

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

L-3 COMMUNICATIONS SECURITY AND
DETECTION SYSTEMS CORPORATION
DELAWARE

Plaintiff and Counter-defendant

v.

AMERICAN SCIENCE & ENGINEERING, INC.

Defendant and Counterclaimant

Civil Action No. 04-10339-RWZ

AS&E's *ASSENTED TO MOTION FOR THIRD EXTENSION OF TIME*

American Science & Engineering, Inc. ("AS&E"), respectfully moves for a third extension of time to respond to the pending motion for summary judgment [Docket Entry # 93] filed by L-3 Communications Security and Detection Systems Corporation ("L-3"). In a ruling dated July 20, 2006 [Docket Entry # 103], the Court denied AS&E's pending motion to dismiss based on a covenant not to sue and directed AS&E to respond to L-3's summary judgment motion by July 10, 2006. To give the parties a chance to work together in preparing an agreeable covenant not to sue and thus resolve this litigation, AS&E requested, and L-3 assented to, a two-week extension, until July 24, 2006, to respond to L-3's motion. The Court granted that motion and then a second motion extending the response date to July 31, 2006. During the extension, in-house counsel for the parties spoke cordially about resolving the litigation and exchanged correspondence. AS&E then sent a draft covenant not to sue to L-3 for its consideration. L-3, however, has not had time to respond to the proposed covenant and thus suggested one additional week to allow the parties to confer.

Accordingly, the parties now requests an additional one-week extension, until August 7, 2006, to allow the parties to continue their attempts to resolve this matter. L-3 assents to this third request for an extension.

LOCAL RULE 7.1 CERTIFICATE

The undersigned certifies that, on July 31, 2006, counsel for the parties conferred by e-mail in a good faith attempt to resolve or narrow the issues presented in this motion. Counsel for L-3, Robert M. Abrahamsen, Esq., assented to this request for an extension of time.

Dated: July 31, 2006

AMERICAN SCIENCE AND
ENGINEERING, INC.

By its attorneys,

/s/ Erik P. Belt
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CERTIFICATE OF SERVICE

I certify that, on July 31, 2006, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Erik P. Belt
Erik Paul Belt