

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-00520-PAB

HEALTH GRADES, INC.,

Plaintiff,

v.

MDX MEDICAL, INC.,
doing business as Vitals.com,

Defendant.

ORDER SETTING HEARING UNDER FED. R. CIV. P. 16

This matter comes before the Court upon a Complaint filed by the Plaintiff alleging the infringement of a patent. In light thereof, a hearing pursuant to Fed. R. Civ. P. 16 is appropriate. It is

ORDERED that:

1. A hearing is set for **June 15, 2011 at 9:00 a.m.** in Courtroom A701 at the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars. This is not a scheduling conference. The parties should not submit a proposed scheduling order.

2. Prior to the hearing, the parties shall meet and confer about the following issues and be prepared to address them at the hearing:

- Whether there are issues of claim construction.
- Whether a hearing will be required under *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996).

- If a *Markman* hearing is required, whether discovery is necessary prior to such hearing. If so, what discovery is required. (This hearing does not substitute for a scheduling conference before the Magistrate Judge.)
- Whether there are any other issues or impediments to the setting of a *Markman* hearing.
- Other appropriate issues enumerated in Fed. R. Civ. P. 16(c).

DATED April 21, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge