

IN THE 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

**L-3'S ASSENTED TO MOTION FOR LEAVE
TO FILE ITS AMENDED COMPLAINT**

In this declaratory judgment patent case, defendant-patentee, American Science & Engineering, Inc. ("AS&E"), has sought to strike plaintiff's, L-3 Communications Security and Detection Systems Corporation Delaware ("L-3"), claims of inequitable conduct concerning the two patents-in-suit. AS&E bases its motion on L-3's alleged failure to plead its inequitable conduct claims with particularity pursuant to Fed. R. Civ. P. 9(b).

As a result of negotiations between the parties, L-3 hereby moves for leave to file an amended complaint which sets forth L-3's inequitable conduct claims in more detail. Pursuant to Fed. R. Civ. P. 15(a), AS&E has stipulated in writing to the filing of L-3's amended complaint. AS&E has further agreed to withdraw its Motion To Strike. The parties agree that AS&E's stipulation to allow L-3 to file its amended complaint does not in any way prejudice AS&E's right to contest the legal and factual basis of L-3's claims.

THEREFORE, L-3 respectfully requests this Court accept L-3's Amended Complaint, filed contemporaneously with this Motion.

Respectfully Submitted,

L-3 COMMUNICATIONS SECURITY AND
DETECTION SYSTEMS CORPORATION DELAWARE,

Dated: June 17, 2004

/s/ Michael A. Albert

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LOCAL RULE 7.1 CERTIFICATE

I hereby certify that counsel for the parties conferred in good faith prior to the filing of this motion and AS&E consented in writing to this motion.

/s/ Michael A. Albert