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 LEAVE TO EXCEED PAGE LIMITATIONS FOR ITS CLAIM CONSTRUCTION RESPONSE AND EVIDENCE

Defendant and Counterclaim Plaintiff MDx Medical, Inc. ("MDx"), by its undersigned counsel, pursuant to D.C.Colo.LCivR 7.1 and Judge Philip A. Brimmer Practice Standard III(A) (the "Practice Standards"), respectfully submits this MDx Medical, Inc.'s Unopposed Motion for Leave to Exceed Page Limitations For Its Claim Construction Response and Evidence (the "Motion").

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 III(A) of the Practice Standards, "[a]ll motions, objections (including objections to the recommendations or orders of United States Magistrate Judges), responses, and briefs shall not exceed fifteen pages." MDx needs and respectfully requests leave to exceed page

limitations for its Claim Construction Response and Evidence from fifteen (15) pages to twenty-five (26) pages. As discussed below, good cause exists for the requested additional pages.

Health Grades was granted leave to file its Claim Construction Brief and Evidence in excess of page limitations (dkt. # 81). Health Grades' Claim Construction Brief and Evidence ("Opening Brief") included twenty-nine (29) pages (*see* dkt. # 78, ¶ 2). MDx's Claim Construction Response and Evidence needs to address arguments in Health Grades' Opening Brief. Accordingly, MDx needs additional pages for its claim construction response and evidence. Health Grades does not oppose the requested relief.

Thus, for good cause shown as discussed above, MDx respectfully requests the relief above.

Dated: December 19, 2011

Respectfully submitted,

s:/Scott D. Stimpson

Scott D. Stimpson
Mark J. Rosenberg
David C. Lee
Sills Cummis & Gross P.C.
30 Rockefeller Plaza
New York, New York 10112
Tel: (212) 643-7000
Fax: (212) 643-6500
E-mail: sstimpson@sillscummis.com
E-mail: mrosenberg@sillscummis.com
E-mail: dlee@sillscummis.com

and

Terence Ridley, Atty. No. 15212
Ramona Lampley, Atty. No. 37288
Wheeler Trigg O'Donnell LLP
1801 California Street, Suite 3600
Denver, Colorado 80202
Tel: (303) 244-1800
Fax: (303) 244-1879
E-mail: ridley@wtotrial.com
E-mail: lampley@wtotrial.com

Attorneys for Defendant
MDx Medical, Inc. d/b/a VITALS.COM

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2011, I electronically filed the foregoing MDX MEDICAL, INC.'S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS FOR ITS CLAIM CONSTRUCTION RESPONSE AND EVIDENCE with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

- **Jesus M. Vazquez , Jr.**
  jvazquez@rothgerber.com, phenke@rothgerber.com
- **Kris J. Kostolansky**
  kkosto@rothgerber.com, dgrooms@rothgerber.com
- **Jeffrey D. Phipps**
  jphipps@rothgerber.com, kmeans@rothgerber.com
- **Scott D. Stimpson**
  sstimpson@sillscummis.com, gcaceres@sillscummis.com
- **Mark J. Rosenberg**
  Mrosenberg@sillscummis.com
- **David C. Lee**
  dlee@sillscummis.com
- **Terence M. Ridley**
  ridley@wtotrial.com, norris@wtotrial.com
- **Ramona L. Lampley**
  lampley@wtotrial.com, keitlen@wtotrial.com

s:/ David C. Lee