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## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

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CLERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA				

REVENUE SCIENCE, INC.,	) ALEXANDRIA, VI
Plaintiff,	)
v.	Civil Action No. 1:07cv516
VALUECLICK, INC., FASTCLICK, INC., WEB CLIENTS, INC., COMMISSION JUNCTION, INC., BE FREE, INC., PRICERUNNER AB, and MEDIAPLEX, INC.	) ) ) ) )
Defendants.	)

## STIPULATION AND CONSENT ORDER FOR DISMISSAL WITHOUT PREJUDICE PER FEDERAL RULE **OF CIVIL PROCEDURE 41**

Plaintiff Revenue Science, Inc. ("RSI") and defendants ValueClick, Inc., FastClick, Inc., Web Clients, Inc., Commission Junction, Inc., Be Free, Inc., Pricerunner AB and Mediaplex, Inc. (collectively "Defendants") hereby stipulate and agree, pursuant to Federal Rule of Civil Procedure 41 that:

Whereas, RSI filed the above-captioned action on May 23, 2007 ("the Action");

Whereas, on July 3, 2007, Defendants filed motions under Federal Rule of Civil Procedure 12 contesting jurisdiction, seeking to transfer venue, and seeking a more definite statement:

Whereas, Defendants have voluntarily provided RSI with a limited set of documents supporting Defendants' jurisdictional arguments;

Whereas, RSI has agreed to dismiss this Action against all Defendants without prejudice, based on Defendants' agreement to certain conditions as set forth below;

Whereas, Defendants have agreed that RSI may file an action for infringement of the RSI patents-in-issue in the Action, against any or all of the Defendants, in the U.S. District Court for the Central District of California ("the New Action");

Whereas, if RSI so files a New Action, Defendants have agreed to stipulate to consolidation, for all purposes, of the New Action with *ValueClick, Inc. v. Revenue Science, Inc.*, CV 07 2502 MMM (JCX), which is currently pending the Central District of California ("the pending California Action"), and Defendants have agreed to stipulate that the New Action will proceed on the same pretrial and trial schedule that is ultimately set by the U.S. District Court for the Central District of California in the pending California Action;

Whereas, if RSI so files a New Action, the parties to the New Action may commence discovery immediately, without waiting for the New Action to be consolidated with the pending California Action;

Whereas RSI and Defendants have agreed to each bear their own costs and fees for the Action;

Accordingly, RSI and the Defendants jointly request and agree to dismissal of the abovecaptioned action without prejudice.

 We ask for this:

Dated: July 11, 2007

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Dated: \_\_\_\_\_\_\_, 2007

REVENUE SCIENCE, INC

By Counsel

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