

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 PARTIAL SUMMARY JUDGMENT ON L-3'S INEQUITABLE  
CONDUCT DEFENSES**

Pursuant to Fed.R.Ci.v.P. 56 and local Rule 7.1(b)(2), Defendant American Science and Engineering, Inc. ("AS&E") moves for partial summary judgment on the inequitable conduct claims found in Counts 3 and 6 of Plaintiff L-3 Communications Security and Detection Systems Corporation Delaware's ("L-3") complaint. AS&E provided the PTO with the information L-3 claims was withheld, and that information is in the file history of the patents in suit. Therefore, L-3's inequitable conduct claims must fail as a matter of law.

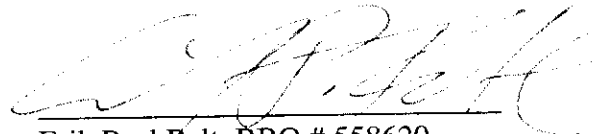
**RULE 7.1 CERTIFICATE**

The undersigned certifies that counsel for the parties conferred in a good faith attempt to resolve and narrow the issues but were unable to do so.

Dated: December 22, 2004

AMERICAN SCIENCE AND  
ENGINEERING, INC.

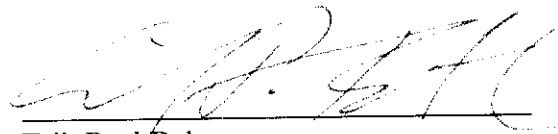
*By its attorneys,*



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**CERTIFICATE OF SERVICE**

I certify that, on December 22, 2004, I served a true copy of this document by hand on James J. Foster, counsel for L-3, at Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, MA 02210.



Erik Paul Belt

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