IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

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

HEALTH GRADES, INC.,

Plaintiff,

vs.

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

Defendant.

***UNOPPOSED* MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS**

Plaintiff Health Grades, Inc. ("Health Grades"), by its undersigned counsel, respectfully submits its Unopposed Motion for Leave to Exceed Page Limitations:

CERTIFICATE OF COMPLIANCE WITH D.C.COLO.LCivR 7.1A

Undersigned counsel for Health Grades certifies he conferred with counsel for MDx on December 12, 2012, and that MDx does not oppose the relief requested herein.

1. Concurrently filed herewith is Health Grades' Reply in Support of its Motion for Partial Summary Judgment (the "Reply"). The Reply consists of 42 pages.

2. Pursuant to the Court's Order dated October 15, 2012 [Dkt. 330], the page limitations for summary judgment response and reply briefs were extended to thirty pages and fifteen pages, respectively. The Court subsequently granted MDx's request to exceed the thirty page limit for its response to Health Grades' motion for partial summary judgment by an additional 11 pages. [Dkt. 408 and 417]. On November 26, 2012, MDx filed its response to Health Grades' motion for partial summary judgment, which consisted of 41 pages. [Dkt. 407]

3. Health Grades respectfully requests leave to exceed the Court's fifteen page limitation for its Reply by twenty seven pages. Good cause exists for Health Grades' request. In its 41 page response, MDx included 123 paragraphs of additional facts styled "Disputed (And Undisputed) Facts Ignored By Health Grades." [Dkt. 407 at pp. 12-36] These 123 paragraphs consumed 24 pages of MDx's response. In order to adequately address these 123 paragraphs, Health Grades used fifteen pages in its Reply - - the page limit for the entire Reply. *See* Reply, pp. 3-18. In the additional twenty seven pages of its Reply, Health Grades provides its "Reply Concerning Undisputed Facts" and addresses invalidity by anticipation, invalidity by obviousness, and inequitable conduct issues raised by MDx in its response, all of which require detailed analysis and numerous citations to the law and the record. *See* Reply, pp. 1-3, 18-42. Health Grades also included three charts in its Reply in order to adequately consolidate and organize references to evidence cited by it and MDx in their respective briefs. *See* Reply, pp. 24, 25, 31. Because the additional twenty seven pages were necessary for Health Grades to adequately respond to the additional facts and arguments raised by MDx in its response, Health Grades respectfully requests the Court allow it to exceed the fifteen page limitation by twenty seven pages in its Reply.

4. MDx does not oppose Health Grades' requests to exceed the page limits in its Reply. Health Grades is filing its Reply in a timely fashion, and no prejudice will result to the parties by granting Health Grades permission to exceed the page limits.

WHEREFORE, Health Grades respectfully requests the Court grant its Unopposed Motion for Leave to Exceed Page Limitations, and accept Health Grades' Reply, filed concurrently herewith.

Respectfully submitted this 13th day of December, 2012.

ROTHGERBER JOHNSON & LYONS LLP

s/ Jesús M. Vázquez

Gregory B. Kanan, Esq.
Kris J. Kostolansky, Esq.
Jesús M. Vázquez, Jr., Esq.
1200 17th Street, Suite 3000
Denver, Colorado 80202
Tel: (303) 623-9000
Fax: (303) 623-9222
Email: gkanan@rothgerber.com
kkosto@rothgerber.com
jvazquez@rothgerber.com

Attorneys for Plaintiff Health Grades, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2012, I electronically filed the foregoing ***UNOPPOSED*** **MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Scott David Stimpson
Scott Murray
David Chunyi Lee
Sills Cummis & Gross P.C. – New York
30 Rockefeller Plaza
New York, NY 10112
Email: sstimpson@sillscummis.com
Email: smurray@sillscummis.com
Email: dlee@sillscummis.com

Terence M. Ridley
Wheeler Trigg O'Donnell, LLP
1801 California Street, #3600
Denver, CO 80202-2617
Email: ridley@wtotrial.com

s/ Jesús M. Vázquez
Gregory B. Kanan, Esq.
Kris J. Kostolansky, Esq.
Jesús M. Vázquez, Jr., Esq.
Rothgerber Johnson & Lyons, LLP
1200 17th Street, Suite 3000
Denver, Colorado 80202-5855
Tel: (303) 623-9000
Facsimile: (303) 623-9222
Email: gkanan@rothgerber.com
kkostolansky@rothgerber.com
jvazquez@rothgerber.com

Attorneys for Plaintiff Health Grades, Inc.