EXHIBIT B

David C. Lee

From: Vazquez, Jesus [jvazquez@rothgerber.com]
Sent: Friday, January 06, 2012 7:00 PM
To: Scott Murray
Cc: Scott D. Stimpson; David C. Lee
Subject: Further Conferral re Log-in Credentials we requested on December 15, 2011

Scott:

Our document requests asked for information that would be sufficient to allow us to understand the function and operation of the accused products. This request covered both source code and product demonstrations. You have produced neither.

At the deposition of Jeff LaPointe on December 15, 2011 (three weeks ago), we indicated to you, David Lee and Scott Stimpson that we needed to obtain log-in credentials for the vitals.com website that would allow us to demonstrate the software from the point of a physician and a user. We explained that typically an Internet service operator will have a quality assurance site and/or test users whose credentials are used during the Q/A process, and/or used to demonstrate the product to potential consumers. Typically site administrators have log-in credentials giving access to the full functionality of the site as well. We explained that we want to be able to log into the site as a healthcare provider and see the interface that healthcare provider would see and finally to see the effect that these submissions have on the page regarding that provider presented by the site to the general public. In all likelihood, MDx already has log-in credentials they can give to us, so this should not be burdensome *at all*.

We understand you are now taking the position that we must issue a document request specifically asking for this information. We disagree. This request is covered by our document request no. 2, including for example, subsections 2(e), (f), (h), and (p), which are copied below. We would like these credentials by end of day, Tuesday, January 10, 2011. Please let us know by end of day Monday, January 9, whether you will be providing this information to us. If you refuse, we will be forced to file a motion to compel, and we will. We doubt that Judge Boland will take kindly to your ticky-tack contention that we need to file a new document request when the information sought has already been requested and we have been talking about it for quite some time.

REQUEST NO. 2

All documents and electronically stored information relating to the structure, function, operation, development and implementation of the Accused Products (in whatever form or format they exist, including paper or electronic copy and in whatever computer language or format they may exist (i.e., Java, HTML, XML, C, etc.), including without limitation:

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