IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOTIVATION INNOVATIONS, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 08-334-SLR
	§	
DSW, INC.; VALUE CITY DEPARTMENT STORES, L.L.C.; BED, BATH & BEYOND, INC.; AND HALLMARK MARKETING CORPORATION,	§	**JURY TRIAL DEMANDED**
	§	
Defendants.	§	

HALLMARK MARKETING CORPORATION'S MOTION FOR PARTIAL DISMISSAL OF PLAINTIFF'S FIRST AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Hallmark Marketing Corporation ("Hallmark") respectfully moves the Court to partially dismiss Plaintiff Motivation Innovations, LLC's First Amended Complaint for Patent Infringement for failure to state a claim upon which relief may be granted. Specifically, Hallmark moves this Court to dismiss Plaintiff's allegations of inducement to infringe and contributory infringement. A brief in support of this motion is being filed concurrently herewith.

Date: July 31, 2008

/s/ Richard K. Herrmann

Richard K. Herrmann (I.D. #405)
Mary B. Matterer (I.D. #2696)
Amy Arnott Quinlan (I.D. #3021)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801-1494
Telephone: (302) 888-6800
E-mail: rherrmann@morrisjames.com

Of Counsel:

Bart A. Starr (admitted *pro hac vice*)
Eric A. Buresh (admitted *pro hac vice*)
Jonathan N. Zerger (admitted *pro hac vice*)
SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Telephone: (816) 474-6500
E-mail: bstarr@shb.com
E-mail: eburesh@shb.com
E-mail: jzerger@shb.com

Attorneys for Defendant
Hallmark Marketing Corporation

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MOTIVATION INNOVATIONS, LLC, Plaintiff, v. DSW, INC., VALUE CITY DEPARTMENT STORES, LLC, BED, BATH & BEYOND, INC., AND HALLMARK MARKETING CORPORATION, Defendants.	§ § § § § § § § § § § §	Civil Action No. 08-334-SLR **JURY TRIAL DEMANDED**

[PROPOSED] ORDER

Before the Court is Hallmark Marketing Corporation's Partial Motion to Dismiss Plaintiff's First Amended Complaint. Having reviewed the Motion, the Court finds good cause exists to grant the motion. Accordingly, it is

ORDERED that Defendant Hallmark Marketing Corporation's Partial Motion to Dismiss Plaintiff's First Amended Complaint is **GRANTED**, and Plaintiff's allegations of induced infringement and contributory infringement are dismissed with prejudice.

Date:_____

_____
Sue L. Robinson, J.