EXHIBIT I

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Case No. 11-CV-00520-PAB-BNB

30(b)(6) DEPOSITION OF HEALTH GRADES, INC.,

Representative Allen Dodge

and

DEPOSITION OF ALLEN DODGE

June 28, 2012

HEALTH GRADES, INC.,

Plaintiff,

v.

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

Defendant.

Job No. NJ403425

CONFIDENTIAL ATTORNEYS EYES ONLY

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Pursuant to Notice and the Federal Rules of Civil Procedure, the 30(b)(6) Deposition of Health Grades, Inc. and Deposition of Allen Dodge, called by Defendant, was taken on Thursday, June 28, 2012, commencing at 8:13 a.m., at 1200 Seventeenth Street, Suite 3000, Denver, Colorado, before Kelly A. Mackereth, Certified Shorthand Reporter, Registered Professional Reporter, Certified Realtime Reporter and Notary Public within Colorado.

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PRODUCTION REQUEST(S):
None.

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PROCEEDINGS

ALLEN DODGE,

having been first duly sworn, was examined and testified as follows:

(Exhibit 62 marked.)

EXAMINATION

BY MR. STIMPSON:

Q Good morning, Mr. Dodge. My name is Scott Stimpson. I'll be taking your deposition today. Have you had your deposition taken before?

A Yes, I have.

Q So how many times have you had your deposition taken?

A Approximately ten.

Q For the record, can you just state your name and address?

A Yes. Allen Dodge. And address is 6255 Noble, N-O-B-L-E, Street. That's Arvada, Colorado 80403.

Q Okay. I won't go through the details, since you've had ten depositions; that's a lot. I think that's a record for me of taking anybody's deposition. I think it's enough to say that you know

Q And what was the responsibility there for corporate controller?

A I was responsible for the financial and accounting aspects of the business, so SEC filings, day-to-day accounting, things of that nature.

Q Can you remind me what the business of Specialty Care Network was, please?

A Sure. Specialty Care Network was in the business of rolling up physician practices. It was formed as an orthopedic physician practice rollup.

Q What do you mean rollup?

A Rollup means back at the time around 1997 there were a number of industries that were engaging in what are typically called in SEC parlance rollup transactions, which essentially means you would bring organizations together at historical cost versus having to fair value an organization. So it was somewhat -- niche is probably not a good word, but it was a type of transaction that was similar in other industries.

Our model was essentially to bring the practices together and get economies of scale, help the physicians get away from having to deal with things such as purchasing, collecting on AR, and

really engaging in the practice of medicine.

Q Okay. Was there any Internet aspect to the business at that time?

A There was not.

Q And did there come a time when your position changed at Specialty Care Network?

A There did.

Q When was that?

A My first position change was approximately in, I believe, May of 1990. Gosh, I keep getting my dates wrong. I keep throwing you off there. Sorry. May of 1997, so it would have been in May of 2000. Excuse me.

Q What was that change?

A That change was to vice president of finance and controller.

Q What were your responsibilities then?

A Didn't really change at that point. It was just a promotion to vice president, similar functions to what I had before.

Q Did your title stay the same for the next -- I mean, did your title change again later?

A Changed again in May of 2001 when I became the chief financial officer, senior vice president

and chief financial officer.

Q Still with Specialty Care Network?

A Well, at the time Specialty Care Network formally changed its name in 1999 to healthgrades.com. It's gone through a couple of name changes, which is why I'm a little hesitant on the timeframe.

Q That's okay. When did Health Grades start doing business or setting up a website?

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) Let me ask you again then. You said that the business of Specialty Care Network did not involve anything Internet in 1997. Did there come a time when it did?

A Yes, there did.

Q And when was that?

A When -- in 1998 when the company launched a website.

Q Okay. That's kind of the predecessor to the current Health Grades website?

MR. VAZQUEZ: Form.

A Yes, it is.

Q (BY MR. STIMPSON) What was that website designed to do?

A At the time in 1998 Health Grades was transitioning from the Specialty Care Network model or physician practice management model into the business of providing healthcare ratings, hospital ratings in particular.

The website was designed to give consumers the ability to verify or validate messages that hospitals were giving in the marketplace related to the Health Grades provider ratings.

Q Okay. And so 2001 you're CFO. Did your title change after that?

A It did. In 2006 I became executive vice president of finance and chief financial officer.

Q How did your responsibilities change from vice president of finance to CFO?

A Once I made the change to CFO, I took on responsibility, in addition to the finance and accounting functions I discussed previously, took on responsibility for human resources, also took on responsibility for, you know, legal, risk management, corporate compliance. So contracting.

Q Did your responsibilities as CFO -- you said they involved legal. Did they have anything to do with patents?

A They had some to do with patents once we began the process for filing for patent applications.
Q Okay. And when was that?
A I believe we -- our filing of the initial patent application or maybe the first filing was sometime in 2006, to my recollection.
Q Okay. And then how, if at all, did your responsibilities change as executive VP in 2006? Is that what you said, executive vice president in 2006?
A Correct.
Q How did your responsibilities change with that new change in title?
A Didn't change much. The only thing that changed, and I can't say whether it was specifically with that title change, but certainly became more involved in just overall operations of the company.
Q Are you still responsible for legal?
A Yes, I am.
Q So that's true from 2001 to today?
A Right.
Q Okay. Are you executive vice president today?
A I am.
Q So your title has not changed since 2006?

A That's correct, it has not.
Q Have your responsibilities -- big picture sort of thing, have your responsibilities changed since you became executive vice president?
A Probably not a lot. The only thing that would have changed is once the company went private and was acquired by Veststar Capital Partners in October of 2010, my role changed a bit to where I wasn't as much public facing. One of the things I didn't stress with some of my responsibilities is I was responsible for investor relations while we were a public company.
Q Okay.
A So I would do speaking engagements, et cetera, with the CEO.
Q Okay. I understand. Any other significant changes in your history in Specialty Care Network that we missed?
A Not that I can think of at this time.
Q Okay. Let me show you what has been marked as Exhibit -- I think this is 45. This is the first deposition notice.
MR. VAZQUEZ: I'm not sure how you're going to do this without David, man.

MR. STIMPSON: I know. I know, it's awful, but he's got to be somewhere else. That's how it goes.
MR. VAZQUEZ: So did we pre-mark this?
MR. STIMPSON: This is 45 on the back. I can't guarantee I'm going to have that all day, but that was pretty much Exhibit 45 from a prior deposition.
Q (BY MR. STIMPSON) I'll also share what we've just marked as Exhibit 62, which is a notice of 30(b)(6) deposition dated June 11, 2012 with 12 deposition topics.
MR. STIMPSON: Here you go.
MR. VAZQUEZ: Thank you.
MS. STOLL-DeBELL: Thanks.
MR. STIMPSON: You're welcome.
Q (BY MR. STIMPSON) Have you seen these documents before, Mr. Dodge?
A Can I flip through them briefly?
Q Okay. Do you have an understanding that you're responsible for being prepared to discuss several of these topics?
A Yes, I do.
Q Okay. I'm going to start with Exhibit 45,

okay? Let's talk about that first. And from correspondence from your counsel, I can tell you --
MR. STIMPSON: Jesus, correct me if I'm wrong, but this is from your February 9 e-mail.
Q (BY MR. STIMPSON) My understanding, Mr. Dodge, is that you're responsible for topic number 1 in this deposition. Is that consistent with your understanding?
A That is my understanding.
Q And what did you do to prepare to testify about that topic?
MR. VAZQUEZ: Scott --
MR. STIMPSON: Yeah.
MR. VAZQUEZ: -- just real quick, that wasn't exactly. Topic number 1, the topics in the parenthetic were for John Neal.
MR. STIMPSON: Right, yeah. Okay. With that qualification.
Q (BY MR. STIMPSON) What did you do to prepare to discuss this?
MR. VAZQUEZ: Just, Mr. Dodge, answer the question but do not disclose any of our communications. You can answer but don't tell him anything that you said to me or that I said to you in

preparation for your deposition.

A Okay. I had meetings with counsel, spent a fair amount of time with them discussing the deposition topics, reviewed documents such as numerous company filings, 10-Ks, annual reports.

MR. VAZQUEZ: Wait. Sorry. Just be careful about the work-product privilege. You can say that we met, but the specific documents we reviewed, you know, I don't want you to testify about and don't -- and I instruct you not to talk about those under the work-product privilege.

Okay.

A With that clarification, I, again, met with counsel, reviewed numerous documents.

MR. STIMPSON: I'm not so sure that applies in the same way with a 30(b)(6) witness, Mr. Vaquez, but we can deal with that later. I assume you're just going to continue to instruct him not to answer?

MR. VAZQUEZ: If you want him to identify the specific documents that we reviewed in preparation, I think the case law that Mr. Murray from your firm showed us when he made these same objections albeit it was in a fact witness deposition

where it applies. But I'm willing to look at it.

MR. STIMPSON: I don't really remember off the top of my head, but I thought it was different for a 30(b)(6).

Q (BY MR. STIMPSON) Did you speak with anyone besides counsel?

A I did not.

Q Did you read Mr. Neal's deposition?

A I did not.

Q Did you read any deposition transcripts?

A I did not.

Q Did you speak with your damages expert?

A I did not in preparation for this.

Q You have spoken to your damages expert?

A I have.

Q Did you talk with your technical expert?

A I'm sorry, I don't know what you mean by technical expert.

Q Well, what's his name?

MR. VAZQUEZ: Philip Greenspun.

Q (BY MR. STIMPSON) Greenspun, right, did you talk with him?

A I did not.

Q Just looking at this topic, do you know if

you looked at any documents that have not been produced to MDx in this case?

A I do not know.

Q Did you review the patent?

A I did briefly review the patent, yes.

Q Did you read the whole thing or just the claims or --

A In preparation for this, I focused on the claims and scanned the rest.

Q Did you review any documents showing products and services of Health Grades prior to August 29, 2006?

A I did.

MR. STIMPSON: See, that's something I think I need to know, Jesus. He's looking -- as I understand this, we're able to find out today what those products and services were. And if he's got specific documents in mind that show that -- why don't we do this, we'll go along and I'll ask him specifically as we go for each one, okay?

MR. VAZQUEZ: Okay. Yeah, I'm hoping you can ask him about all the products and services and we can talk about them, you know, in the context of your question without having to refer to a document.

In any case, I think you know he can talk about these things because they're in his head.

Q (BY MR. STIMPSON) Okay. Mr. Dodge, topic number 1 it states, All facts surrounding each and every Health Grades product or service for providing information on healthcare providers prior to August 29, 2006.

Let's just stop right there for a second. Can you please identify for me the Health Grades products and services in providing information on healthcare providers prior to August 29, 2006?

A Is there a period you want me to start with? I want to appropriately answer your question.

Q Well, that's a good question. I mean, we don't need to go all the way back to like 1999. Let's start in 2003, okay?

A 2003, okay. In 2003 Health Grades had numerous products. I'll start with the products we had that were sold into hospitals that did provide information on healthcare providers. Other original products were marketing programs where Health Grades would essentially rate hospitals in various therapeutic areas. So therapeutic area being cardiac care, orthopedics, neurosciences, those types of

to our nursing home ratings for them to make decisions on premiums regarding those programs or for those companies.

Q Okay. Again, no health -- no patient provided information in that?

A That's correct.

Q Anything else to professional underwriters?

A Not that I can recall with professional underwriters at this time.

Q What other products and/or services was Health Grades selling in 2003?

A 2003, we also had sales to consumers directly on the website for what we generally referred to as consumer reports.

Q Okay. And what types of consumer reports were available in 2003?

A Consumers could purchase physician reports.

Q What was the name of that?

A It changed names, but PQR.

Q Physician Quality Report?

A Correct.

Q What did the Physician Quality Report

have?

A It had information that was provided by third parties, maybe better stated third-party verified, such as board certification, sanction and malpractice, in addition to things such as demographic information.

Q Okay.

MR. VAZQUEZ: Scott, can you just give me a continuing objection on the issue of whether something falls within the scope of the 30(b)(6)?

MR. STIMPSON: Sure.

MR. VAZQUEZ: So my objection would go back to that last question.

MR. STIMPSON: That's fine.

Q (BY MR. STIMPSON) Did the PQR have any information in 2003 from healthcare providers?

A I'm just thinking about from healthcare providers. What's your definition of healthcare provider?

Q Well, for right now, let's use a broad definition including, you know, hospitals and physicians, kind of doctors?

MR. VAZQUEZ: Form.

A I don't believe so, no.

THE DEPONENT: Sorry.

MR. VAZQUEZ: That's okay. You can answer.

Q (BY MR. STIMPSON) Did the healthcare provider have any opportunity to change information in the PQRs in 2003?

MR. VAZQUEZ: Form.

A I don't recall. I don't believe so, but I don't recall.

Q (BY MR. STIMPSON) Did there come a time when they did, they were able to make changes and provide information to the PQR?

MR. VAZQUEZ: Form.

A Not to the PQR, no.

Q (BY MR. STIMPSON) Why do you emphasize not to PQR? Could they do it some other way?

MR. VAZQUEZ: Same.

A At some point there did come the ability for a physician to review their information and, you know, make corrections to certain data elements.

Q (BY MR. STIMPSON) Okay. When did that come about?

A I don't recall the specific timeframe when that happened.

MR. VAZQUEZ: Scott, can you just give me, to the extent you're asking questions that involve healthcare provider and you haven't defined whether it's a hospital or a person, can you just give me a continuing objection?

MR. STIMPSON: Yeah, that's fine.

MR. VAZQUEZ: Thank you.

Q (BY MR. STIMPSON) Was it in 2003 sometime when healthcare providers could come in and add some information?

A No, it definitely wasn't in 2003.

Q 2004?

A No, not in 2004.

Q 2005?

A Sometime post. You know, I don't know when post 2005.

Q Post 2005, not until 2006?

A Sometime, like I said, it wasn't in 2003 and 2004, but I don't recall after that when it would be.

Q Are you thinking of Physician Online Services, is that where they could come in and make edits?

MR. VAZQUEZ: Form.

A I'm not thinking of that specifically. I'm just thinking in general.

Q (BY MR. STIMPSON) Okay. Well, how -- whenever that time was when the healthcare providers would come in and edit information and add information, how did they do it?

A They came into essentially one of the portals which we've called various names over time, but a portal for the physician or, say, the administrator could come online and correct certain information.

Q And was there -- can you give me some of the names that you had for that where the physicians would come on this portal and change information?

A I think POS is one that I recall the name.

Q Okay.

A I don't -- I don't recall what else we've called it. I know it's gone through various --

Q Same basic thing, though. I mean, whether it's called POS or whatever other names it might have had, it's the same basic idea, physicians get on, can edit their information and add information?

MR. VAZQUEZ: Form.

A They can. And the reason I'm pausing is

there was a point in time where they could correct, correct information or at least try to include certain information, but that POS system wasn't necessarily made public. So I'm not quite sure when, one, they had the ability to go on and make changes and, two, when would any of those changes have actually been transmitted to the website or to the public information.

Q Well, I mean the reason this has been a problem for me, to be quite frank, one of your topics is the facts surrounding each and every Health Grades products and service. So this Physician Online Services, or whatever you want to call it, is one of those products and services. So I need to know dates, both when it was available and, as you say, when those changes went public.

How would you go about finding that information?

A The only other way I would go about it is try to go back to, you know, more documentation. And I did the best I could during my research to do that.

Q I understand. Nobody can be perfect, but this is, you know, obviously an important one. It's in the claim. You know, I've got nothing to hide.

That's why I want this information.

This PO information, there's two things, there's two things you've listed. The PO information, when that went public and then when POS was available to providers?

A I believe that's correct, yes.

Q And you can't tell me even a year for either one of those, right?

A I do not recall specifically, no.

Q Well, you know, I'll have some documents later today so maybe together we can figure that out. But if not, we'll have to come back because we've got to address it somehow.

So we were talking about the PQRs and we got sidetracked on the healthcare information. But you said there was third-party verified information in there, right?

A Correct.

Q Did that include board certification?

A It did.

Q And we're just talking about 2003 now, right?

A Correct.

Q Did it include licensure information?

A I believe it did, yes.

Q Did it include disciplinary action information?

A I believe it did, yes.

Q Did it include medical school?

A Yes, it would have.

Q Did it include medical internship?

A I don't recall if that particular element was in at the time.

Q Okay. Did it include medical residency?

A I believe that did, yes.

Q Did it include medical fellowship?

A That one I don't recall it either.

Q Did there come a time when the PQRs did include medical residency?

A Yes, I believe so, yes.

Q Was that -- would that have been in 2004?

A I don't know.

Q How about the same question for fellowship, did there come a time when the PQR included medical fellowship?

A Yes.

Q Would that have been 2004?

A I don't know.

a number of documents to prepare and try to be able to answer your questions.

Q How would we go about finding out if PQRs ever had comparison ratings? If I would send you back to Health Grades, not that I'm going to, but if you were back at Health Grades today, how would you find out if PQRs had comparison ratings?

A Honestly, I'm not sure. That's such a technical -- there's so many different iterations as we've gone through as a company, I'm not sure specifically how we would go back and prove or disprove that.

Q Do you know what product development plans are?

A I'm familiar with the term.

Q Do you know -- have you read product development plans from Health Grades?

A I think I have -- yes, I've seen them over the years.

Q Would the product development plans show whether PQR has ever had comparison ratings?

A I don't know.

Q Are there any other documents you can think of that might show whether PQRs had comparison

ratings?

A Not that I know of.

Q Who would you ask if you couldn't find the right document, who at Health Grades would you ask?

A I honestly can't think of now today anybody at Health Grades that would have that knowledge given the timeframe we're talking about.

Q Well, is there anybody outside Health Grades that would have that knowledge?

A The only names I can think of that may have some of that knowledge would be Scott Montroy or David Hix.

Q Okay. Is David Hix still with Health Grades?

A He is not.

Q He was the -- sorry, there's two Hix, right, one is David Hix, who was the president?

A Yes. I didn't know if you were asking me a question.

Q He was the president. He's no longer with Health Grades?

A Sorry. Let's step back. Mr. Kerry Hix was the former CEO.

Q Okay. I took David Hix's deposition.

A David Hix was the executive vice president and chief information officer.

Q He left Health Grades?

A He did.

Q When did he leave Health Grades?

A I want to say around December 2011, I believe.

Q Why did he leave?

A He retired.

Q Okay. Good for him. All right.

So we were talking about products that were sold to consumers in 2003, and we talked about the PQR. What other products were available in 2003?

A Other than what I have testified to, I can't recall any other products sold to consumers in 2003.

Q Other than the products we've talked about then, the ones that were sold to hospitals and whatever other ones, we talked about the health plans, professional underwriters and consumers, what other products and services did Health Grades provide in 2003, if any?

A Right now I can't think of any others. That's all I can recall at this point.

Q How would we go about finding out whether there were others?

A The only way I can think of is to look back at, you know, some of our revenue reports that would show how we generated revenue to see if there's anything that I'm missing in terms of my recollection.

Q Did you look at any of those revenue reports in preparation for today?

A I did.

MR. VAZQUEZ: Scott, let me just say, I'm okay with him talking about the documents he saw as long as we have an understanding that we're not waiving work-product privilege.

MR. STIMPSON: That's fine.

MR. VAZQUEZ: Or attorney-client privilege. Does that help you out a little?

MR. STIMPSON: That's fine.

MR. VAZQUEZ: Okay.

Q (BY MR. STIMPSON) Did you look at any other -- did you look at any of the revenue reports for 2003 in preparation for this deposition today?

A I did.

Q Okay. Are they still here nearby?

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A No, that's the only entity.
Q (BY MR. STIMPSON) How about AARP?
A I don't recall.
Q Did you do anything to prepare for today to look into AARP and what products and services were offered to AARP by Health Grades?
A I didn't specifically look at anything related to AARP, no.
Q Okay. I guess we went down this line of questions, but we were talking about what was new in 2006. And we had made our way to QRS, which prompted your recollection of the Hewitt. So QRS was -- other than what you did for Hewitt, QRS was basically the same in 2006?
MR. VAZQUEZ: Form.
Q (BY MR. STIMPSON) That's your recollection?
MR. VAZQUEZ: Same.
A I believe that's correct, yes.
Q (BY MR. STIMPSON) Did there come a time when this QRS, the Quality Ratings Suite, contained patient ratings for anyone who was having it?
MR. VAZQUEZ: Form.
A Yeah, sorry if I wasn't clear on that.

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Yes, I believe in 2006 when we -- at least in 2006 when I believe we launched ratings publicly, I believe it was included within QRS in general as well.
Q (BY MR. STIMPSON) Okay. And can you narrow it down to a date in 2006?
A I can't at this time.
Q Can you tell me whether it was the first half of 2006?
A I can't. I don't know.
Q Any other changes to QRS in 2006 you can remember?
MR. VAZQUEZ: Form.
A Not that I can recall.
Q (BY MR. STIMPSON) Were comparison ratings added to QRS in 2006?
A I don't know if they were or not.
Q Did there come a time when comparison ratings were added to QRS?
MR. VAZQUEZ: Form.
A I'm not sure.
Q (BY MR. STIMPSON) So you're not sure whether they were ever added to QRS?
MR. VAZQUEZ: Form.

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A I'm not sure if they were. That's correct.
Q (BY MR. STIMPSON) How about the documents, this is 2006, the documents to professional underwriters for access to ratings, was that still ongoing in the same, basically the same in 2006?
A I believe so, yes.
Q And the PQR in 2006, that changed sometime in 2006, at least sometime in 2006, to include patient ratings, right?
MR. VAZQUEZ: Form.
A I believe it did, correct.
Q (BY MR. STIMPSON) Did that also change sometime in 2006 to include comparison ratings?
MR. VAZQUEZ: Form.
A I don't know the time it changed. I believe by 2006, sometime in 2006 I believe we did offer quality ratings. And I don't know the date it was launched.
Q (BY MR. STIMPSON) My question was about comparison ratings. Do you mean in 2006 you added comparison ratings at some time?
MR. VAZQUEZ: Form.

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A I believe that to be the case, yes.
Q (BY MR. STIMPSON) But you can't tell me whether it was in the first half or the second half of the year?
MR. VAZQUEZ: Same objection.
A I don't recall. I can't tell you, correct.
Q (BY MR. STIMPSON) How about the Nursing Home Quality Reports, did those continue but relatively unchanged in 2006?
A As far as I recall. I don't recall any significant changes.
Q Do you recall any changes to the Nursing Home Quality Report in 2004 to 2006?
A I don't recall.
Q Did there come a time when Health Grades collected patient reviews on nursing homes?
A I don't believe so.
Q Do you recall whether the Nursing Home Quality Comparison Report was available in 2006?
A I believe it was, but I don't recall specifically.
Q Do you recall whether the Nursing Home Quality Comparison Report was available in 2005?

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A I don't recall.
Q Do you recall -- do you know what the Nursing Home Quality Comparison Report contained?
A I believe it contained information such as the star ratings on the comparison -- sorry, on the individual nursing homes that were being compared. And I think there were certain other data elements, but that's -- I certainly believe that the ratings were compared in those comparison reports.
Q And those ratings were still being obtained in the way you were obtaining them in 2004?
MR. VAZQUEZ: Form.
A Correct, through that -- what I believe was the Oscar reporting database through CMS.
Q (BY MR. STIMPSON) How about the Home Health Report, did that change in any way from 2004 to 2006, to your recollection?
A To my recollection, no, not that I recall.
Q Did it change at some time so that it had patient ratings?
MR. VAZQUEZ: Form.
A I don't believe so, no.
Q (BY MR. STIMPSON) How about Connecting Point, did that continue in 2006?

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A It did continue in 2006.
Q Any changes you recall?
A I can't think of any changes to the product, to Connecting Point in 2006.
Q Other than these products we just talked about, the list we went through, any other products and/or services of Health Grades in 2006?
A The only other product I can think of that I believe was in 2006 was a -- it was really a product that was being developed but never really was launched called Healthcare Credit Solutions.
Q What was that?
A It was intended to be a healthcare credit card. So really a credit card that people could use to purchase goods and services.
Q So that wasn't a report. It was just a healthcare card?
A Correct.
Q Any others in 2006?
A None that I can think of, no.
MR. STIMPSON: I'm sorry. I was here very early and I drank too much coffee. Can you give me two minutes?
(Recess taken from 9:58 a.m. to

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10:02 a.m.)
Q (BY MR. STIMPSON) Mr. Dodge, are you familiar with a Physician Quality Guide?
A Yes, that term I'm familiar with.
Q How does a Physician Quality Guide differ from a Physician Quality Report, if at all?
A Well, the Physician Quality Guide was what was offered under QRS to employers. So it's part of that suite of offering to employers and health plans.
Q Okay. What was the Physician Quality Guide?
A It was essentially providing the physician information to employers and health plans who prescribed for that QRS service.
Q How did that information differ from the Physician Quality Report?
A I can't recall. I believe it was more look and feel potentially, but I can't recall today specifically what would have been different.
Q There were differences, though, between a Physician Quality Guide and a Physician Quality Report?
A I think so. Possibly it's the look and feel but, other than that, I'm not sure.

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Q When was the Physician Quality Guide first introduced?
A I believe it was when we introduced the QRS, so certainly -- I believe it was available in some form in 2003.
Q Did the Physician Quality Guide have information provided by healthcare providers?
MR. VAZQUEZ: Form.
A Again, a couple initial questions. What period are we talking about?
Q (BY MR. STIMPSON) Let's start with 2003 and then we'll move ahead.
A And, again, the reason I'm pausing is the products themselves, such as Physician Quality Guide, would not necessarily have ever had any physician information or any information provided from anyone. It was a product based upon data.
Q What do you mean it was a product based upon data?
A I guess what I'm getting back to is just making sure that I'm clear that the products themselves, Physician Quality Guide being one of them, was a product offering that was based upon Health Grades' databases of information.

So my only clarification is that there wouldn't have been anything specifically provided from anyone to the Physician Quality Guide but rather somehow to the databases.

Q I understand. So what you're saying is the doctor doesn't get in and change the Physician Quality Guide. He just changes the data -- he tells you some changes he wants to the database and then Health Grades would make the change to the Physician Quality Guide?

A That's more correct, yes, the database. Whether it was a third party or Health Grades updating the database, it would have changed our databases and then how that was -- how that was then ultimately applied to the different products would have been up to Health Grades ultimately.

Q When was the first time that a Physician Quality Guide included information provided by a healthcare provider?

MR. VAZQUEZ: Form.

A Provided -- can you state that just one more time?

Q (BY MR. STIMPSON) Yeah. When was the first time that a Physician Quality Guide would have

included information from the database that was received by a -- from a healthcare provider?

A And your healthcare provider definition now, is that the broad --

Q Let's leave it that way for now, yeah.

MR. VAZQUEZ: Form.

A Okay. I believe in 2006 it could have been a variant of 2005.

Q (BY MR. STIMPSON) Would that have been with the implementation of Physician Online Services?

MR. VAZQUEZ: Form.

A I mean, certainly it would have had to have been -- I believe it would have been after the implementation of Physician Online Services, but not necessarily directly tied to that offering.

Q (BY MR. STIMPSON) Right. You have to launch Physician Online Services and then instantaneously the doctor hasn't changed it and that information found its way into a report, I understand.

But generally speaking, when Physician Online Services was launched, the intent of Health Grades when launching that service was so that healthcare providers could come in and edit or change

that information and that information perhaps after a vetting process would make it into these reports, right?

MR. VAZQUEZ: Form.

A The intention of launching that service was certainly to help Health Grades review the accuracy of our information. So it was certainly intended to give providers, healthcare providers the ability to review and edit and suggest changes. And at some point Health Grades expected to include the updates or information on the website.

Q (BY MR. STIMPSON) With the launch of Physician Online Services, was Health Grades prepared at that time to introduce those edits into reports?

MR. VAZQUEZ: Form.

A I don't know if we were ready immediately upon launching POS, I don't recall.

Q (BY MR. STIMPSON) Well, I mean, just from public relations and a point of relationship view of physicians, if Dr. Smith gets on and says you've got my address wrong I'm not in Denver, I'm in Boulder, he gets online on Physician Online Services and changes it, it wouldn't be a very good idea for Health Grades to keep that unchanged for a long

period, right?

MR. VAZQUEZ: Form.

A I understand your question. I was just answering your first question that I'm not sure if we were ready.

Q (BY MR. STIMPSON) Well, I mean, I'm just trying to get -- I don't care how we go about it. I'm just trying to get a feel for, you know, how quickly after Physician Online Services were launched that healthcare provider information provided by the healthcare provider made it into the reports of Health Grades?

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) Would it have been within a month?

MR. VAZQUEZ: Same objection.

A Unfortunately, all I can say is my recollection is we launched some of that, I believe, in 2006. Could have been prior. I just don't recall.

Q (BY MR. STIMPSON) Right. But I'm trying to get at the time lag, if any, between when Physician Online Services was launched and physicians could then start adding data, the timeline between

that and that data actually finding it into the reports. Would that have been less than a month?

MR. VAZQUEZ: Form.

A I just couldn't tell you. I don't know.

Q (BY MR. STIMPSON) Would it be less than six months?

MR. VAZQUEZ: Asked and answered. Form.

A I just don't know.

Q (BY MR. STIMPSON) Would it be less than a year?

MR. VAZQUEZ: Same objections.

A I don't know.

Q (BY MR. STIMPSON) Okay. So as we sit here today, you can't tell me when the first time information provided by healthcare providers made it into any Health Grades reports, correct?

MR. VAZQUEZ: Form.

A No, you haven't asked that question. So, no, I don't believe that's true.

Q (BY MR. STIMPSON) Okay. When did information provided by healthcare providers first make it into any Health Grades reports?

A I thought -- I believe by 2006, and I think I previously answered that question.

Q Okay.

A I think it was in 2006. It could have been slightly before, but -- late 2005, but I believe it was 2006.

Q Okay. And do you know what reports that information was first provided into?

MR. VAZQUEZ: Form.

A Again, it would -- it would have been provided into some of the profile information on the website. So, for example, the profiles that were essentially made available for free by hospitals that purchased Connecting Point, there would have been or could have been in some cases enhanced information that was provided by a healthcare provider that would have been on the website and sometime in 2006 under those programs.

Q (BY MR. STIMPSON) Obviously in 2005?

A It's possible at the end of 2005. I just don't recall.

Q And would that information from the healthcare provider have included specialty information in 2005 or 2006?

MR. VAZQUEZ: Form.

A It may have. I don't recall the specific

data elements.

Q (BY MR. STIMPSON) How about medical philosophy? Would that have been information provided by the healthcare provider in 2005 or 2006?

MR. VAZQUEZ: Form.

A It could have been in one of those periods. Again, my recollection would be at the end of '05 or sometime in 2006.

Q (BY MR. STIMPSON) But that was one of the data sets that was -- the physicians could edit or add in whatever the time period, end of 2005 or 2006?

MR. VAZQUEZ: Form.

A The reason I'm pausing is medical philosophy certainly is something at sometime that we did want to put on our site. I don't recall specifically which elements and the time, but I do recall medical philosophy being one. And I believe it was in 2006, but I'm not sure of the timeframe.

Q (BY MR. STIMPSON) Do you recall the first time when healthcare providers who would edit or add gender information that made it into healthcare provider reports?

MR. VAZQUEZ: Form.

A I don't recall.

Q (BY MR. STIMPSON) Do you remember the first time that healthcare providers would have edited or added age information for Health Grades' reports?

MR. VAZQUEZ: Form.

A I don't recall.

Q (BY MR. STIMPSON) Can you narrow those down to a year?

A I can't.

Q Do you know the first time that healthcare providers could edit or add information on their years in profession to Health Grades' reports?

A I don't recall.

Q Can you narrow that down to a year?

A No, I can't.

Q Would your answer be the same for years in practice?

A Yes.

Q Awards?

A Yes, it would be the same.

Q Honors?

A Yes.

Q Professional appointments?

A Yes.

Q Professional memberships?
A Yes.
Q Publications?
A Yes.
Q Languages?
A Yes.
Q Hobbies?
A I'm pausing on that one because I just don't recall if hobbies was something we ever asked for. It may be. I just don't recall that element.
Q So for that list we just went through, as we sit here today, you can't tell me a year when any of that information that was either edited or provided by a healthcare provider made it into any Health Grades report, correct?
MR. VAZQUEZ: Form.
A I don't know specifically what year.
Q (BY MR. STIMPSON) Did the Physician Quality Guide have patient provided information?
MR. VAZQUEZ: Form.
Q (BY MR. STIMPSON) Did there come a time when Physician Quality Guide had patient provided information?
A Yes, there was.

Q And what was the first types and type of patient provided information that made it into the Physician Quality Guide?
MR. VAZQUEZ: Form.
A I believe it was the patient ratings, as we spoke about, the survey information. And I don't know if you just asked the type; that was the type.
Q (BY MR. STIMPSON) Right. And those ratings were obtained from the Health Grades website surveys?
A Yes, they were.
Q And when did that patient provided rating information first make it into a Health Grades report?
A Again, my recollection is 2006. I don't know if it was any time prior.
Q What did you do, if anything, to try to determine that in preparation for today's deposition?
MR. VAZQUEZ: Again, you can tell him -- answer the question what you've done but without divulging our communications.
A Again, I reviewed numerous documents which I described before counsel asked me not to be specific. So, you know, I reviewed numerous

documents to prepare for the topics that I came here to testify to.
Q (BY MR. STIMPSON) So as we sit here today, though, you can't tell me whether it was 2005 or 2006 that patient provided rating information made it into its first Health Grades report?
A I can't tell you specifically when. I've told you that I believe 2006, in that period, they were available. But without documents that you have to show me, I can't say anything more than that.
Q Can you tell me whether it was in the first half of 2006?
A I don't know.
Q How about comparison ratings, when was the first time comparison ratings made it into a Health Grades report?
MR. VAZQUEZ: Form.
A Again, I believe they were available in 2006. I don't recall if they were prior to 2006.
Q (BY MR. STIMPSON) Okay. Do you recall if it was prior to the second half of 2006?
A I don't recall.
Q Did the Physician Quality Guide include information verified by third parties --

MR. VAZQUEZ: Form.
Q (BY MR. STIMPSON) -- in 2005?
MR. VAZQUEZ: Form.
A Yes, it would have.
Q (BY MR. STIMPSON) In 2005 would it have included board certification verified by third parties?
MR. VAZQUEZ: Form.
A Yes, I believe it would.
Q (BY MR. STIMPSON) Licensure?
A I'm pausing. I believe it would have. But there's certain elements I'm sure of, board certification is one. I believe licensure would have been.
Q In 2005?
A Yes.
Q Would the Physician Quality Guide include third-party verified information on disciplinary action in 2005?
MR. VAZQUEZ: Form.
A Yes, it would have.
Q (BY MR. STIMPSON) How about medical schools?
A I believe it would have, yes.

Q Medical internship?
A I believe so.
Q Medical residency?
A I believe so, yes.
Q Medical fellowship?
A I don't know. Don't recall.
Q How about 2006, would it have included fellowship information?
A I don't know.
Q And the Physician Quality Guide was a report that was created and available over the Health Grades website in 2005, right?
MR. VAZQUEZ: Form.
A Yes, it would have been.
Q (BY MR. STIMPSON) The same for 2006?
A Yes.
MR. VAZQUEZ: Foundation.
Q (BY MR. STIMPSON) Are you familiar with a Physician Research Quality Report?
A I am familiar with the term.
Q What was the Physician Research Quality Report?
A To the best of my recollection, it was the same as or similar to the Physician Quality Report.

Q Do you know why it had a different name, Physician Research Quality Report?
A I don't know.
Q As you sit here today, can you tell me any differences between a Physician Research Quality Report and the Physician Quality Report?
A I can't.
Q Do you know when the Physician Research Quality Report was first available?
MR. VAZQUEZ: Form.
A I don't know.
Q (BY MR. STIMPSON) Do you know if the Physician Research Quality Report had patient provided information in 2005?
A Again, I would restate that the ratings information or the patient provided information I believe was launched in 2006. So that would have been in various products. But prior to that, I don't know. And that's what I would say if there was information on ratings in this PRQR, I believe it would have included the patient ratings in 2006.
Q But you're not sure as we sit here today whether the PRQR even had patient ratings?
A I'm not specifically, no.

Q Would the PRQR have had healthcare provider provided information at about the same time other reports would have received that information?
MR. VAZQUEZ: Form.
A I believe it would have if it was -- again, if that data element was included in the PRQR, I believe it would have.
Q (BY MR. STIMPSON) Can you tell me as we sit here today what data elements were available in the PRQR?
A I don't know.
Q How about the Physician Research Comparison Report, do you know that?
A I don't -- I know the term. I've heard the acronym, but I can't tell you the specifics behind it.
Q Do you -- so as we sit here today, you can't tell me anything about what was contained in the Physician Research Comparison Report?
MR. VAZQUEZ: Form.
A No, I can't.
Q (BY MR. STIMPSON) Do you know if it had comparison ratings?
MR. VAZQUEZ: Same objection.

A I don't know.
Q (BY MR. STIMPSON) Do you know when it was launched?
A I don't know.
Q Are you familiar with the Comparative Physician Report?
A I'm not familiar with that term.
Q So as we sit here today, you can't tell me anything about what was contained in anything called a Comparative Physician Report?
A Not without seeing a document with that name on it.
Q Did you do anything in preparation for your deposition to kind of get a list of the products and services that were available at Health Grades prior to August 2006?
MR. VAZQUEZ: Form.
A Again, I went back and looked at numerous documents to review our product offerings and to prepare for the topics that I'm here to testify to.
Q (BY MR. STIMPSON) Right. But did you do anything to ensure that you are aware of the various products and services that were available at Health Grades, all the products and services that were

available at Health Grades prior to August 29, 2006 that provided information on healthcare providers?

MR. VAZQUEZ: Form.

A Again, I believe in my preparation that's exactly what I attempted to do.

Q (BY MR. STIMPSON) What did you do to try to come up with that list?

MR. VAZQUEZ: Well, just again, don't divulge any of our communications in preparation for today. Other than that, answer the question if you can.

A Again, I would repeat I went through numerous documents to review our product offerings to ensure that I could answer your questions.

Q (BY MR. STIMPSON) Did you see the MDx invalidity contentions?

A I don't know that I did.

Q So anyway, back to Comparative Physician Report, you're not familiar with that product at all as you sit here today?

A Well, to be clear, I'm not familiar with the term. The term does not sound familiar to me.

Q So if there was some product or services or service named Comparative Physician Report at

Health Grades prior to August 29, 2006, you're not familiar with that product as we sit here today?

MR. VAZQUEZ: Form.

A Please repeat the question.

Q (BY MR. STIMPSON) So if there was some product or service of Health Grades prior to August 29, 2006 that was named Comparative Physician Report, as we sit here today, you're not familiar with that report?

MR. VAZQUEZ: Same objection.

A I don't know that I would answer yes to that because, again, I think I've testified to the products that were available. If the products that I've testified to were named something different or changed acronyms --

Q (BY MR. STIMPSON) Okay.

A -- I just don't recall all of the changes that the company has had over the years.

Q So just so we can finish this one up, though, I'm just going to ask you what is a Comparative Physician Report?

And you can answer it or not, but I'm just asking you because I've got to go through my list.

So what was the physician -- I'm sorry,

Mr. Dodge. What was the Health Grades Comparative Physician Report?

MR. VAZQUEZ: Form.

A I don't know.

Q (BY MR. STIMPSON) Do you know what the Hospital Quality Report is from Health Grades?

A Yes. I recall that term.

Q What was the Hospital Quality Report?

A Hospital Quality Report was a report that a consumer could purchase on the Health Grades website that would have specific hospital information, such as comprehensive ratings on a specific hospital.

So to be clear, a consumer could access our website and review a search for, say, cardiac services. They could find the hospitals. And they could see what a hospital was rated.

Q Um-hum.

A But if they wanted to have a comprehensive report, so if myself or my wife wanted to know Presbyterian/St. Luke's in Denver, what is the quality by individual service line, this Hospital Quality Report would give you in one report all of that information.

Q When did that first become available?

A I believe that product was available even in 2003.

Q Okay. And did there come a time when ratings for the Hospital Quality Report were obtained from patients?

MR. VAZQUEZ: Form.

A No, I don't believe there did.

Q (BY MR. STIMPSON) Did there come a time when information was provided to the hospital -- for the Hospital Quality Reports that came from healthcare providers, hospitals themselves?

A Again, my pause is there may have been or I suspect the hospital could certainly call Health Grades with corrections or suggested corrections to demographic information, the things of that nature. And it's possible those corrections would have made it into these reports.

Q Do you know when that would have happened the first time?

A I don't know.

Q Do you know if it happened at all?

A I think it has on occasion where a hospital has suggested corrections.

Q Okay. Did the Hospital Quality Report change from 2003 to 2006 in any significant way?

A The only thing I can really think of is, again, it may have included more ratings, different ratings, different therapeutic areas. I can't recall what other differences may or may not have been involved.

Q Are you familiar with the Hospital Quality Guide?

A Yes, I am.

Q Okay. What was the Hospital Quality Guide?

A Again, that was part of the service offering offered within QRS to employers and health plans.

Q Every time I ask a question you stop drinking your water. Don't let me stop you from doing that.

So Hospital Quality Guides were part of QRS?

A That is correct.

Q That would have started, what, 2003, 2004?

A It would have been even beginning 2003, I believe.

Q What was contained in the Hospital Quality Guides?

A It would have had information such as hospital name, address, bed size, hospital ratings, things of that nature.

Q Anything provided by the healthcare provider itself, the hospital?

A Only, again, to the extent that there may have been a database correction that would have then populated into the Hospital Quality Guide.

Q Did it have comparison ratings?

A I don't know.

MR. VAZQUEZ: Form.

A I don't know that it did or not.

Q (BY MR. STIMPSON) Did it have any information provided by patients?

A I don't believe so, no.

Q Are you familiar -- we already talked about this.

What was Physician New Marketing Media?

A Physician New Marketing Media, I believe, was the original name for the product that is Connecting Point that I've identified as Connecting Point.

Q Is there any difference between Connecting Point and Physician New Marketing Media?

A I'm not aware of any. I'm not aware of any.

Q Do you know what the Patient Provider Gateway is?

A It's another name for Connecting Point or Physician New Marketing Media.

Q Any differences at all between Connecting Point and Patient Provider Gateway that you know of?

A Not that I'm aware of.

Q Did Health Grades have any syndicated reports prior to August of 2006?

A Can you explain what you mean?

Q I'm not sure, but I've seen it in some documents. Like service line, patient safety, community hospitals, those sort of things?

A Yes, I believe we did.

Q What types of syndicated reports did you have?

A To be clear, I believe what we're talking about with syndicated reports is when we would provide to a provider, say, a hospital in particular, a report that outlined all of their ratings and

information, we would have similar type reports for nursing homes that we may sell to third parties.

Q Did any syndicated report have ratings provided by patients prior to August 2006?

A Not that I can think of, no.

Q Has Health Grades ever had any sites that are SEO sites?

MR. VAZQUEZ: Form.

A Can you explain what you mean by SEO site?

Q (BY MR. STIMPSON) SEO you understand to be search engine optimization, right?

A I'm familiar with the term, yes.

Q What I mean by SEO site -- well, let me just back up.

Did Health Grades ever create any sites that were designed to help Health Grades increase its SEO placement, other than the Health Grades website itself?

MR. VAZQUEZ: Form.

A I'm pausing. I think there may have been, but I don't recall. There may have been.

Q (BY MR. STIMPSON) Do you know when those were created?

A I don't.

Q Do you know if they still exist?
A I don't know.
Q Are you familiar with the Physician Reports site?
A I am not.
Q What is Patient Provider Direct?
A Patient Provider Direct?
Q Yes.
A I'm not familiar with that specific term.
Q Did Health Grades prior to August 29, 2006 have any premium reports?
MR. VAZQUEZ: Form.
A As I would think of premium reports, and as I interpret that language, it would have been things such as the Physician Quality Reports. Premium being paid for, so my general answer would be, yes, we did have premium reports.
Q (BY MR. STIMPSON) Did you have any premium reports that gave additional information that was not otherwise available in the Physician Quality Reports prior to August 29, 2006?
A Not that I'm aware of, no.
Q Did Health Grades have any other special types of reports other than the one, for example, you

talked about with Hewitt, any kind of special reports that were provided or available to anyone prior to August 29, 2006?
A I mean, that general context, as you've stated it, I would point to, you know, some of the reports we may give to hospitals that detail their individual mortality rates by physician, things that would have been delivered within quality improvement offerings.
So there would have been deliverables to the hospital to help them understand the quality within each of the service lines and categories we rated.
Q Anything else?
A Not that I can think of.
Q What was the Physician Consumer site?
A I'm not familiar with that term.
Q Are you familiar with the term consumer site?
A My familiarity, what I've heard when we talk about the consumer site is typically healthgrades.com.
Q Does it include anything else?
A I'm not sure.

Q I think we've covered this already, but I just want to make sure. We've talked about all these reports from 2003 to 2006.
Can you tell me, Mr. Dodge, when was the first time that any Health Grades report included patient provided information?
A To the best of my recollection, in 2006. And I'm not sure if there was anything prior to that.
Q How do you know it was in 2006?
A Because I remember in 2006 some of the products, such as Connecting Point, I recall did have ratings information, patient experience surveys. And that product really, although it was launched at the very end of 2005, I believe. I know it was in 2006. And I recall the ratings being in that offering or in that expression.
Q To your knowledge, when did Health Grades first disclose the idea of putting patient ratings in healthcare provider reports to anyone in the public?
MR. VAZQUEZ: Form.
A I don't recall.
Q (BY MR. STIMPSON) Well, when you started your -- putting your survey on the Health Grades website, that would have been at least as early as

2005, right?
A I think we had surveys at some point in 2005 that were available, yes.
Q Okay. And when you were putting that on the website so patients could fill out the surveys, you advised the patients that the idea behind this is we're going to provide ratings on our healthcare providers, right?
A I don't know what was communicated. I don't recall how we communicated how the information would be used.
Q Is it fair to say that at least as early as 2005 Health Grades was communicating to the public that it intended to put healthcare provider ratings available on its website?
MR. VAZQUEZ: Form.
A I'm not sure.
Q (BY MR. STIMPSON) Do you have any reason to doubt that?
A I just can't answer it. I don't know.
Q When Health Grades contacted -- well, when Health Grades put on its website the surveys for patients to fill out, was there any confidentiality restrictions?

Office information on competitor websites, like Vitals.com?

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) Let me back up, then. Were you aware that during patent prosecution information on competitor websites, including Vitals, was disclosed to the Patent and Trademark Office?

A I'm not sure I was aware specifically that competitor websites were disclosed.

Q Did you read the office actions and responses that were submitted to the Patent and Trademark Office?

A I'm not really familiar with the term office action. I've read documents but I mean --

Q Well, I mean during patent application you submit an application and the Patent Office comes back and will usually reject the application for whatever reason. Then the patent applicants will file a response. There's some back and forth and then eventually the patent is either finally rejected or issued.

When I refer to an office action, I'm referring to communications from the Patent Office. Did you read communications from the Patent Office in

connection with the application that led to the '060 patent?

A I certainly did at the time when those were filed.

Q Did you discuss them with the inventors?

A I don't recall.

Q Did you discuss them with outside counsel?

MR. VAZQUEZ: Form.

A I did discuss -- I know I had some discussions with our patent prosecution counsel.

Q (BY MR. STIMPSON) Do you know if you discussed with them the communications from the Patent and Trademark Office?

A I don't recall specifically.

Q Were you involved at all in drafting responses to the office action, to the communications with the Patent Office?

A I don't recall if I was. I don't believe -- yeah, I don't recall.

Q Do you remember if you reviewed draft responses to the communications from the Patent Office?

A I believe I did given my involvement, but I don't recall.

Q Were the inventors also involved in reviewing those documents?

A I believe they were, but I couldn't state specifically.

Q If you want to take a break, that's fine. I had my little mini break.

A Are you sure?

Q Sure.

(Recess taken from 10:49 a.m. to 11:01 a.m.)

Q (BY MR. STIMPSON) Mr. Blackman (sic), did you read any of the declarations -- I'm sorry.

A Sorry, I didn't mean to laugh.

Q That's all right.

Mr. Dodge, did you read any of the declarations of the inventors in connection with the patent prosecution of the '060 patent?

A I don't recall.

Q Can you tell me why the Physician Quality Reports from 2005 and 2006 were not disclosed to the United States Patent and Trademark Office?

A I'm not aware if they were or they weren't, so I don't know.

Q Would your answers be the same for all the

other reports we've talked about?

A Yes, I believe it would.

Q When did Health Grades first have comparison ratings in any Health Grades report?

MR. VAZQUEZ: Form.

A I don't recall when we specifically started having comparison ratings in our reports.

Q (BY MR. STIMPSON) Can you narrow it down to a year?

A I believe -- again, I'm pretty confident in 2006. And it could have been prior, but I'm just not sure.

Q When did Health Grades first disclose to anyone outside of Health Grades the idea or concept of having comparison ratings in a report?

MR. VAZQUEZ: Form.

A I don't know.

Q (BY MR. STIMPSON) Do you have any -- can you narrow it down to a year?

A I can't. I don't know.

Q Can you tell me any -- whether there were any such disclosures before Health Grades first used comparison ratings in reports?

MR. VAZQUEZ: Form.

A I can't tell you because I don't know.
Q (BY MR. STIMPSON) Okay. When was the first time that Health Grades had any web page that showed ratings of multiple providers?
MR. VAZQUEZ: Form.
A I'm thinking about your question because when you say a web page, so when on an individual web page?
Q (BY MR. STIMPSON) Yeah, any page of Health Grades' website ever in any format, when was the first time that Health Grades had ratings of two or more healthcare providers, whether it's hospitals or physicians or whatever, on the same page?
MR. VAZQUEZ: Form.
A I'm not sure when that would be.
Q (BY MR. STIMPSON) Would it have been -- can you narrow it down to a year?
A I can't.
Q Can you tell me if it was before 2006?
A I'm not sure. I don't think so, but I'm not sure.
Q Did Health Grades ever do any deals with Rocky Mountain News?
A I don't believe so.

Q Did Health Grades ever disclose to Rocky Mountain News or offer to Rocky Mountain News healthcare provider reports?
A When you say offer to Rocky Mountain News, can you explain what you mean?
Q Sure. Did Health Grades ever discuss the possibility of Health Grades providing products and/or services to Rocky Mountain News?
Let's start there.
A Not that I can recall.
Q So as far as you know, Health Grades has never discussed or provided the idea of products and/or services being given to Rocky Mountain News?
A Given to Rocky Mountain News, not to my knowledge, I don't recall.
Q Were there any discussions with Rocky Mountain News and Health Grades that you recall?
A I do recall --
MR. VAZQUEZ: Form.
A I do recall some discussions with Rocky Mountain News.
Q (BY MR. STIMPSON) What were those discussions?
A The best of my recollection, Rocky

Mountain News was interested in Health Grades as a company and wanted to look at physician information, I think our entire website, and look at what we were doing that may be interesting from a consumer perspective.
Q What was Rocky Mountain News?
A Rocky Mountain News was one of Denver's newspaper agencies until it folded several years ago.
Q So they were interested in perhaps providing to consumers some of the information from the Health Grades database?
A No, that's not correct.
Q What were they -- what was their interest, to the extent you know?
A My recollection is they were interested in doing some type of article on consumers being able to access healthcare information in general on the web.
Q Did that ever happen?
A I think they did -- they did write an article ultimately at some period; I just don't recall when.
Q Did Health Grades provide them with any information?
A I don't recall if we did or not.

Q Do you remember if any discussions with Rocky Mountain News -- did you actually meet with Rocky Mountain News?
A I did not.
Q Do you know if any of the discussions with Rocky Mountain News included anything about patient provided information?
A I don't know.
Q Did Health Grades have any reports prior to August 29, 2006 that included hyperlinks to other destinations?
MR. VAZQUEZ: Form.
A So can you restate that, one more time, to make sure I understand?
Q (BY MR. STIMPSON) Sure. Did Health Grades have any reports, any of these types of reports we've been talking about, prior to August 29, 2006 that included hyperlinks?
A I'm sorry, I don't want to misunderstand your question. To anyone outside of Health Grades?
Q No, let's just start with even within the Health Grades website -- let me rephrase the question so it's clear.
Prior to August 29, 2006, did Health

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Grades have any reports or services that included hyperlinks to anywhere?

MR. VAZQUEZ: Form.

A I'm struggling with the timeframe, but it's, hyperlinked, is pretty common. So I think we may have had some, but I can't tell you specifically.

Q (BY MR. STIMPSON) Hyperlinks were very common back in the early 2000s, right?

A Well, again, within pages, whether it's your own website, sometimes outside, they can be utilized.

Q And that was the case in the early 2000s, right?

MR. VAZQUEZ: Form.

A I don't know. In early 2000s, yeah, I'm not sure.

Q (BY MR. STIMPSON) How about 2004?

A Again, I mean, I think hyperlinks were utilized certainly. I don't know whether they were commonplace or not.

Q Prior to August 29, 2006 did Health Grades have any reports that included hyperlinks to third parties, websites to third parties?

MR. VAZQUEZ: Same objection.

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A I don't recall.

Q (BY MR. STIMPSON) Did there come a time when Health Grades started including hyperlinks in their reports to affiliated hospitals, medical centers, or other types of treatment centers?

A And I'm trying to be really clear on your question. So to those third parties?

Q Correct.

MR. VAZQUEZ: Same objection.

A I'm not sure if we did provide or have provided links to those third parties outside of Health Grades.

Q (BY MR. STIMPSON) So as you sit here today, you're not familiar with any hyperlinks to any third parties that Health Grades attached reports?

MR. VAZQUEZ: Form.

A I'm just not aware if we do or don't.

Q (BY MR. STIMPSON) Okay. Or if you did, past tense as well?

A Correct.

Q The reports we talked about earlier, the Physician Quality Report and the other reports we talked about, they had -- you could obtain those reports through a predetermined web page, Health

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Grades' web page, right?

A I'm not sure if I'm clear on that question. So --

Q Well, these Physician Quality Reports and other reports we talked about consumers could be paying these -- I'm sorry. It's not clear because I'm not making it clear. Let me start again.

These reports that consumers would get in the 2005, 2006 timeframe from Health Grades, they would go to a predetermined web page of Health Grades in order to get those, right?

MR. VAZQUEZ: Form.

A I guess I'm just not clear with what that means by a predetermined web page. I'm just not familiar with the term.

Q (BY MR. STIMPSON) Well, healthgrades.com?

A Healthgrades.com was our website, yes.

Q That's where consumers would go to collect these reports in 2004, 2005, 2006, right?

MR. VAZQUEZ: Form.

A They would go to the website during that period and they would request a report.

Q (BY MR. STIMPSON) And that web page would provide search capabilities for the Health Grades

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database that was -- that had the healthcare provider information, right?

MR. VAZQUEZ: Form.

A I'm sorry, can you restate that question again?

Q (BY MR. STIMPSON) Sure. That web page would have search capabilities for consumers to search healthcare provider information, right?

MR. VAZQUEZ: Form.

A Can you tell me what page you're referring to when you say that web page?

Q (BY MR. STIMPSON) Well, the one wherever consumers were going. You said it was healthgrades.com, right?

A Again, I think my testimony was healthgrades.com. They would request a report and if they purchased a report, they would receive that report from Health Grades.

Q We're talking about the 2004, 2005, 2006 timeframe, the consumers would get on the Health Grades website, right?

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) I'm just trying to break it into bits, that's all.

They would get on the Health Grades website, right?

A That's correct.

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) And on the website there were search capabilities, right?

MR. VAZQUEZ: Form.

A So once a consumer came to the site before they had purchased a report --

Q (BY MR. STIMPSON) Yes.

A -- they had the ability if they would like to search the Health Grades website.

Q Okay. And those search capabilities would allow them to search information on healthcare providers, right?

MR. VAZQUEZ: Form.

A They could do searches for hospitals, nursing homes, other physicians, other types of providers, correct.

Q (BY MR. STIMPSON) Okay. And did those search capabilities allow the users to search for healthcare providers based on name?

MR. VAZQUEZ: Form.

A I don't recall if they did or not.

Q (BY MR. STIMPSON) Did they allow -- did there come a time when the Health Grades website did allow users to search for healthcare providers based on name?

MR. VAZQUEZ: Form.

A Yes, they can. There did become a time when they could.

Q (BY MR. STIMPSON) And do you know when that was?

A I don't recall the time.

Q Can you narrow it down to a year?

A I can't.

Q Did there come a time when the search capabilities on the Health Grades website allowed searching by medical specialty?

A Yes.

Q Do you know when that was?

A I don't know.

Q Was it 2006 or earlier?

A I don't know.

Q What about searching by gender, do you know when those search capabilities were first available on the Health Grades website?

A I'm not sure.

Q Again, can you tell me whether it was 2006 or earlier?

A I can't.

Q Would your answer be the same for searching by city or state?

A Yes, it would.

Q Would your answers be the same by searching for procedure?

A Yes, it would.

Q Would your answers be the same by searching by diagnosis?

A I'm pausing because, again, when Health Grades has offered hospital information and hospital ratings, and I know when someone came to the site, they could search for cardiac care and try to view cardiac care.

Q Was that in the 2004, 2005, 2006 timeframe?

A I believe so, yes.

Q So that would be like a medical specialty then?

MR. VAZQUEZ: Form.

A I'm struggling with specialty. There's many connotations. What I'm speaking of is more like

a -- more of a therapeutic area. I'm not sure if that's synonymous or not.

Q (BY MR. STIMPSON) Okay. But certainly in the 2004, 2005, 2006 timeframe users could get on the Health Grades website and search for cardiac doctors?

MR. VAZQUEZ: Form.

A I'm not sure how they could search. I think there was some search capability. I just don't recall what that capability would have been.

Q (BY MR. STIMPSON) In the 2004, 2005, 2006 timeframe, after the searching would a results list appear?

MR. VAZQUEZ: Form.

A I believe so.

Q (BY MR. STIMPSON) Okay. And that results list would include one or more healthcare providers that satisfied the search criteria, right?

MR. VAZQUEZ: Form.

A I believe it would include a list of providers related to the search.

Q (BY MR. STIMPSON) And in the 2004, 2005, 2006 timeframe -- well, let me change that question.

Did there come a time when Health Grades included advertisements for healthcare providers in

results lists?
A I believe so, yes.
Q And do you know when that was?
A I believe, again, in 2006.
Q Do you know what time in 2006?
A I don't know specifically what time.
Q Would it have been in 2005 as well?
A I don't know.
Q Did there come a time when Health Grades added hyperlinks to information on healthcare providers in their results list?
MR. VAZQUEZ: Form.
A Repeat that one more time.
Q (BY MR. STIMPSON) Did there come a time when Health Grades added hyperlinks in their results lists to information on healthcare providers?
MR. VAZQUEZ: Same.
A I believe so, yes.
Q (BY MR. STIMPSON) That would have been available in 2004, 2005, 2006, right?
MR. VAZQUEZ: Form.
A I don't know what time period that would have been available.
Q (BY MR. STIMPSON) Well, I mean at the

very least 2004, 2005, 2006 when you get the results list, you could click on a doctor and that was sort of hyperlinked to the report, right, or to the ability to purchase the report, right?
MR. VAZQUEZ: Form.
A I believe that would be true, correct.
Q (BY MR. STIMPSON) Did there come a time when Health Grades allowed healthcare providers to become members of Health Grades?
MR. VAZQUEZ: Form.
A I'm not sure.
Q (BY MR. STIMPSON) Do you know what I mean by member of Health Grades?
A I don't know.
Q Did there come a time when Health Grades allowed healthcare providers to have any kind of special treatment, no matter whether it's called member or whatever, by paying extra money?
MR. VAZQUEZ: Form.
A So as part of the Connecting Point program, similar to Google and other types of providers -- or I should say maybe Internet service provider is a good term, Health Grades would allow certain physicians to show up as banner-type

advertising in search results.
Q (BY MR. STIMPSON) Sort of enhanced services for those physicians who would pay for a service, right?
MR. VAZQUEZ: Form.
A Well, to be clear, typically it was the hospital that was paying that service to us. Could have been physician practices or individual physicians, though.
Q (BY MR. STIMPSON) Do you know whether in 2005 any physicians had received enhanced services through this Connecting Point?
A I'm not sure in 2005.
Q How about 2006?
A I believe, yes, in 2006 they would have.
Q Early 2006?
A I'm not sure when in 2006.
MR. VAZQUEZ: Scott, can we take a quick two minutes?
MR. STIMPSON: Yeah.
(Recess taken from 11:20 a.m. to 11:25 a.m.)
Q (BY MR. STIMPSON) Mr. Dodge, do you know what a patient experience tool is?

A I'm not familiar with that specific term.
Q Did there come a time when Health Grades included in its reports favorable positioning results lists for physicians?
A Again, I would say as part of the Connecting Point program in 2006, I believe.
Q My notes earlier today say Connecting Point was 2005.
A That's right, we did again at the end of 2005, you're right, that we did launch Connecting Point. So the enhanced listings probably were at the end of 2005.
Q Okay. Do you know Dr. Drucker?
A I do know Dr. Drucker.
Q When did you first meet Dr. Drucker?
A I don't recall when I first met him.
Q Would it have been in early 2000s?
A I don't think so.
Q Before 2005?
A I don't know when I first met him.
Q What is Health Grades' relationship with Dr. Drucker?
MR. VAZQUEZ: Form.
A I don't know that Health Grades has a

Do you have any reason to believe that the format we see here of this Physician Quality Report was different than the Physician Quality Reports that were available to the consumers in 2003?

MR. VAZQUEZ: Form.

A I don't. I just don't know.

MR. VAZQUEZ: Scott.

MR. STIMPSON: Sure.

MR. VAZQUEZ: I think this report or Exhibit 21 used to have five reports in it.

MR. STIMPSON: Did it?

MR. VAZQUEZ: I'm not sure this Exhibit 21 is complete.

MR. STIMPSON: Well, if that's the case, we'll have to remark it, but I've put on the Bates numbers so we know what we're talking about.

MR. VAZQUEZ: Sure.

MR. STIMPSON: Okay. Thank you. I think you might be talking about Exhibit 8.

MR. VAZQUEZ: Okay. I might.

MR. STIMPSON: Anyway, if it's wrong it's wrong. We know what Bates numbers we've got in front of us anyway.

MR. VAZQUEZ: Right.

Q (BY MR. STIMPSON) Would you look to page 8977. Do you see the Bates number in the bottom right it has Quality Ratings for Affiliated Hospitals?

A I see the caption.

Q Do you see that the various hospitals and various categories have star ratings?

A I see the star ratings, yes, for various hospitals on this report on the next couple pages.

Q Do you have any reason to believe that these star ratings were not available to the public in Physician Quality Reports in 2003?

A I don't.

Q And if this is, in fact, the form that the Physician Quality Reports had in 2003, then we can say that as of 2003 there were comparative -- comparison ratings of healthcare providers in this Physician Quality Report?

MR. VAZQUEZ: Form.

A How I would answer that is there appear to be comparative ratings for hospitals. And in this case, there are four hospitals listed. So there appear to be comparative ratings for different specialties for specific hospitals.

Q (BY MR. STIMPSON) Right. So, for example, you could look at John F. Kennedy Memorial Hospital, medical cardiology under survival had three stars. You can see on the next page Lakewood Regional on that same topic only had one star, right?

A Yes, I do see that, that's correct.

Q If you could please turn to the next report, which is at page 987. I think you've already had a chance to flip through that, go ahead if you want to. I'm just going to ask you whether this refreshes your memory about Comparative Physician Reports.

MR. VAZQUEZ: Form.

A It does a bit, yes.

Q (BY MR. STIMPSON) So were these Comparative Physician Reports available to the public at least as early as 2003 from Health Grades?

MR. VAZQUEZ: Form.

A Again, I don't know specifically when these reports -- I mean, I can see the date, but I don't know when they were available to the public.

Q (BY MR. STIMPSON) Do you know the sources of information if they're Comparative Physician Reports?

A I believe pieces of them, if we walk through them, I may. Some I don't know specifically.

Q Well, let's just -- education and training, you see medical schools. Do you know where that information was obtained for the Comparative Physician Reports?

MR. VAZQUEZ: Form.

A I don't.

Q (BY MR. STIMPSON) How about residency?

A I don't.

Q Fellowship?

A No, other than reading a caption we can all read, that reads in brackets, ABMS data will be used here in the future, although the rest of the information is blank.

Q Okay. How about licensure?

A I believe this did come from the state medical boards.

Q Okay. How about years since medical school?

A I don't know.

Q How about professional misconduct, page 991.

A So to be clear, as I look at this

report -- so a couple things. As you look at the professional misconduct section, we have a list of physicians and a designation which appears to be yes or no. And yes in answer to the question do these physicians have any professional misconduct.

And my recollection is the way Health Grades would be able to populate that answer as to yes or no would be from information that was received from the state medical boards.

Q Okay. How about board certified?

A I know there were a few places at different points of time that reports were offered that Health Grades received board certified information. My recollection is that ABMS, which I believe is the American Board of Medical Specialties, is where we received most of that board certification. There may have been a few other agencies like that.

Q Okay. Any information in this report that would have been received from the healthcare providers?

A Let me flip through the remaining real quickly.

No, I don't believe so, no.

Q Let me show you what has been marked as Exhibit 49. This is a multipage document bearing Bates numbers HGMKEES 022569 to 22574.

MR. STIMPSON: Jesus, do you know what this designation is, Health Grades MKES?

MR. VAZQUEZ: Yes, that stands for HG is Health Grades Montroy key words e-mail server.

MR. STIMPSON: Okay. Thank you.

MR. VAZQUEZ: There's another one that has FS, that would be the file server.

MR. STIMPSON: Okay. Thank you.

Q (BY MR. STIMPSON) Can you identify this document for us, please?

A This appears to be a Health Grades patient experience survey, questionnaire.

Q And this was what was put on the Health Grades website to solicit feedback from patients?

A I believe so, yes.

Q Do you see the top box there -- this was, by the way, prepared and kept in the ordinary course of business in Health Grades, right?

A I believe it to be.

Q In the top box it says, Health Grades will not share your information with anyone without your

express desire and authorization. Your physician will not know you are completing this survey.

That's what you talked about a little earlier today where you told them, basically assured them, the patients, that you would not share this information with their physicians and their personal information would be kept confidential, right?

A A little bit differently. My testimony was more around the privacy policy and user agreements. I wasn't aware there was this statement in the survey in front of me.

Q Okay. Look to page 572, please. Do you see there at the bottom there's a copyright date of 2004?

A I see that.

Q Does that help refresh your memory as to when these patient experience surveys were placed online?

MR. VAZQUEZ: Form.

A It doesn't.

Q (BY MR. STIMPSON) As we sit here now with this document in front of us, can you tell me when these were first made available on the Health Grades website?

A I can't.

Q Can you tell me whether it was at least 2005?

A I can't.

Q On that same page it says, Thank you for taking our patient experience survey. By completing the survey, you authorize us to include your responses in the survey results.

Did I read that correctly?

A Yes, you did.

Q And so whenever this survey was placed on the Health Grades website, the patients were told the idea here is we're going to collect these survey results and include them in with survey results from other patients, right?

A No, I don't agree with that statement.

Q Okay. What's wrong with it?

A Well, there are numerous statements such as this that you can find in user agreements or privacy policies that reserve the right to do certain things. There is nothing here that definitively states that we will publish the results. It just gives the release by the patient that we can if we so choose.

Q So the idea, the concept of including this patient's answers with the results from other patients is disclosed here, right?

MR. VAZQUEZ: Form.

A Sorry, say that one more time.

Q (BY MR. STIMPSON) Yeah. The idea, the possibility that this survey result might be included with others and published is disclosed here, right?

A That's true. That's possible, yeah, that's true.

Q If you could turn to the next page, 573. The second paragraph refers to JDPA's survey. What is that?

A JDPA is JD Power & Associates.

Q And what was their survey?

A I didn't read this part. If you don't mind.

Q Sure, that's fine.

A I've read this. I'm not really sure what the intention was with the JD Power survey or this document.

Q If you turn to the next page, the paragraph number 1. This survey will replace the JDPA survey.

Do you see that?

A I see that statement at the time.

Q Does that indicate at some point Health Grades was getting survey results from JDPA?

MR. VAZQUEZ: Form.

A I don't know. I don't have a context to really understand this document.

Q (BY MR. STIMPSON) So overall this document Health Grades copyrighted in 2004, this still doesn't help you place when the Health Grades survey was placed online?

A It doesn't.

Q I show a one-page document marked Exhibit 25, HG 0120457. Please take your time and look at that, Mr. Dodge.

A Okay. I've read through the document.

Q This is an early February 2004 e-mail from Dave Hix to various people, including yourself?

A Yes.

Q Prepared and kept in the ordinary course of business at Health Grades?

A I believe so, yes.

Q And the first line says, Here is a brief summary of where we are with our products, plural,

related to patient satisfaction.

Do you see that?

A I see that statement.

Q Do you know what products Health Grades had as of this time related to patient satisfaction?

A I don't.

Q The subject line says Additional Patient Sat points. What does that mean?

A I can only read that to read additional patient satisfaction points, but I don't know.

Q The first paragraph number 1. We have roughly 50,000 questions and answers since about 1999.

Do you know whether Health Grades had questions and answers on patient satisfaction since about 1999?

A I don't.

Q Do you have any idea where those 50,000 questions and answers would have come from?

A No, I don't.

Q Paragraph 2, partners such as Discovery Health are currently using our survey instrument. What was Health Grades' survey instrument as of this time?

A Well, again, I'm not sure of the time period where our survey instrument was published, but in the document we just covered it appeared to be our patient experience survey. I'm not sure if it's referring to the same survey, but that's the only survey I recall.

Q That was Exhibit 49, just so we know what we're talking about?

A Correct, the first part of Exhibit 49.

Q When it says Discovery Health is currently using our survey instrument, first of all, who is Discovery Health?

A The only recollection I have of Discovery Health is they may have been a content partner at some point.

Q What do you mean a content partner?

A Where Health Grades may have passed certain information to Discovery Health.

Q Do you have any idea of why Discovery Health would have been using your survey instrument?

A I don't.

Q Does this indicate, therefore, that at least as early as early 2004 someone, whether it was Discovery Health or Health Grades, was using your

survey instrument to collect data from patients?
A I don't know.
Q Do you know what other partners were using your survey instrument at the time?
A I don't know if any were, so I don't know.
Q It says below that, Patient's Choice, a corporate services client, wants ANY, and that's all capitals, patient satisfaction instrument as part of their site. We have scheduled the start of this project on February 15 and completion first of March.
Do you remember that?
A I don't.
Q Do you know whether Patient's Choice used your patient satisfaction instrument?
MR. VAZQUEZ: Form.
A I don't know.
Q (BY MR. STIMPSON) Number 4 says, Janet's analysis. Who is Janet?
A I believe that's referring to Janet Burkhard, the second person in the to line of the e-mail.
Q Who was she?
A Janet at the time was I believe a vice president. So, yeah, that's -- she was a Health

Grades employee.
Q So is it fair to say then that Janet had determined that patient satisfaction ratings weighed heavy in the decision-making process for consumers?
MR. VAZQUEZ: Form.
A I don't -- yeah, I can only read this statement as it's written as to Dave believed Janet's whatever analysis she did revealed. And that was the consumer experience, whatever she means by that, weighs heavy in the decision-making process.
Q (BY MR. STIMPSON) Do you know if anyone ever did any studies to find out whether comparison ratings weighed heavily in consumers' minds?
MR. VAZQUEZ: Form.
A I don't know.
Q (BY MR. STIMPSON) Do you have any evidence that comparison ratings weighs heavily or lightly in consumers' minds in determining physicians?
MR. VAZQUEZ: Form.
A I don't know one way or the other.
Q (BY MR. STIMPSON) 6 says, Fairly direct correlation between the GE questions.
What were the GE questions?

A I don't know.
Q Number 7 says, Hewitt is looking at this as a strategic item in 2005.
Did I read that right?
A You did read that statement correctly, yes.
Q So does that help with your memory as to when Hewitt and Health Grades worked on their customized QRS?
MR. VAZQUEZ: Form.
A It doesn't, I mean, as I testified previously is my recollection.
Q (BY MR. STIMPSON) Let me show the witness what has been previously marked as Exhibit 46. It's a multipage document bearing Bates numbers HGMKFS 098307 to 325. Take a look at that, please, Mr. Dodge.
(Discussion off the record.)
Q (BY MR. STIMPSON) I'm going to ask about specific pages. You don't have to read the whole thing in detail if you don't want to.
A Okay.
Q This is a project development plan for the consumer site for Health Grades, correct?

A It's a project development plan, yes.
Q Do you see consumer site up here?
A Yeah, I see the notation consumer site and I see a project name associated with this. So yes.
Q This is dated April 15, 2004?
A Yes, it is.
Q Did you look at any of these project development plans in preparation for your deposition?
A I don't believe I did.
Q Did you -- have you seen project development plans before?
A I believe I have on occasion over the last 15 years.
Q Do you see this one talks about project overview. The project name is Patient Satisfaction Survey - Consumer Site.
I believe you testified earlier that you recall a patient experience survey, although I may have that backward. Was it a patient experience survey you remembered or the patient satisfaction survey that Health Grades did?
A My recollection, I believe we were talking about terminology. And I was trying to distinguish between what my understanding of the terms between

patient satisfaction and patient experience were.

My recollection of the Health Grades tool, I always remember thinking about it or hearing about it as patient experience.

Q Does this also help refresh your memory that they also had a patient satisfaction survey?

A I'm not sure they're not synonymous because there are explanations in here that also state patient experience. So it may be nomenclature. I'm not sure.

Q Do you know what phase I or phase II was in regard to the patient satisfaction survey?

A I don't know.

Q Can you look at page 312, please. In box 4 it talks about search results page.

A I see that at the top of the page.

Q To the right there you see a sample search results.

A It's hard to read, but I do see a screen shot.

Q Yeah. Do you know what that middle column is between the doctor's name and the add to cart?

A I don't know.

Q How about the section 6 there, If the

patient satisfaction report is selected, then user is directed to next screen. And this says, View your reports.

Do you know what that is referring to there on the side of the checkmarks?

A I don't know.

Q Do you know if patient satisfaction results were available as of April 2004?

A I don't know.

Q I'm going to show you what has been marked as Exhibit 26, please. This is a multipage document bearing Bates numbers -- actually, it's cut off on the first page. I think it's HG 0042042 to 44. This is an e-mail from Scott Montroy dated May 11, 2004?

A That's what it states, yes.

Q Prepared and kept in the ordinary course of business?

A I believe so.

Q So as of May 2004 we can tell that the Physician Online Services phase II was in progress, correct?

MR. VAZQUEZ: Form.

A Let me read through this briefly.

I'm not sure I could agree or disagree

with your statement.

Q (BY MR. STIMPSON) Anyway, Scott Montroy was one of the lead people helping with the Physician Online Services, right?

A I believe he was, yes.

Q And he's providing a rough cut of the fields and content they wanted to collect from physicians?

A That's what the first statement of the e-mail reads.

Q And the last sentence says, We are trying to fast track this project, so a quick response is desired.

Did I read that correctly?

A Yes, that statement appears here.

Q Does this help refresh your memory as to when Physician Online Services went online?

MR. VAZQUEZ: Form.

A It doesn't.

Q (BY MR. STIMPSON) Can you say at least that as of early 2005 Physician Online Services would have been available?

A I can't one way or the other.

Q And the second and third pages of this

document, are these consistent with your recollection of the types of data that were obtained from physicians through Physician Online Services?

A I can't respond globally. I don't know if all these fields are those that we've asked for physicians to respond to. There's a lot of fields here.

Q Right. I'm going to show you a one-page document marked Exhibit 27 bearing Bates number HG 0040238. This is a May 25 e-mail from Scott Montroy regarding the official launch of Physician Online Services, correct?

A That's what the e-mail title is in the subject line, yes.

Q So it's two weeks after the e-mail we just saw, Exhibit 26. And it's prepared and kept in the ordinary course of business, right?

A I believe it was, yes.

Q And this confirms the official launch of Physician Online Services in May of 2004, correct?

A Let me just read the e-mail.

It appears to announce the launching of the Physician Online Services, yes.

Q So as of May 25, 2004, physicians and/or

their office administrators could correct, add, or delete information on the physician profiles, correct?

MR. VAZQUEZ: Form.

A I believe they -- I don't know if that statement is accurate or not.

Q (BY MR. STIMPSON) You mean because they didn't really go down the profile to change it themselves. They changed something in the database and then Health Grades would then put it on the profile?

MR. VAZQUEZ: Form.

A I agree with the first part of that. I don't know either way whether they did or didn't populate any corrections made by the physician immediately. I just don't know how that process worked or the timing worked.

Q (BY MR. STIMPSON) So this was May 25, 2004. Given that Physician Online Services was launched as of that time could we say with some certainty that physician provided information was in the Physician Reports sometime in 2004?

MR. VAZQUEZ: Form.

A I don't know one way or the other.

Q (BY MR. STIMPSON) Well, wouldn't that make sense to you if physicians could get in on May 25, 2004 and make edits that sometime within the next several months those edits would have made their way to some profiles?

MR. VAZQUEZ: Form.

A I just don't know what the timing would have been.

Q (BY MR. STIMPSON) I understand. I'm just asking for your best understanding as we sit here today. In fact, if you look at this e-mail, the second paragraph says -- it refers to a campaign to improve our relationship with the physicians.

Do you see that?

A I do see that.

Q And don't you think physicians would have been upset had they been able to tell Health Grades about edits that were needed to their profiles and Health Grades then not make those changes for many months?

MR. VAZQUEZ: Form.

A I think physicians would certainly have wanted information corrected if they submitted it. I would agree with that.

Q (BY MR. STIMPSON) And as quickly as possible, correct?

MR. VAZQUEZ: Form.

A I would think the physicians would want that, yes.

Q (BY MR. STIMPSON) So you're still not willing to agree with me that at least sometime in 2004 physician provided information was in the Physician Reports?

MR. VAZQUEZ: Form. Argumentative.

A I just don't know one way or the other.

Q (BY MR. STIMPSON) How about 2005?

MR. VAZQUEZ: Same.

A Again, I would just be speculating. I just don't know.

Q (BY MR. STIMPSON) Let me show you a two-page document bearing Bates numbers HG 043786 to have 787, Exhibit 29.

A Okay, yes.

Q This is an August 16, 2004 e-mail from Dave Hix to Health Grades senior management?

A That's what it says.

Q Kept in the ordinary course of business?

A I believe so, yes.

Q You would have received a copy of this e-mail as Health Grades senior management?

A Yes, I would.

Q And Mr. Hix has put together a rough timeline to develop and implement a new patient experience survey and the results.

Did I read that right?

A That's what it states here, yes.

Q And those are the experience surveys that we saw back in Exhibit 49?

A I believe so.

Q If you look to the second page of this document, Exhibit 29, you can see that the timeline has as of September 30, 2004 to build results display application and database.

Did I read that correctly?

A You did.

Q Do you have any reason to believe -- do you know what that means build results display application and database?

A I don't.

Q Then as of October 15, 2004 the timeline has to e-mail all report purchasers.

Do you know what that meant?

A I don't know.
Q Well, it seems to be saying that the people who have previously purchased reports from Health Grades are going to be e-mailed about this patient experience -- these patient experience results, right?
MR. VAZQUEZ: Form.
A I can't agree or disagree with you. I don't know what that means.
Q (BY MR. STIMPSON) Does this indicate to you that sometime in 2004 the patient experience results were available online at Health Grades?
A It doesn't. I don't know one way or the other.
Q Well, certainly as of August 2004 the predictions were and Health Grades senior management was advised of this, that within two months the survey results were going to be available, right?
MR. VAZQUEZ: Form.
A No, I disagree. I don't know that it states that or it doesn't state that. You're interpreting it. I can't interpret what this says.
Q (BY MR. STIMPSON) So with this document in front of you, Mr. Dodge, can you tell me even

within a year of when the experience survey results were available on Health Grades' website?
A Again, not specifically to this document, but I think I've already testified that I believe they were available in 2006, but that's the best of my recollection. I can't remember anything other than that.
Q But you just mean that you know they're available in 2006 but you don't know when they first became available, right?
A That's true, that's my first recollection of when they were available.
Q Could it have been 2004 based on this e-mail?
A This e-mail doesn't tell me one way or the other. It doesn't change my view or inform me either way.
Q Do you know what Mr. Hix was referring to then when he sent you this e-mail and he said -- referred to a timeline to implement the new patient experience survey and the results?
MR. VAZQUEZ: Form.
A Not other than to restate what he says. You know, the timeline regarding the new patient

survey and results, but that's all I can say.
Q (BY MR. STIMPSON) What did you do to prepare for this deposition, Mr. Dodge, in trying to find out when patient experience results were first available on the Health Grades website?
MR. VAZQUEZ: Again, Mr. Dodge, do not divulge any of our communications while we were preparing for the deposition. Otherwise just answer the best you can.
A Again, I reviewed numerous documents with respect to Health Grades and came prepared to answer any questions I could regarding our products and services prior to August 2006.
Q (BY MR. STIMPSON) But did you specifically look when you were preparing to see if you could figure out when the first time was that survey results were available on Health Grades' website?
MR. VAZQUEZ: Form.
A I don't know if I -- I don't know if I specifically prepared with any particular question in mind, other than what was listed on my notification for deposition.
Q (BY MR. STIMPSON) What I'm trying to get

at, did you do anything specific to determine the answer to this question, that is, when the survey results were first available on Health Grades' website?
MR. VAZQUEZ: Form. Asked and answered.
A I guess I'm confused by the question. I went back and looked, tried to understand to the best of my ability when products were available, what the revenue streams of those products were, and prepared as best I could to answer all your questions. So I think I've prepared pretty fully for this deposition.
Q (BY MR. STIMPSON) Did you do anything specifically with regard to survey results or was it just generally products?
A It was all products, as was listed in my request.
Q So there was nothing specific that you did directed to the survey results?
MR. VAZQUEZ: Form. Misstates the testimony.
A Again, I would state that rather than have anything specific to any individual product, I reviewed all products, as was requested of me.
Q (BY MR. STIMPSON) So just so we're clear

Q (BY MR. STIMPSON) Okay. How about licensure information, where would that have come from?
A Again, I believe third parties.
Q Board certification, obtained from and verified by third parties?
MR. VAZQUEZ: Form.
A Yes, that's correct.
Q (BY MR. STIMPSON) Governmental disciplinary action, same thing?
MR. VAZQUEZ: Form.
A Yes, by third parties.
Q (BY MR. STIMPSON) Then he's got a section on foreign languages. Do you see that?
A I do see that.
Q Okay. And then there's a section on gender, right?
A Yes, I see that section.
Q And could that have come from Physician Online Services through the healthcare provider himself?
A I don't know.
Q Possible as of this time, seven months after Physician Online Services was launched?

MR. VAZQUEZ: Form.
A I don't know.
Q (BY MR. STIMPSON) And then it's got hospital ratings below that, right?
A I do see hospital ratings on a number of hospitals, yes.
Q Again, the user of this report could look at that and compare the ratings of various hospitals, right?
MR. VAZQUEZ: Form.
A A user that was reviewing this could certainly compare hospitals based on the quality ratings of these therapeutic areas.
Q (BY MR. STIMPSON) Okay. Let me show you a two-page document bearing Bates numbers HGMKES 02179 to 180.
Have you seen this document before?
A I don't believe so.
Q It's a February 16, 2005 e-mail from Scott Montroy to Dave Hix and John Neal, right?
A I see, yep, Mr. Montroy appears to have sent this to Dave with a copy to Mr. John Neal.
Q Do you see the heading there is Pilot Project? Did you have an understanding what that

meant?
A I'm just reading through the e-mail to see if it helps. I don't recall.
Q Okay. Do you see the first bullet says, Drucker content updated on production, unknowns removed, and then paren, NPROD?
Do you see that?
A I see that sentence, yes.
Q That means that's in production, right, as of February 16, 2005?
MR. VAZQUEZ: Form.
A That appears to be the case based on that statement.
Q (BY MR. STIMPSON) You can see the next bullet, Drucker patient experience data on the pilot report also in production as of February 16, 2005, right?
A I see that statement, yes; you've read it correctly.
Q And you agree with it?
A I don't have any way to agree or disagree with it. I can just read it.
Q Well, if Scott Montroy wrote this e-mail, you would have no reason to disagree with him, right?

MR. VAZQUEZ: Form.
A I really don't have any opinion. I don't know.
Q (BY MR. STIMPSON) Do you know what the pilot project refers to?
A Well, the only thing I can recall, and I believe I testified to this earlier, was I believe we utilized Dr. Drucker to some degree with respect to the Connecting Point project, but that's the only recollection I have.
Q But just so I'm clear, you have no reason to disagree with Mr. Montroy stating here that the Drucker patient experience data on his pilot report was in production as of February 16, 2005?
MR. VAZQUEZ: Form, asked and answered.
A I don't have any reason to agree or disagree. I just don't have any experience.
Q (BY MR. STIMPSON) One reason to agree would be that you worked with Mr. Montroy, right, you know his capabilities?
MR. VAZQUEZ: Form.
A I know him. I know who Scott is, and he was an employee of Health Grades.
Q (BY MR. STIMPSON) Was he competent?

A I didn't do a lot of work with him. I think he was.

Q And do you see the next bullet, Launched GCOA pilot ads, profiles and reports in production.

Do you know what that means?

A I don't.

Q Next bullet, Results calculation, rounding bug on PES was found and Judd is correcting.

Do you see that?

A I see the statement.

Q You don't know what it means?

A I don't.

Q Next bullet, Additional content changes submitted by Drucker, in test production by close of business today.

Did I read that correctly?

A I think you read the statement correctly.

Q So if this is accurate, it says that Mr. Drucker's proposed changes and that that would be in production by the end of the day on February 16, 2005, right?

MR. VAZQUEZ: Form.

A It appears to be. Excuse me.

Q (BY MR. STIMPSON) Bless you.

A It appears to be the case.

Q Let me show you what has been marked as Exhibit 52, a multipage document bearing Bates numbers HG 0207384 to 398.

A Okay.

Q Have you ever seen this before?

A I don't know. I'm not sure.

Q If you could look to page HG 0207395.

A Okay. I see it.

Q Do you recognize this under your search results as being search results that were available on Health Grades' website as of the date of this e-mail?

MR. VAZQUEZ: Form.

A I don't know. I'm not really sure what this would refer to and if it would relate to a search result on our site.

Q (BY MR. STIMPSON) At least what's shown here, if this was on the Health Grades site, there are at least three patient experience results available for three of these doctors, right?

MR. VAZQUEZ: Form.

A I see a reference to three physicians where it appears that there's a caption that patient

experience information is available. So I see that. I see what you're pointing to. That's all I can say.

Q (BY MR. STIMPSON) Okay. How about the next page? Do you see right above where it says, get report, it says patient experience information available on five physicians within your report?

Did I read that correctly?

A I see the statement, yes.

Q Was there a time where patient experience information was available like this on the Health Grades website?

A I'm sorry, can you tell me what you mean by like this?

Q Well, like this in the sense of what we just referred to where it says get report and above that it says patient experience information is available on five physicians?

A I don't know, other than as I previously testified regarding my understanding of patient experience survey results.

Q Do you remember any pages on Health Grades' website -- well, let me rephrase that.

So you have no recollection one way or the other whether this was available on Health Grades'

website at the time?

MR. VAZQUEZ: Form.

A I don't recall.

Q (BY MR. STIMPSON) Would your answer be the same on the next page --

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) -- 7397?

MR. VAZQUEZ: Same.

A And, again, the question being as I see this in this form, do I know if this was ever available in this form on the Health Grades site?

Q (BY MR. STIMPSON) Right.

A I don't know.

Q Let me show you what has been marked as Exhibit 51, a multipage document bearing Bates number Health Grades 179518 through 9550.

Have you seen this document before?

A Just reading the first couple of pages with the e-mail, I don't recall.

Q You didn't see it in preparation for your deposition?

A Not that I recall. I just don't know.

Q This is an e-mail March 22, 2005 from John Neal to Lauren Deritis at Rothman Institute, correct?

A That appears to be the case, yes.
Q And Mr. Neal is offering certain pricing on packages to Rothman Institute, correct?
A Let me read that part of the e-mail again.
Q Actually, read the whole e-mail. I'll have some other questions for you, please.
A Okay. I've read the first page of the e-mail.
Q Okay. Do you see in the paragraph under the bullets, If you do the math, it starts, If you do the math?
A I see that starting with that paragraph.
Q Four lines down it says, I have attached updated presentation for your review. Included in the presentation are results experienced by two of our beta clients that demonstrate the potential of the program.
Did I read that correctly?
A Yes, you read that correctly.
Q So he's talking about results experienced, past tense, by beta clients that he's showing in his presentation, right?
MR. VAZQUEZ: Form.
A That's what that statement seems to

indicate, there were two beta clients.
Q (BY MR. STIMPSON) Right. So we know from this e-mail the results in the attachment have already happened, right?
MR. VAZQUEZ: Form.
A Based on the statement made by John, it appears to be the case.
Q (BY MR. STIMPSON) If you could please turn to page HG 0179533. Do you recognize that as Dr. Drucker?
A I do see Dr. Drucker and his picture.
Q Do you see there that it says the highlight is premium report access is free to consumer and provides competitive advantage positions? Do you see that?
A I see that button on the bottom right.
Q Right. And what was the premium report?
A Premium report. As I recall, it was, again, at the time you and I had been discussing today, time period of say 2003, '4, 2005 and sometime into 2006, we would have some basic information available for a physician on the site. But to obtain all of the information, including things such as board certification and sanction, the physician, or I

should say the consumer, would have to pay for that report, i.e., a premium report.
Q Okay. And so this was available on Dr. Drucker as of at least March 22, 2005, right?
MR. VAZQUEZ: Form.
A I don't know.
Q (BY MR. STIMPSON) Well, you can tell from the context this is one of the beta clients, right?
A Well, I know you and I read this statement that the presentation attached has results from two beta clients. I'm not clear who the two clients are that Mr. Neal is referring to or which results he's referring to from the context.
Q Could you look to page -- this is the premium report on Dr. Drucker. If you look to page HG 0179542 --
A Okay.
Q -- it's got a legend down there at the bottom?
A I see the legend caption.
Q Like footnotes it says, 1 is Health Grades verified data or source to data.
Do you see that?
A I do see the highlighted section that says

that.
Q Right. Number 2 refers to patient data, right, so we know this includes patient data?
A Well, I see the caption. I don't know whether or not the premium report has patient data, but I see the caption.
Q Okay. Third one is physician verified data. Do you see that?
A I see that caption as well.
Q Okay. So let's just go through this report. So as we sit here today, can you tell me whether or not Dr. Drucker's report here, which is shown from HG 0179533 to 42, was in fact available on the Health Grades website as of at least as early as March 2005?
A I can't. I don't know.
Q Even with the statement we read from Mr. Neal referring to the results experienced by two of our beta clients?
A I just -- I don't know.
Q Do you have any reason to doubt that this information was available on the Health Grades website at this time?
MR. VAZQUEZ: Form.

CONFIDENTIAL ATTORNEYS EYES ONLY

A I just don't have an ability to say one way or the other.

Q (BY MR. STIMPSON) Okay. If you could look to the premium report, I think this is the first page and page 535.

A Okay. I see the page.

Q Do you see there's information on medical philosophy?

A I do see that.

Q Would that have been provided by Dr. Drucker?

A I don't know.

Q Do you see also there is information on gender, right?

A Yes, I see that right under personal facts, yes.

Q And information on his age?

A I see his age listed.

Q Information on his language?

A Yes, I see.

Q His years in profession?

A I see that.

Q Awards and honors, right?

A Yes, I see that.

CONFIDENTIAL ATTORNEYS EYES ONLY

Q Professional appointments?

A I see that as well.

Q And publications?

A Yes, I see that.

Q Do you know where this information was obtained?

A I don't.

Q Well, as of this time, March 2005, physicians were available -- were able to get online, Health Grades Physician Online Services, and edit this data we talked about, right?

MR. VAZQUEZ: Form.

A I think I've already testified to that, it appeared based on the e-mails that there was ability for the physician to actually get online to the POS system, physician online system, and make edits, corrections. But what I'm not clear on is when those, any of those edits or corrections, ultimately were published.

Q (BY MR. STIMPSON) Well, could you look back to Exhibit 50, please?

A Okay. I think I have it.

Q And this is Mr. Montroy's e-mail about a month before this document, Exhibit 51, right?

CONFIDENTIAL ATTORNEYS EYES ONLY

A It appears to be, yes.

Q And that fifth bullet down expressly says that Dr. Drucker had content changes and they would be in production by the end of the day on February 16, 2005, right?

A Again, I see the statement that we had read previously, the addition content changes submitted by Drucker.

Q So that we know from this e-mail if this is, in fact, correct that Dr. Drucker had submitted changes to his data at least as of February 2005, right?

MR. VAZQUEZ: Form.

A He appears to have, based on Mr. Montroy's e-mail and what it says, submitted some content changes. I don't know what that refers to.

Q (BY MR. STIMPSON) Maybe you can help me here. I'm going to start again here.

If you would go to the next page, experience/training, do you see that?

A Okay, I see that caption.

Q And we know from that footnote 1 that this information was provided -- it was either verified by Health Grades or source data, right?

CONFIDENTIAL ATTORNEYS EYES ONLY

MR. VAZQUEZ: Form.

A Again, I just want to be clear, all it appears that I'm seeing here is the PowerPoint presentation and I see what you're referring to. I just don't have an ability to say one way or the other what was or was not on the Health Grades site.

Q Well, we've seen various e-mails and documents including this one which refer to this being on the Health Grades website, right?

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) We saw Exhibit 50 which talked about the pilot project and how Dr. Drucker had made changes and it was in production, right? In production means it's on the Health Grades website, right?

MR. VAZQUEZ: Form.

A I've seen that e-mail. I'm just not clear what exactly the pilot project was. That's just not something I was involved in.

Q (BY MR. STIMPSON) Right. So it's not your personal recollection but, by looking at the documents we've seen today, it seems pretty clear this was on the Health Grades website, right?

A It doesn't to me. I just don't know one

have comparison ratings for multiple hospitals, right?

A Again, I know we're keeping the predicate that you said previously, whether or not these are on our site. But, yes looking at this, a consumer could look at these ratings and compare the three hospitals that are on this page utilizing the star ratings.

Q Okay. Was Dr. Drucker an orthopedic surgeon in New York?

A I believe so, yes, he was.

Q Could you look to page 179548? Do you see that physician A, these are preliminary results?

A I see the page.

Q Just going back to the front page of this e-mail, Mr. Neal is telling this person from Rothman Institute, included in the presentation are results experienced by two of our beta clients.

Do you see that?

A I see the statements on the first page.

Q And this is the results page in the PowerPoint?

A It could be. I don't know if there are any other pages titled results, but it certainly could be based on the first statement he made in the

e-mail.

Q It says, physician A, orthopedic surgeon in New York. That would be referring to Dr. Drucker, right?

MR. VAZQUEZ: Form.

A Again, it could be. I just don't know.

Q (BY MR. STIMPSON) Do you have any reason to disbelieve that?

A I don't one way or the other.

Q Can you take a second and flip through all the pages of this, and I just want to see if you think there is anything else that might be referring to, I would like to know.

A Okay. I've searched. I don't see any other pages that refer to results.

Q Okay. So does that help you understand this physician A, this orthopedic surgeon in New York, is again referring to Dr. Drucker?

A It appears to be based on the cover e-mail by Mr. Neal.

Q And this page of the PowerPoint says that in January 2004 to January 2005 three consumer quality reports reviewed, right?

A I see that statement.

Q Past tense?

A This statement is past tense, correct.

Q Right. And in February 2005 117 expanded profile reports reviewed, right?

A Yes, I see that statement.

Q Do you have any reason to disbelieve that?

A I don't. I don't have any one way or the other.

Q It says 18,000 premium placement profiles were displayed. Do you see that?

A I see that.

Q Any reason to dispute it?

A No, not one way or the other.

Q Do you see the next slide, it says Denver area, it's referring to comparison reports?

A I see the statement.

Q And 149 comparison reports reviewed --

MR. VAZQUEZ: Form.

Q (BY MR. STIMPSON) -- in February 2005?

MR. VAZQUEZ: Form.

A I see the statement comparison reports 149. Is that --

Q (BY MR. STIMPSON) Yeah. I just wanted to see if you had any reason to disbelieve that.

A I'm sorry, so can you tell me, what are you stating it means?

Q 149 comparison reports were viewed in February 2005.

A In general? I just don't know what statement you're trying to make for me to respond to.

MR. VAZQUEZ: Let's wait until there's a pending question.

Q (BY MR. STIMPSON) Okay. I'm sorry, you've never seen this. I asked Mr. Neal about it. It's okay.

All right. So, Mr. Dodge, we've looked at a lot of documents and you did your preparation for this deposition. So let me come back and ask you the questions I started with earlier.

Can you tell me when the first time patient survey results were available on Health Grades' website?

MR. VAZQUEZ: Form. Asked and answered.

A I would repeat what I've stated from the beginning.

Q (BY MR. STIMPSON) How about comparison ratings of healthcare providers, do you know when those were first available on Health Grades' website?

MR. VAZQUEZ: Same objection.

A I wouldn't change the answers I've already given.

Q (BY MR. STIMPSON) So you can't tell me whether comparison ratings were available for the first time in 2006 or 2005?

MR. VAZQUEZ: Form. Misstates testimony.

A Again, my testimony I recall they were in place in 2006. I just can't tell you from my information if they were in place prior to that time.

Q (BY MR. STIMPSON) Okay.

(Discussion off the record.)

(Recess taken from 2:53 p.m. to 3:14 p.m.)

Q (BY MR. STIMPSON) All right. InHealth, just to -- we talked a bit before, InHealth was a subsidiary of Health Grades from October 2010 to December 2011?

A That's correct.

Q And then at the end of December 2011 it was subsumed within Health Grades and ceased to be a separate entity, right?

A A separate legal entity, yes.

Q I think you said that Vitals may have competed with InHealth in some respects. Did I get

that wrong?

A My testimony was that although I don't believe that Vitals competed with prior to the acquisition by Health Grades in October 2010, that I believe there is competition subsequent to the acquisition date.

Q Why?

A Prior to October 2010 InHealth's business model was to create advertisements, what are called programmatic solutions, and display advertising that help drive traffic to certain health topics.

In the course of deploying those programs InHealth would partner with third-party websites to help those websites generate more content, so with MSN and others like those properties.

So my point was once InHealth became part of Health Grades, those products were deployed on the Health Grades sites.

Q What products?

A Essentially InHealth would go to a third-party advisor or Glaxo Smith Cline, those type of entities. And they would work with those third parties to tell them, hey, we can generate a certain number of impressions, a certain number of visits to

your information and content. And we've created a lot of information.

And what they would sell is a certain number of display impressions on web properties. Those web properties, again, initially were MSN and others. But once InHealth came over to Health Grades, then that content and those advertisements will be placed on the Health Grades properties.

Q On Health Grades' website?

A Correct.

Q How many, do you have a rough idea, say, 2011 how many placements it made for the healthgrades.com website?

A I don't know the number of placements offhand.

Q How about revenue generated for Health Grades?

A Between the programmatic solutions and the display advertising which are to some degree combined, InHealth generated I believe around 8 million in revenue in 2011.

Q Okay. And why wasn't Health Grades able to do that by itself? And why did you need to purchase InHealth in order to generate that revenue?

MR. VAZQUEZ: Form.

A Well, to step back a bit, I'm not necessarily saying Health Grades couldn't have generated the revenue absent the acquisition. However, what InHealth brought was a proven team of sales professionals, which Health Grades had not previously had, that could sell directly into a pharma and med device and third-party advertising agencies.

Q Okay. So it was basically their contacts and their experience with the people with these pharma companies and medical device companies that was a big asset that was being purchased by Health Grades?

A It was that along with these products, health coaches, things that were more engaging that the InHealth sales team could provide to pharma and med device that Health Grades didn't have specifically those types of products.

We had the inventory. We were selling advertising but InHealth solutions were more powerful and they did have the contacts directly at pharma and med device, whereas Health Grades was principally selling advertising through what are commonly known