

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

**AMERICAN SCIENCE & ENGINEERING'S
NOTICE OF WITHDRAWAL OF
MOTION TO STRIKE INEQUITABLE CONDUCT CLAIMS**

On June 3, 2004, American Science & Engineering ("AS&E") moved under the particularity requirement of Rule 9(b) to strike the plaintiff's inequitable conduct claims. *See* Court Docket Entry Nos. 15 and 16. AS&E and the plaintiff, L-3 Communications Security and Detection Systems Corporation Delaware ("L-3"), have now negotiated a resolution of this motion. L-3 has agreed to amend its complaint to state the inequitable conduct claims in more detail, as reflected in L-3's motion to amend and accompanying amended complaint, both filed earlier today. In that motion, the parties agree that AS&E's consent to the amendment does not prejudice its right to contest the legal and factual basis for L-3's claims. In return, AS&E has agreed to withdraw its motion to strike.

ACCORDINGLY, AS&E respectfully withdraws its motion to strike L-3's inequitable conduct claims.

Dated: June 18, 2004

AMERICAN SCIENCE AND
ENGINEERING, INC.

By its attorneys,

/s/ Erik P. Belt

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