

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

L-3 COMMUNICATIONS SECURITY
AND DETECTION SYSTEMS
CORPORATION DELAWARE

Plaintiff,

v.

AMERICAN SCIENCE &
ENGINEERING, INC.

Defendant

Civil Action No. 04-10339-RWZ

**AS&E’S MOTION FOR LEAVE TO REPLY
CONCERNING ITS
MOTION TO DISMISS FOR LACK OF ACTUAL CONTROVERSY**

American Science & Engineering, Inc. (“AS&E”), respectfully moves for leave to reply to L-3 Security’s opposition to AS&E’s motion to dismiss. The reply is necessary to respond to and correct new allegations and inferences that L-3 Security offers through its declarant, Mr. Syrnick. AS&E counters Mr. Syrnick’s testimony through the Declaration of William F. Grieco, which is attached as Exhibit 3 to the reply brief. The reply will also be helpful in pointing out the crucial distinction between the case law on which L-3 Security relies and the circumstances of this case. The proposed reply, with attached exhibits, accompanies this motion. AS&E requests that it be filed and docketed upon the Court’s endorsement of this motion.

LOCAL RULE 7.1 CERTIFICATE

The undersigned certifies that, on April 1, 2004, counsel for the parties, Mr. Belt and Mr. Albert, spoke by telephone and conferred in good faith but were unable to resolve the issue presented in this motion.

Dated: April 2, 2004

AMERICAN SCIENCE AND
ENGINEERING, INC.

By its attorneys,

/s/ Erik Paul Belt
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