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

HEALTH GRADES, INC.'S OPPOSITION TO MDx MEDICAL, INC.'S MOTION FOR SUMMARY JUDGMENT OF NO WILLFULNESS

HEALTH GRADES, INC.'S OPPOSITION TO MDx MEDICAL, INC.'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT

Exhibit 6

September 28, 2012 Deposition of Philip Greenspun
(selected portions)

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Exhibits 64 - 71

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.

****

DEPOSITION of PHILIP G. GREENSPUN

Friday, September 28, 2012 at 8:30 a.m.

Courtyard by Marriott

700 Unicorn Park Drive

Woburn, Massachusetts

------ Jacqueline P. Shields, RPR, CSR ------

Job No. NJ1339308

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I N D E X

Testimony of:	Page(s)
Philip Greenspun	
By Mr. Stimpson	5,280
By Mr. Kostolansky	267

E X H I B I T S

Exhibit No.	Description	For I.D.
64	Expert report of Philip Greenspun, dated July 13, 2012	5
64A	Resume of Philip Greenspun	5
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65	Defendant MDX Medical, Inc.'s Second Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories	59
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EXHIBITS APPENDED TO ORIGINAL TRANSCRIPT

MR. KOSTOLANSKY: I think that's his initial report.

MR. STIMPSON: Let me grab mine, please.

MR. KOSTOLANSKY: Let me have all those exhibits over here.

Q. I'm going to refer you, Mr. Greenspun, to page 30 of your report, subpart D under paragraph 111.

A. Okay.

Q. "Wherein healthcare provider-verified information is received from the first healthcare provider," do you see that reference?

A. Yes.

Q. And what is your understanding about how individuals who are registered or affiliated with Vitals' or MDX's website submit information about themselves to the website?

A. The physicians are able to log -- register, log in, authenticate themselves using their license number, I believe, and then they're able to edit substantially all of the information in their profile. And in some cases that's done with Web forms where you add information fresh from a blank field, and in some cases that's done where a Web

form is sent from the server down to the browser with fields already partly filled out. The physician can edit none, one, or all of those fields, and hit the submit button and the information goes back to the server, some of which has been edited or newly typed by the physician, some of which the server already had.

Q. And when that information is submitted by the physician back to Vitals in connection with fields that were already completed on the Web form, is that information then received from the healthcare provider?

A. Yes, it was viewed on the healthcare provider's browser, the healthcare provider hit the submit button, it was packaged up by the healthcare provider's browser program and submitted by the HTTP protocol to the VITALS.COM server.

Q. Have you seen a physician actually submit such information to the Vitals website?

A. I have. I have been sent screen shots made by friends of mine who are physicians. I haven't actually stood over their shoulders while they used the site.

I might add that this is a completely