

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UPSHER-SMITH LABORATORIES, INC.

Plaintiff,

Case No. 01-352 ADM/AJB

v.

NOTICE OF APPEAL

PAN AMERICAN LABORATORIES, INC.,
METABOLITE LABORATORIES, INC.,
PAN AMERICAN LABORATORIES, L.L.C.,
and PAMLAB, L.L.C.,

Defendants.

PLEASE TAKE NOTICE that Plaintiff Upsher-Smith Laboratories, Inc., in the above-captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit from:

1. Memorandum Opinion and Order entered in *Upsher-Smith Labs., Inc. v. Pan American Labs., Inc., et al.*, Civil No. 01-352 ADM/AJB, on September 4, 2002;
2. Memorandum Opinion and Order entered in *Upsher-Smith Labs., Inc. v. Pan American Labs., Inc., et al.*, Civil No. 01-352 ADM/AJB, on December 19, 2003;
3. Memorandum Opinion and Order entered in *Upsher-Smith Labs., Inc. v. Pan American Labs., Inc., et al.*, Civil No. 01-352 ADM/AJB, on April 26, 2004; and
4. Judgment in a Civil Case ordered and entered in *Upsher-Smith Labs., Inc. v. Pan American Labs., Inc., et al.*, Civil No. 01-352 ADM/AJB, on April 26, 2004.

Dated: May 24, 2004

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

BY: /s/ Misti Nelc
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