EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

HEALTH GRADES, INC.,

Plaintiff,

v.

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

Defendant.

DECLARATION OF DAVID C. LEE

David C. Lee, being of full age, hereby declares and states as follows:

1. My name is David C. Lee. I am over the age of 18 years, and have personal knowledge of the facts stated herein.

2. I am an associate at Sills Cummis & Gross P.C., attorneys for Defendant MDx Medical, Inc. ("MDx"). I submit this declaration in support of MDx's Motion Pursuant to Federal Rule of Civil Procedure 56 for Summary Judgment of Non-Infringement.

3. Attached hereto as Exhibit A is a true and correct copy of United States Patent No. 7,752,060 (the "'060 Patent").

4. Attached hereto as Exhibit B are true and correct copies of portions of the Expert Report of Philip Greenspun Regarding Infringement of U.S. Patent No. 7,752,060 by MDx.

5. Attached hereto as Exhibit C are true and correct copies of portions of the transcript of the deposition of Scott Montroy taken on January 16, 2012.

6. Attached hereto as Exhibit D are true and correct copies of portions of MDx's Second Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories.

7. Attached hereto as Exhibit E are true and correct copies of certain papers from the prosecution history for the '060 Patent.

8. Attached hereto as Exhibit F are true and correct copies of portions of the MDx Rebuttal Report of Richard G. Cooper.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/2/2012

DAVID C. LEE