IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MOTIVATION INNOVATIONS, L.L.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 08-334-SLR
	)	
DSW, INC.; VALUE CITY DEPARTMENT STORES, L.L.C.; BED, BATH & BEYOND, INC.; and HALLMARK MARKETING CORPORATION,	)	
	)	
Defendants.	)	

ORDER

At Wilmington this 26th day of September, 2008, having reviewed the pending motion for partial dismissal filed by defendant Hallmark Marketing Corporation and plaintiff's motion to file a second amended complaint, as well as the papers filed in connection therewith;

IT IS ORDERED that plaintiff's motion to file a second amended complaint (D.I. 26) is granted and defendant's motion for partial dismissal (D.I. 21) is denied, as I conclude that plaintiff's second amended complaint contains sufficient detail to pass muster under Fed. R. Civ. P. 8(a). More specifically, in terms of the claim of inducing infringement, plaintiff has alleged that defendant: (1) had knowledge of the patent-in-suit through marking; (2) infringed the patent-in-suit by the manufacture, use, sale and/or offer for sale of the Hallmark Gold Crown program; and (3) intentionally aided and abetted others to infringe the patent-in-suit by encouraging such others to receive

and use the accused Hallmark Gold Crown program. Nothing further is required at this stage of the proceedings.

United States District Judge