

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CARRIER CORPORATION, CARRIER)
FRANCE S.A., CARRIER ITALIA)
S.p.A.,)

Plaintiffs,)

v.)

OUTOKUMPU OYJ, OUTOKUMPU)
COPPER PRODUCTS OY,)
OUTOKUMPU COPPER (U.S.A.), INC.,)
OUTOKUMPU COPPER FRANKLIN,)
INC., MUELLER INDUSTRIES, INC.,)
MUELLER EUROPE LTD.,)

Defendants.)

No. 2:06-cv-02186-BBD-tmp

Honorable Judge Bernice B. Donald
Magistrate Judge Tu M. Pham

NOTICE OF CROSS-APPEAL

NOTICE IS HEREBY GIVEN that, pursuant to Fed. R. App. P. 4(a)(3),

Defendant Mueller Industries, Inc. hereby cross-appeals to the United States Court of Appeals for the Sixth Circuit (the "Court") from the following final judgment and order of dismissal of the District Court to the extent that the Court does not affirm such final judgment and order on the grounds set forth by the District Court and insofar as such final judgment and order did not dismiss the case on the merits and with prejudice: (i) final judgment of dismissal dated July 27, 2007 (Docket Entry No. 94); and (ii) order of dismissal dated July 27, 2007 (Docket Entry No. 93).

Dated: August 31, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served on the following via the Court's electronic system and electronic mail, on this 31st day of August, 2007.

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