

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

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

HEALTH GRADES, INC.,

Plaintiff,

v.

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

Defendant.

ORDER – VACATING TRIAL DATES

This matter comes before the Court *sua sponte*. The present case filed by Plaintiff Health Grades, Inc. (“Health Grades”) is complex. Recent filings by Health Grades and Defendant MDx Medical, Inc. (“MDx”) have only added to the ‘shopping list’ of tasks and motions that must be disposed of before trial. Moreover, several dispositive Rule 56 motions remain pending before the Court which could prove critical to either narrowing the scope of this case and/or to providing further insight for the parties as they prepare for trial. Examples of these include: ECF Nos. 369, 598, 370,490 and 372, which address issues such as validity, willfulness and joint infringement. At first blush, the Court anticipates that it will require oral argument on some of these motions to assist the Court.

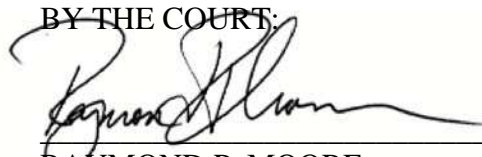
In light of the above, coupled with the fact that the Court may be required to construe additional claim terms to the patent-in-suit beyond what is stated in the existing Claim Construction Order (ECF No. 138), the Court has determined it necessary to vacate the Trial Preparation Conference and the Trial Dates.

The Court hereby ORDERS:

1. The the seven-day jury trial in the U.S. District Courthouse, Courtroom A601, 6th Floor, 901 19th Street, Denver, Colorado to commence on **February 3, 2014** at 8:00 a.m. is VACATED.
2. The Trial Preparation Conference in the U.S. District Courthouse, Courtroom A601, 6th Floor, 901 19th Street, Denver, Colorado to commence on **January 17, 2014 at 8:00 a.m.** is VACATED.
3. Notwithstanding the foregoing, the parties are directed to maintain any pre-booked travel and accommodation arrangements corresponding with the dates stated in Item 1, above.¹
4. Prior to this Order, Jury Instructions were due to be submitted on January 10, 2014. The Court instructs the parties to file such instructions and verdict forms by January 17, 2014. The Court will deem these as preliminary filings and provide an opportunity for final filings at a later date.

DATED this 6th day of January, 2014.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge

¹ The Court is considering utilization of these dates for oral argument on some of the pending motions. The parties can expect a further Order on this scheduling in due course.