EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-CV-00520-PAB

HEALTH GRADES, INC.,

Plaintiff,

v.

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

Defendant.

DECLARATION OF ERIKA BOYER

ERIKA BOYER, being of full age, hereby declares and states as follows:

1. I make this declaration in support of Defendant MDx Medical, Inc.'s ("MDx") Motion Pursuant to Federal Rule of Civil Procedure 56 for Summary Judgment of Non-Infringement. Unless otherwise noted, the statements made herein are based on my personal knowledge.

2. I am one of the founding individuals of MDx, and my current title with MDx is Vice President, Data Operations.

3. MDx is a leading provider of technology that enables users to search for and obtain information on healthcare providers. This information includes, among other things, the names of doctors, their education, specialties, hospital affiliations and the insurance that they accept. Users can access this information at the MDx www.vitals.com website (the "Vitals website"). Since January 2008, MDx has owned and operated the Vitals website.

4. One of the claim elements in Health Grades, Inc.'s ("Health Grades") patent at issue states:

> 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. ..

Exhibit A, claim 1.

5. MDx collects the data elements recited above from third parties. Although the providers may edit the information, these data elements are edited in very small percentages.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 2, 2012

ERIKA BOYER