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FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE INVISION TECHNOLOGIES, INC.
SECURITIES LITIGATION

Case No. C-04-3181 (MJJ)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED
CONSOLIDATED COMPLAINT**

The motion of defendants InVision Technologies, Inc., Sergio Magistri, and Ross Mulholland (collectively, "defendants") to dismiss Plaintiffs' Second Amended Consolidated Complaint (the "Complaint") in the above-captioned action came on regularly for hearing before the Court on June 6, 2006. The parties were represented by their respective counsel of record.

After considering the papers submitted by the parties and the argument of counsel, the Court finds that plaintiffs have failed to comply with the requirements of Fed. R. Civ. P. 9(b) and the Private Securities Litigation Reform Act of 1995, and have not alleged facts sufficient to state a claim for violation of Section 10(b) of the Securities Exchange Act of 1934 ("1934 Act"), Rule 10b-5 promulgated thereunder, or Section 20(a) of the 1934 Act.

Accordingly, pursuant to Fed. R. Civ. P. 12(b)(6), it is hereby ordered that defendants' motion to dismiss is GRANTED, and the Complaint is dismissed in its entirety with prejudice.

Dated: _____

The Honorable Martin J. Jenkins
United States District Judge

1 Submitted by:

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