

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10339-GAO

L-3 COMMUNICATIONS SECURITY AND
DETECTION SYSTEMS CORPORATION DELAWARE,

Plaintiff,

v.

AMERICAN SCIENCE & ENGINEERING, INC.,

Defendant.

ORDER

February 24, 2004

O'TOOLE, D.J.

When this case was filed, the plaintiff indicated on the Civil Cover Sheet that it was related to another case between the same parties, American Science & Engineering, Inc. v. EG&G Astrophysics Research Corp., Civil Action No. 98-11939-GAO, and accordingly, the Clerk assigned the case to me, rather than assign it randomly.

Pursuant to Local Rule 40.1(E)(1), a civil case is related to a previously filed case

“if some or all of the parties are the same and if one or more of the following similarities exist also: the cases involve the same or similar claims or defenses; or the cases involve the same property, transaction or event; or the cases involve insurance coverage for the same property, transaction or event; or the cases involve substantially the same questions of fact and law.”

This case is between the same parties as the previous one, but it otherwise does not present the same or similar claims or defenses, or involve the same property, since the patents at issue here are different from the patents at issue in the previous case. The general similarity between the

cases – they both involve a patent dispute between these parties – is not sufficient to justify an exception to the usual salutary rule that cases are to be assigned randomly.

Accordingly, I direct the Clerk forthwith to randomly assign this case in the usual manner.

February 24, 2004
DATE

Gary Allen Smith
DISTRICT JUDGE