IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

HEALTH GRADES, INC.,

Plaintiff,

v.

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

Defendant.

MDX MEDICAL, INC.'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO SERVE PORTIONS OF INVALIDITY CONTENTIONS AND ACCOMPANYING DOCUMENTS

Defendant and Counterclaim Plaintiff MDx Medical, Inc. ("MDx"), by its undersigned counsel, pursuant to D.C.Colo.LCivR 6.1(C) and (D), D.C.Colo.LCivR 7.1, and Sections 12 and 13 of the Scheduling Order (dkt. # 34), respectfully submits this MDx Medical, Inc.'s Unopposed Motion for Extension of Time to Serve Portions of Invalidity Contentions and Accompanying Documents.

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

Pursuant to Section 6(f)(1) of the Scheduling Order, MDx's Invalidity Contentions and Document Production Accompanying Invalidity Contentions ("Invalidity Disclosures") are to be served upon Health Grades by August 19, 2011. MDx is timely serving a portion of its Invalidity Disclosures by the August 19, 2011 due date set forth in the Scheduling Order. MDx

needs and respectfully requests an extension of time to serve the remainder of its Invalidity Disclosures. As discussed below, good cause exists for the requested extension.

Health Grades was granted an extension of eighteen days (dkt. # 46) to serve portions of its Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure ("Infringement Disclosures"). MDx's Invalidity Contentions need to address various allegations in Health Grades' Infringement Disclosures, and the Health Grades extension reduced the amount of time for MDx to fully consider and address the Infringement Disclosures. Accordingly, while MDx will timely serve a portion of its Invalidity Disclosures by August 19, 2011, MDx will need an additional one week to serve the remainder of its Invalidity Disclosures. MDx has not previously requested any extensions of time. Health Grades does not oppose the requested extension.

Pursuant to D.C.Colo.LCivR 6.1(E), a copy of this motion is being simultaneously served on MDx.

Thus, for good cause shown as discussed above, MDx respectfully requests the Court to allow MDx through and including August 26, 2011, to complete its Invalidity Disclosures pursuant to Sections 3-3 and 3-4 of the Patent Local Rules incorporated into the Scheduling Order, and that the Court amend the Scheduling Order accordingly.

Dated: August 18, 2011

Respectfully submitted,

s:/Scott D. Stimpson

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2011, I electronically filed the foregoing MDX MEDICAL, INC.'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO SERVE PORTIONS OF INVALIDITY CONTENTIONS AND ACCOMPANYING DOCUMENTS with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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