

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

WAL-MART STORES, INC.,)
)
 Plaintiff,) Case No. 05-5189
)
 vs.)
)
 VALUECLICK, INC. and VC E-COMMERCE)
 SOLUTIONS, INC.,)
)
 Defendants.)

MOTION FOR EXTENSION OF TIME

NOW COMES Plaintiff, Wal-Mart Stores, Inc. (“Wal-Mart”), by and through its counsel, and for its Motion for Extension of Time to effect service of process on the Defendants herein states as follows:

1. Plaintiff Wal-Mart filed the original Complaint in this action on November 22, 2005 against Defendant ValueClick, Inc. d/b/a VC Ecommerce Solutions, d/b/a REWARDSGATEWAY.COM and d/b/a MEMBERPROMOTIONS.COM (“ValueClick”).

2. Pursuant to Federal Rules of Civil Procedure 4(m), service of the Summons and Complaint on the Defendant ValueClick must be effected by tomorrow, Tuesday, March 22, 2006.

3. Because the parties hereto have been engaged in extensive settlement negotiations since the time the Complaint was filed, Defendant ValueClick has received a

courtesy copy of the file-marked Complaint but has never been served with process pursuant to the Federal Rules of Civil Procedure. Defendant ValueClick has also never entered an appearance or filed a responsive pleading in this action, nor has ValueClick waived service under Federal Rules of Civil Procedure 4(d).

4. On March 9, 2006, Wal-Mart filed its Amended Complaint naming VC E-commerce Solutions, Inc. ("VC") as an additional Defendant.

5. Because Wal-Mart and VC have also been engaged in extensive settlement negotiations since the time the Amended Complaint was filed, Defendant VC has received a courtesy copy of the file-marked Amended Complaint but has never been served with process pursuant to the Federal Rules of Civil Procedure. Defendant VC has also never entered an appearance or filed a responsive pleading in this action, nor has VC waived service under Federal Rules of Civil Procedure 4(d).

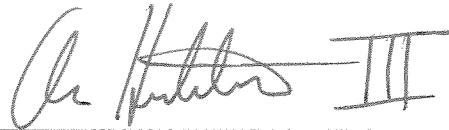
6. To the extent necessary, Wal-Mart requests an additional time of thirty (30) days in which to effect service of process on the Defendants herein in order to accommodate the ongoing settlement negotiations among the parties.

7. Pursuant to Local Rule 6.2, Wal-Mart's counsel has contacted counsel for both Defendants ValueClick and VC with regard to this Motion and has been advised by Defendants' counsel that neither Defendant opposes this Motion.

WHEREFORE, Wal-Mart prays that this Court grant the Plaintiff's Motion for Extension of Time, issue an Order extending the time in which Wal-Mart must effect service of

process on the Defendants by an additional thirty (30) days, and award all other proper and just relief to which Wal-Mart may be entitled.

Respectfully submitted,



W. Asa Hutchinson III
Arkansas Supreme Court Number 2001115
WARNER, SMITH & HARRIS, PLC
J.B. Hunt NBC Tower
3333 Pinnacle Hills Parkway, Suite 220
Rogers, AR 72758
Tel: (479) 271-6041 (tel.)
Fax: (479) 271-6065 (fasc.)
ahutchinson@warnersmith.com

Of Counsel:

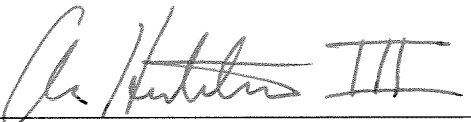
Franklin B. Molin, Esquire
Pa. I.D. # 66827
David Schramm, Esquire
Pa. I.D. # 82582

KIRKPATRICK & LOCKHART
NICHOLSON GRAHAM LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222
(412) 355-6500 (tel.)
(412) 355-6501 (facs.)

CERTIFICATE OF SERVICE

I, W. Asa Hutchinson III, attorney of record for Defendant, do hereby certify that I have on this 21 day of March, 2006, served the foregoing Motion for Extension of Time in this action by sending a copy of each to its attorney of record via U.S. Mail as follows:

Bennet G. Kelley
Assistant General Counsel
Director of Governmental Affairs & Privacy
ValueClick, Inc.
30699 Russell Ranch Road
Suite 250
Westlake Village, CA 91362-7319

By: 
W. Asa Hutchinson III