IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

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

HEALTH GRADES, INC.,

Plaintiff,

vs.

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

Defendant.

UNOPPOSED MOTION TO EXTEND DEADLINE FOR SUBMISSION OF PORTIONS OF INFRINGEMENT CONTENTIONS AND RELATED DISCLOSURES

Plaintiff and Counterclaim Defendant Health Grades, Inc. ("Health Grades"), by its undersigned counsel, pursuant to D.C.Colo.LCivR 6.1(C) and (D), D.C.Colo.LCivR 7.1, and Sections 12 and 13 of the Scheduling Order in this case, respectfully submits its Unopposed Motion to Extend Deadline for Submission of Portions of Infringement Contentions and Related Disclosures, and states in support:

Conferral pursuant to D.C.Colo.LCivR 7.1(A)

Undersigned counsel conferred with counsel for MDx Medical, Inc. ("MDx") regarding the relief requested herein and is authorized to state that MDx does not oppose the relief requested by Health Grades herein.

Unopposed Motion

1. In accordance with Section 6(f)(1) of the Scheduling Order in this case [Doc. 34], Health Grades' Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure (the "Disclosures") are to be served on MDx by July 1,

2011. The specific items required to be served in the Disclosures are listed in Sections 3-1 and 3-2 of the Patent Local Rules incorporated into the Scheduling Order and attached as Exhibit A to the Scheduling Order.

2. Health Grades is timely serving the items required in Section 3-1(a), (b), (c), (d), (e) and (h), as well as the items required in Section 3-2(c) and (d), by the July 1, 2011, deadline set forth in the Scheduling Order.

3. Health Grades needs and respectfully requests additional time to serve the items required in Section 3-1(f) and (g), and the items required in Section 3-2(a), (b) and (e). As discussed below, good cause exists for the requested extension.

4. The principal inventor of the invention claimed in the '060 patent' at issue in this case, Mr. John Neal, has been out of the country and will not return until July 11, 2011. In order to adequately prepare and submit the items required in Section 3-1(f) and (g), and the items required in Section 3-2(a), (b) and (e), Health Grades needs to meet and confer with Mr. Neal. Further, undersigned counsel will be traveling and unavailable between July 13, 2011, and July 17, 2011. Health Grades thus respectfully requests through July 19, 2011, to complete and make these submissions.

5. MDx does not oppose the requested extension, and will not be prejudiced thereby. Pursuant to the Scheduling Order, MDx's Invalidity Contentions and Document Production Accompanying Invalidity Contentions are not due until August 19, 2011, a full month after the requested July 19, 2011, deadline for Health Grades to complete its Disclosures.

6. Health Grades has not previously requested any extensions for its Disclosures. A copy of this motion will be simultaneously served on Health Grades by undersigned counsel.

7. Thus, for good cause shown as discussed above, Health Grades respectfully requests the Court to allow Health Grades through July 19, 2011, to complete its Disclosures of the items listed in Section 3-1(f) and (g), and Section 3-2(a), (b) and (e) of the Patent Local Rules incorporated into the Scheduling Order in this case, and that the Court amend the Scheduling Order accordingly.

WHEREFORE, Health Grades respectfully requests that the Court grant its motion and extend the deadline for Health Grades to complete its Disclosures of the items required by Section 3-1(f) and (g), and Section 3-2(a), (b) and (e) through July 19, 2011, and that the Court amend the Scheduling Order accordingly.

Respectfully submitted this 1st day of July, 2011.

ROTHGERBER JOHNSON & LYONS LLP

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Attorneys for Plaintiff/Counterclaim Defendant Health Grades, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2011, I electronically filed the foregoing **Unopposed Motion to Extend Deadline for Submission of Portions of Infringement Contentions and Related Disclosures** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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