IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LIVEPERSON, INC., Plaintiff v. NEXTCARD, LLC and MARSHALL CREDIT STRATEGIES, LLC, Defendants.	)	Civil Action No. 08-062 (GMS)

MOTION TO DISMISS OF DEFENDANT NEXTCARD, LLC

Defendant NextCard, LLC, hereby moves, pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(6), to dismiss the Amended Complaint of plaintiff LivePerson, Inc. ("LivePerson") on the grounds that (1) this Court lacks personal jurisdiction over NextCard; and (2) LivePerson lacks standing to bring this complaint for declaratory relief because there is no actual controversy between LivePerson and NextCard.

The bases for this motion are set forth in detail in NextCard's Opening Brief in Support of its Motion to Dismiss, filed contemporaneously herewith.

Dated: April 7, 2008

Respectfully submitted,

/s/ David L. Finger

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