IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOTIVATION INNOVATIONS, LLC, Plaintiff, v. DSW INC., VALUE CITY DEPARTMENT STORES, LLC, BED BATH & BEYOND INC., AND HALLMARK MARKETING CORPORATION, Defendants.	C. A. No. 08-334-SLR

DEFENDANTS' MOTION FOR STAY PENDING REEXAMINATION

Defendants DSW, Inc. ("DSW") and Bed Bath & Beyond, Inc. ("BBB") respectfully move the Court for an Order staying this patent infringement case until the completion of the reexamination by the United States Patent and Trademark Office ("USPTO") of the patent-in-suit.

Defendants respectfully submit that a stay pending reexamination is appropriate because: (i) a stay would not unduly prejudice or tactically disadvantage plaintiff Motivation Innovations LLC which does not even employ a system covered by the patent-in-suit; (ii) the reexamination is highly likely to change the character of this case by cancelling or amending the reexamined claims which will invalidate the patent claims now being asserted; and (iii) this case is in the early stages of discovery and far from trial preparations. The grounds for this motion are more fully set forth in the opening brief and supporting declaration filed contemporaneously herewith.

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Dated: April 2, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

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