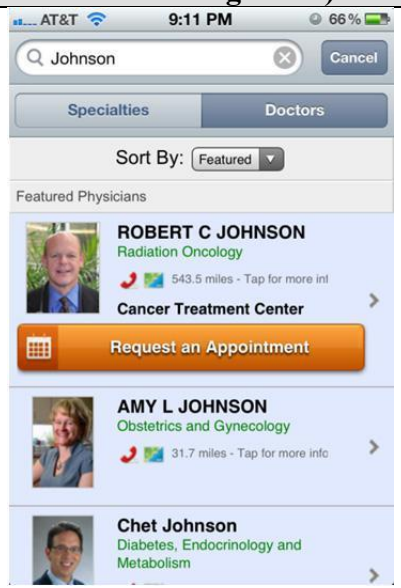
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen in the above screenshot, a doctor's name can be entered and list of profiles for doctors matching the name will be presented. In the example shown above, the name Johnson was searched for, and a list of profiles for doctors with the name of Johnson was produced. From the same screen, a user can further limit the search results by distance from a specified location, or by featured doctors, as shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

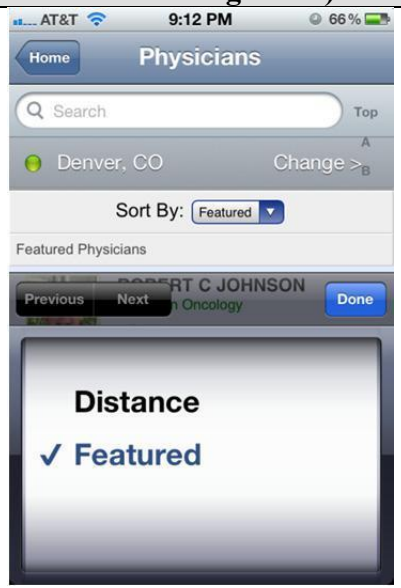
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 To the extent that the Court's construction of "first healthcare provider" requires that the request for information be directed to *only* one particular healthcare provider, a position with which Health Grades disagrees, the iTriage App both literally infringes this element and infringes under the doctrine of equivalents. The iTriage App literally infringes this element because it is capable of receiving requests for information about only one particular physician. The iTriage App infringes	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	under the doctrine of equivalents because a request for information about multiple particular physicians performs substantially the same function, in substantially the same way, to achieve substantially the same result as a request for one particular physician as shown above. To the extent that the Court's construction of "first healthcare provider" requires that the potential patient know the identity of the particular physician for whom he or she is requesting information before they request the information, a position with which Health Grades disagrees, the iTriage App both literally infringes this element and infringes under the doctrine of equivalents. The iTriage App literally infringes this element because it is capable of receiving requests for information about a particular physician. The iTriage App infringes under the doctrine of equivalents because a request for information about a particular physician that has characteristics that meet search criteria (e.g., female, Family Practitioner that Speaks English, within 5 miles of Denver, CO, with 5-10 years of experience) performs substantially the same function, in substantially the same way, to achieve substantially the same result as a request for a particular physician whose identity is known before	

EXHIBIT A

'060 Patent v. iTriage Application and MDx

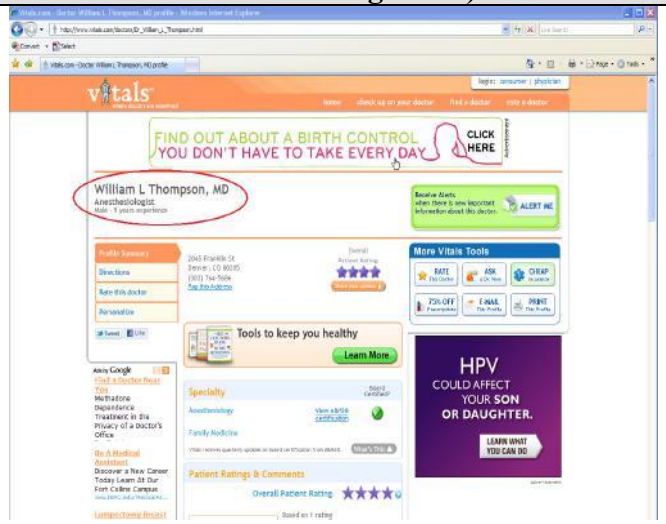
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	the search is run.	
access healthcare provider-verified information about the first healthcare provider, wherein the healthcare provider-verified information is received from the first healthcare provider and comprises three or more from the group consisting of: specialty information, medical philosophy, gender, age, years in profession, years in practice, awards, honors, professional appointments, professional memberships, publications, languages, and hobbies;	The iTriage App provides for accessing healthcare provider-verified information about the first healthcare provider that is received from the first healthcare provider and includes at least three of the listed types of information. The Court's Markman Order defines the "first healthcare provider" as "a particular healthcare provider about whom information is requested and a report is produced." (Markman Order at p. 23.) At the initiation of the potential patient/user using iTriage App, the Triage App's web server accesses healthcare-provider-verified information about a particular healthcare provider. (*See* Screenshot below illustrating the result of accessing and displaying doctor supplied information on vitals.com). Highlighted in the following, among other things, are the following pieces of healthcare provider-verified information: doctor's gender, specialty information, and years in practice.	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED REDACTED

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 REDACTED	REDACTED

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	The Court's Markman Order defines "received from the first healthcare provider" as "receipt of information from the first healthcare provider or one of his or her agents, such as an employee, as distinguished from information received from patients or public sources." (Markman Order at p. 24.) REDACTED For example, MDx's website provides many opportunities for doctors to edit their own profiles as shown in the screenshot below taken from www.vitals.com:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx states on its website that it receives, compiles, and posts doctor-supplied information, as shown in the screenshot below taken from www.vitals.com:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

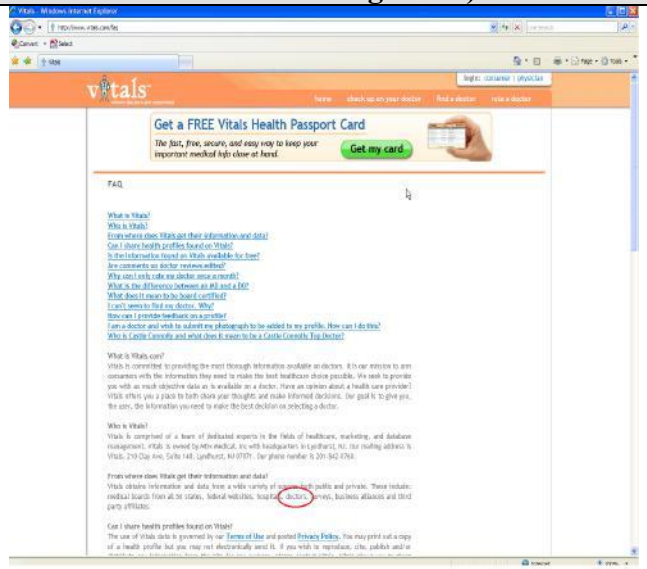
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 The Court's Markman Order states that "'verifying' requires only that the website receive confirmation of the information from some other source, in this instance the healthcare provider. Indeed, the confirmation described appears to not extend beyond receipt of such information from the first healthcare provider." (Markman Order at p. 15 n.8.) The iTriage App accesses information verified by a	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	physician or other healthcare professional. For example, the iTriage App literally infringes because it licenses data from MDx, data which MDx admits that is provided to MDx by the healthcare provider, and therefore is verified by the healthcare provider. Moreover, even if every doctor does not provide every piece of his or her own personal information, and to the extent that any physician information originates with a third party, the iTriage App still literally infringes because MDx's system provides the capability for healthcare providers to verify and edit their own information as detailed above, which it then sells to Aetna. To the extent that the iTriage App does not literally infringe this element because the physician information is verified by a third party, it infringes under the doctrine of equivalents because it performs substantially the same function in substantially the same way to obtain the same result. The function of the claim is to make the information service more trustworthy. The way it makes it more trustworthy is to get information from a third party about the doctor. The result is	

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	that it is more trustworthy.	
compile patient-provided information regarding the first healthcare provider, wherein the patient-provided information comprises patient ratings from one or more past or current patients of the first healthcare provider, and wherein the patient ratings are received from an on-line patient experience survey completed on a company Web site by the one or more past or current patients of the first healthcare provider, and wherein the company Web site is managed by a company providing a service for connecting healthcare providers with the potential patients;	Aetna's on-line information service, which includes a computer processor, compiles patient-provided information regarding healthcare providers. The patient ratings are compiled from a www.vitals.com on-line patient-experience survey; shown in the screenshot below.  The iTriage App uses and displays these ratings in several ways. For example, the screenshot below shows the advanced preferences feature that can be	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED MDx gathers its patient ratings from a web survey. REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	selected to filter the results of a search for a physician. Using this feature, the consumer rating of the physician can be specified by a user.  When a user selects the "Consumer Rating" icon from the above screenshot, a selection option is made available, like the one depicted in the screenshot below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

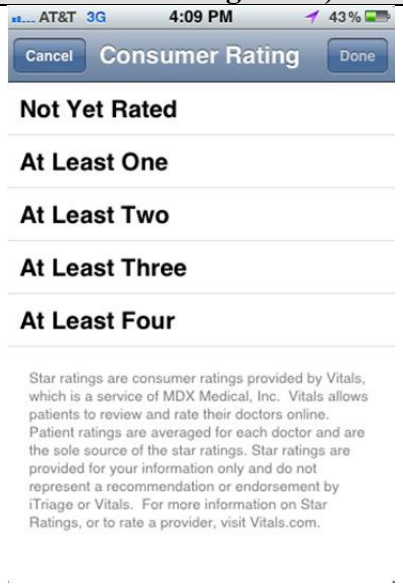
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 The notice says: "Star ratings are consumer ratings provided by Vitals, which is a service of MDX Medical, Inc. Vitals allows patients to review and rate their doctors online. Patient ratings are averaged for each doctor and are the sole source of the star ratings. Star ratings are provided for your information only and do not represent a recommendation or endorsement by iTriage or Vitals. For more information on Star Ratings, or to rate a provider, visit vitals.com."	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	To the extent that the iTriage App does not literally infringe this element because the online survey is hosted by vitals.com, it infringes under the doctrine of equivalents because it performs substantially the same function in substantially the same way to obtain the same result. The function of the claim is to obtain the patient ratings. The way the patient ratings are obtained is through an on-line survey. The result is that Aetna has patient ratings obtained from an on-line survey. As can be seen from the above screenshot, a user can select the desired minimum rating for a physician. REDACTED	
compile healthcare provider information regarding the first healthcare provider verified by an	The Court's Markman Order defines "compiling" as "gathering and/or putting together." (Markman Order at p. 24.) The iTriage App uses compiled information	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following:

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
independent third-party source, wherein the information verified by the independent third-party source comprises three or more from the group consisting of: board certification, licensure, disciplinary action information, medical school, medical internship, medical residency, and medical fellowship information;	regarding doctors that is verified by an independent third-party source. REDACTED MDx obtains this information from third parties (vitals.com) as shown below:	MDx provides the data and manages the database for the iTriage App. REDACTED

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

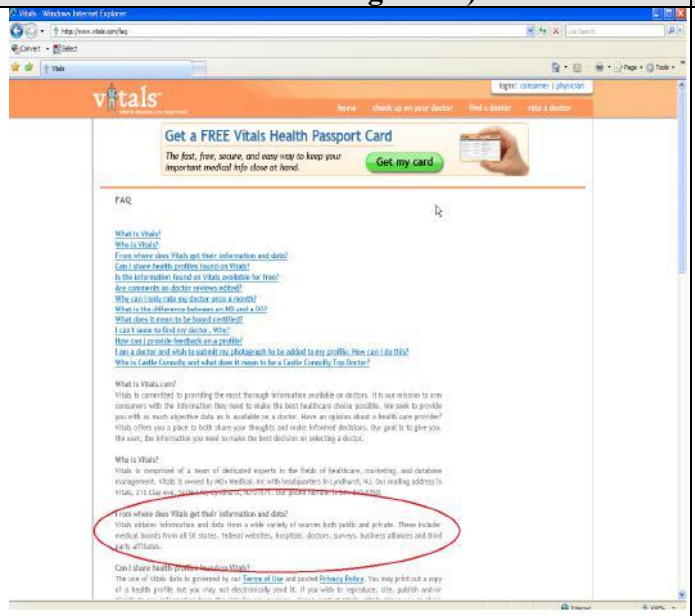
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As a specific example, MDx compiles medical school information on a given doctor from *U.S. News & World Report's* "America's Top Medical Schools." (*See* screenshot below "What's this?" section describing that MDx compiles medical school information from *U.S. News & World Report*). MDx then provides potential patients with medical school information associated with a given physician's academic and fellowship history.	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

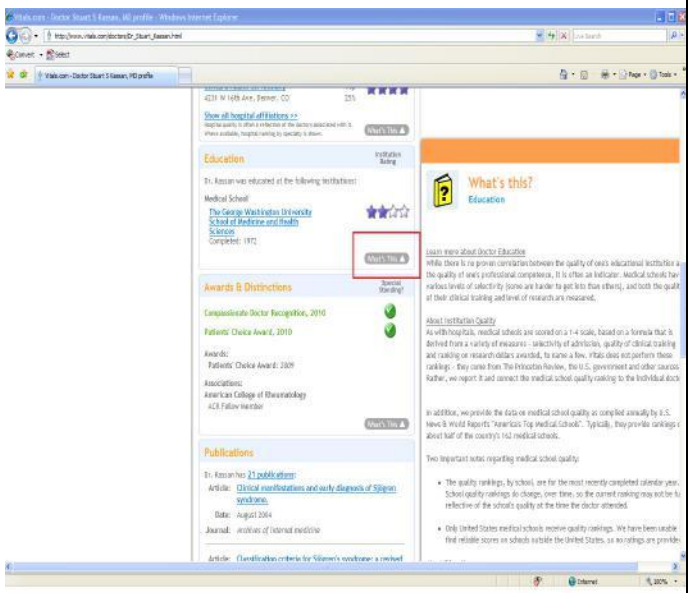
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx compiles licensure information. The screenshot below shows that MDx verifies each physician's license with a third party before adding the physician to the results list; to do this, MDx must compile the information in order to compare it to the entry field.	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx admits that it compiles board certification information. (*See* screenshot below "Vitals receives quarterly updates on board certification from ABMS", circled in orange.) Further, the American Board of Medical Specialties is an independent source. (*See* screenshot "About Board Certification" boxed in red below.)	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 MDx compiles additional information verified by an independent third-party source regarding a physician's medical school, internship, residency, and fellowship positions. (*See* screenshot below noting that MDx obtains all educational information from independent third parties unless otherwise noted).	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

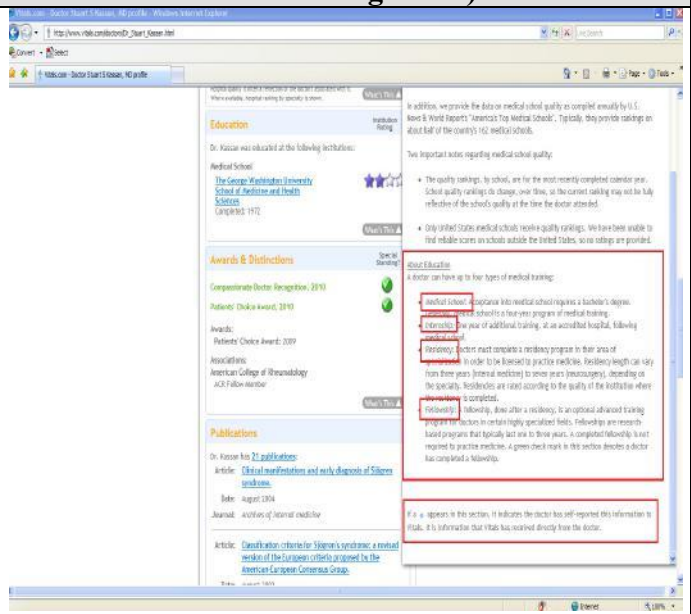
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		
create a healthcare provider report on the first healthcare provider using the healthcare provider-verified information, the patient-provided information, and the information verified by the	The Court's Markman Order defines "first healthcare provider" as "a particular healthcare provider about whom information is requested and a report is produced." (Markman Order at p. 23.) The Court's Markman Order defines "comparison ratings of healthcare providers" as "ratings on multiple healthcare providers, including the 'first healthcare provider,' in the report on that 'first	In addition to the facts set forth relating to the Aetna's direct infringement by the iTriage App, MDx's indirect infringement is shown at least by the following: MDx provides the data and manages the database for the iTriage App. REDACTED By providing this data and being aware of Aetna's intentions concerning the

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

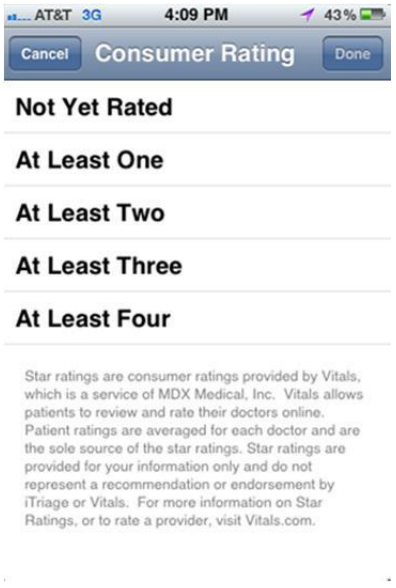
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
independent third-party source, wherein the healthcare provider report on the first healthcare provider includes comparison ratings of healthcare providers; and	healthcare provider,' thus permitting comparison of the 'first healthcare provider' with other potential healthcare providers." (Markman Order at p. 24.) After a user enters the search criteria for a particular provider, the iTriage App creates one or more healthcare provider reports using information from the Aetna Master Database, which is developed, maintained, and managed by MDx and contains MDx's data. The iTriage App creates the reports using healthcare provider-verified information, patient-provided information, and information verified by the independent third-party source about the first healthcare provider. Further, the reports contain comparison ratings of the healthcare providers. The following screenshots show portions of a healthcare provider report for Dr. Brandy Deffenbacher, who is an example of a "first healthcare provider" as defined by the Court in its Markman Order. This report was created using at least the following information: (1) healthcare provider-verified information, circled or boxed in red; (2) patient-provided information, circled or boxed in green; and (3) information verified by an independent third party circled or boxed in purple.	iTriage App, MDx was well aware that this data was meant to go into a report on a physician. Further, a page of the iTriage App specifically notifies users that the star ratings are from Vitals, as shown below, and encourages the users to go to vitals.com to rate a provider: 

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	The report also includes comparison ratings, circled or boxed in orange, about Dr. Deffenbacher, and other healthcare providers as required by the Court's Markman Order. As with any computer generated report, it is generated by at least one computer processor. After entering the search criteria (specialty and geographic location) and preferences for Dr. Deffenbacher (e.g., female, minimum star ratings, etc.) the iTriage App generates a report for Dr. Deffenbacher, the first page of which is shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

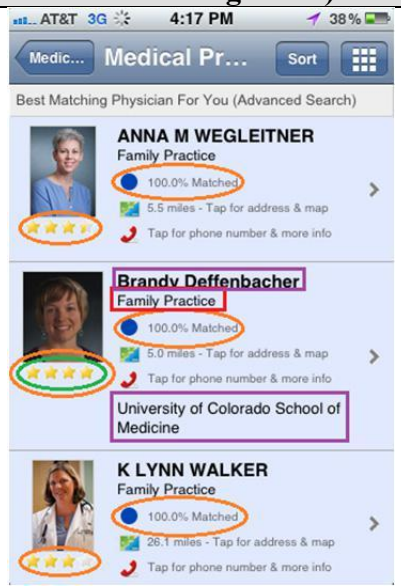
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 In the above screenshot, the percentage matched to the search criteria are comparison ratings as defined by the Court. These ratings provide the patient with information regarding how well physicians listed in the results list satisfy the patient's specified criteria, such as specialty, location, gender, language, patient rating, or having an extended profile. A user can thus use these ratings to compare which doctor best matches the user's preferences. There are percentage matched for the	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	first healthcare provider (i.e., Dr. Deffenbacher) and other healthcare providers (i.e., Dr. Walker and Dr. Wegleitner). Another comparison rating that exists in the above screenshot is the star ratings for Dr. Deffenbacher and the other doctors. By viewing these star ratings, a user can understand that by having 4 stars, Dr. Deffenbacher is rated higher than a doctor with a 3-star rating. The above report also includes percentage match ratings and star ratings for other providers as required by the Court's Markman Order. To the extent that MDx asserts that any of these three ratings do not literally satisfy the limitation of a healthcare provider report that includes comparison ratings, these ratings meet the claim limitation under the doctrine of equivalents because they have substantially the same function and operate in substantially the same way to achieve substantially the same result as comparison ratings in a healthcare provider report. The above screenshot of the report on Dr. Deffenbacher also shows physician-provided	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

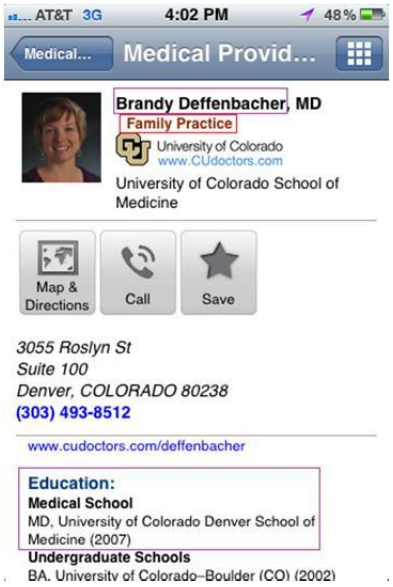
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	information of specialty, boxed in red. It also shows third-party verified information, boxed in purple: Dr.'s Licensed Name and Medical School. Also shown is patient-provided information, circled in green. When a user chooses to view more information on Dr. Deffenbacher, he or she can see additional pages of the report as shown below: 	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

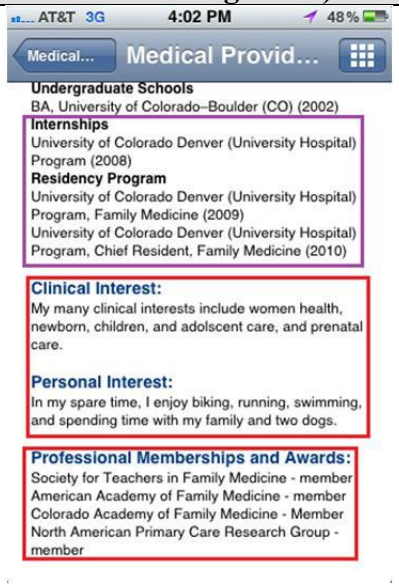
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen from the above screenshots, this report includes provider-verified information, such as clinical interests, hobbies, and specialty information (red boxes). Also in the report is third-party verified information, boxed in purple, including: Medical School, Medical Residency, Medical School, and the doctor's licensed name. Additional pages for another healthcare provider report for a Dr. Allen, is shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen from Dr. Allen's profile, there is provider-verified information, including Dr. Allen's research, his memberships and awards, his clinical interests, and his specialty. Also, there is third-party verified information including his Board Certifications, his Medical Internship, Medical Residency, Medical Fellowship, and Medical School.	
provide access to the	It is impossible to obtain healthcare provider	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

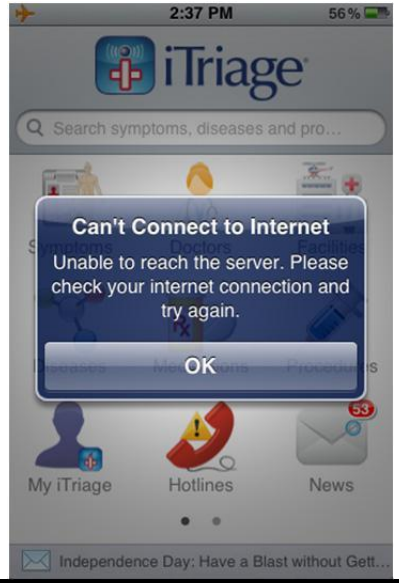
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
healthcare provider report on the first healthcare provider over a computer network.	reports from the iTriage App when a phone is in "airplane mode," as evidenced by the screenshot below. Based on viewing the network captures that show the phone making requests of the itriage.healthagen.com server in response to user interaction with the iTriage App, it is reasonable to say that the iTriage App provides access to healthcare provider reports over a computer network (via either WiFi or a carrier's data network). 	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

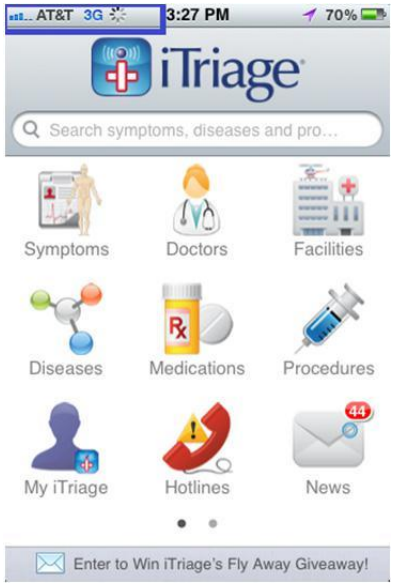
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	For further evidence, note the spinning dashed wheel in the upper left-hand corner of the screenshot below (boxed in blue) showing data is being exchanged over a computer network. 	
16. The on-line information system defined in claim 15, wherein: the healthcare	The iTriage App provides access to a healthcare provider report through a predetermined home page in the application. This predetermined page provides search capabilities for Aetna's Master	MDx Medical, Inc. ("MDx") indirectly and jointly infringes this claim under at least 35 U.S.C §271(a)-(c).

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

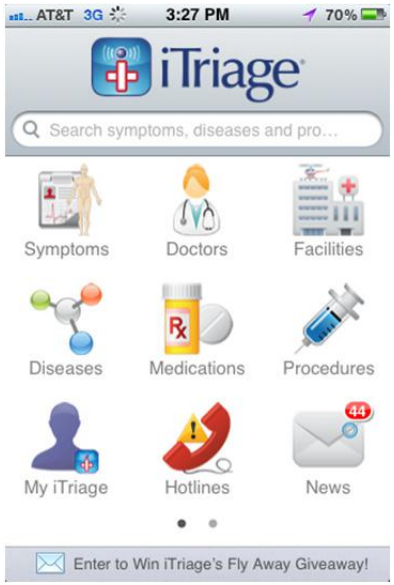
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
provider report is obtained through one or more from the group consisting of: a predetermined Web page that provides search capabilities on its database and a third-party search engine; and the search capabilities of the predetermined Web page permit searching based on one or more from the group consisting of: name, medical specialty, gender, state, city, procedure, diagnosis, and location criteria.	Database (developed by MDx), which comprises healthcare provider information For example, the iTriage App has a specified homepage, which is depicted below:  When a user selects the "Doctors" icon the user is presented with a page where the user can search by specialty, as shown below:	Further, MDx had the intent to cause Aetna to infringe the '060 patent. MDx was aware of the '060 patent in October 2011. Health Grades then filed the lawsuit against MDx in March 2011 and served MDx with Health Grades' specific infringement contentions on July 31, 2011. RED ACT ED well after MDx was aware of the patent and the infringement contentions. REDACTED

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

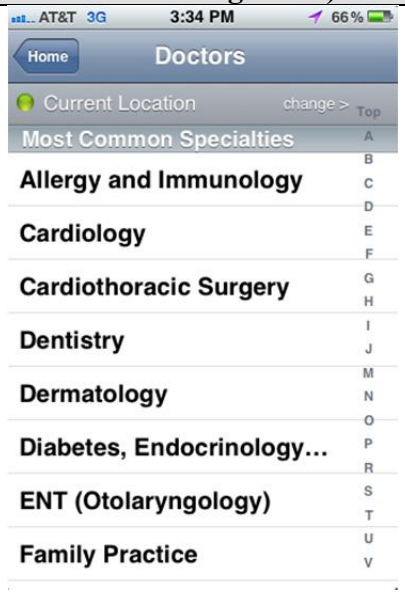
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 At this screen, a user can select the location for where the user would like to search. In the example shown above, the user has selected the user's current location, which is determined by the Global Positioning System (GPS) feature of the iPhone. After a user selects a specialty, such as family practice, the user is given the opportunity to further restrict his or her search by selecting a sub-specialty or viewing all doctors near the user's current location with a family practice specialty, as	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	shown below:  Where a user selects "All Family Practice," a results list of compressed doctor's profiles for doctors near the user's current location with a specialty of family medicine is displayed, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

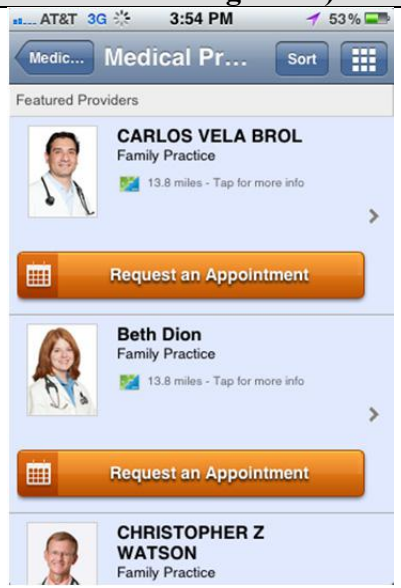
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 A user can further specify and sort his or her results by clicking the "sort" button above, and then the "advanced" icon shown in the screenshot below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

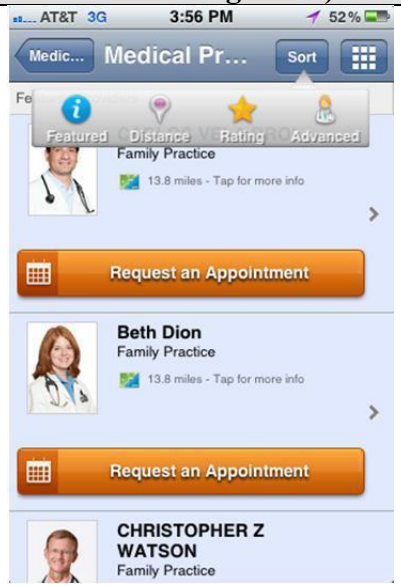
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 After selecting "Advanced" an advanced preferences menu is presented, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 From the advanced preferences menu, a potential patient, for example, can request information about a female plastic surgeon within 5 miles of his or her current location, who speaks English, has 5-10 years of experience, and was rated 3 stars or higher, as shown below:	

EXHIBIT 2

EXHIBIT A

'060 Patent v. iTriage Application and MDx

Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 After applying these search criteria, a results list with the particular physician best matching the search criteria is presented:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

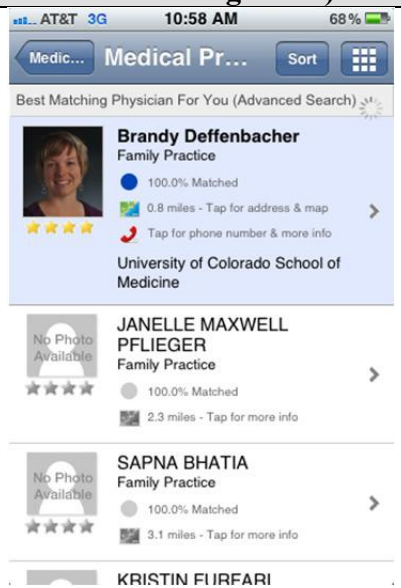
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 Another way a user can request information on a particular healthcare provider is to search for the healthcare provider by name, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

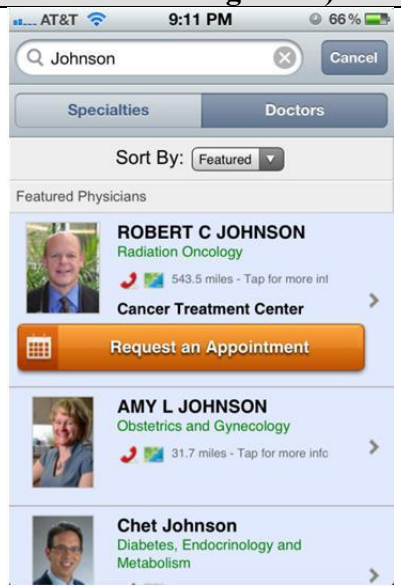
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
	 As can be seen from the above screenshot, a doctor's name can be entered and list of compressed profiles for doctors matching the name will be presented. In the example shown above, the name Johnson was searched for, and a list of compressed profiles for doctors with the name of Johnson was produced. From the same screen, a user can further limit the search results by distance from a specified location, or by featured doctors, as shown below:	

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY

EXHIBIT A

'060 Patent v. iTriage Application and MDx

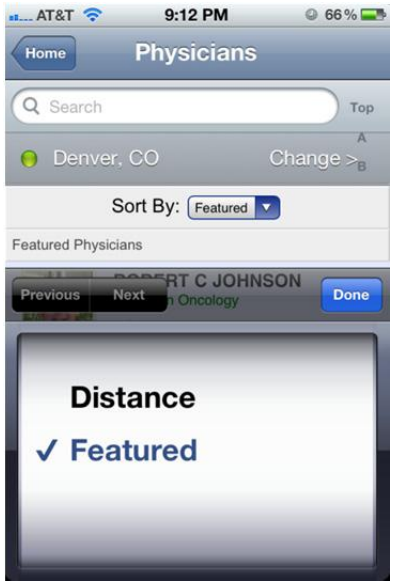
Asserted Claims of U.S. Patent No. 7,752,060	Aetna's iTriage Mobile Application (iTriage App Direct Infringement and MDx Joint Infringement)	MDx's Indirect Infringement
		

EXHIBIT 2

CONFIDENTIAL – ATTORNEYS' EYES ONLY