

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

PLAINTIFF'S RULE 37 MOTION FOR SANCTIONS

For the reasons stated in the accompanying memorandum of law, plaintiff, L-3 Communications Security and Detection Systems Corporation Delaware ("L-3"), moves under Rule 37(d) for sanctions against defendant, American Science & Engineering, Inc. ("AS&E"), for failure to appear for a properly noticed deposition.

In particular, L-3 asks that the Court sanction AS&E by precluding it from opposing L-3's claims that AS&E's patents are invalid and unenforceable.

Respectfully submitted,

L-3 COMMUNICATIONS SECURITY AND
DETECTION SYSTEMS CORPORATION
DELAWARE

Dated: December 6, 2004

/s/ James J. Foster
Michael A. Albert, BBO #558566
Robert M. Abrahamsen, BBO #636635
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LOCAL RULES 7.1 AND 37.1 CERTIFICATE

I have conferred and have attempted in good faith to resolve the issue set forth above and further discussed in the accompanying memorandum of law.

A discovery conference was held by the parties pursuant to Local Rule 37.1 at 12:30 P.M. on December 6, 2004 via telephone. John Ward was present for AS&E and Robert Abrahamsen was present for L-3.

/s/ Robert M. Abrahamsen