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 MARSHALL CREDIT STRATEGIES, LLC

Defendant Marshall Credit Strategies, LLC ("MCS"), 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) MCS has no ownership interest in the Patents-In-Suit, and therefore is not a proper party to this lawsuit; (2) this Court lacks personal jurisdiction over MCS; and (3) LivePerson lacks standing to bring this complaint for declaratory relief because there is no actual controversy between LivePerson and MCS.

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

Dated: April 7, 2008

Respectfully submitted,

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