

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MILLER UK LTD. AND MILLER
INTERNATIONAL LTD.,**

Plaintiffs,

v.

CATERPILLAR INC.,

Defendant.

Civil Action No. 10-cv-3770

Judge Milton I. Shadur

CATERPILLAR INC.,

Counterclaim-Plaintiff,

v.

**MILLER UK LTD. AND MILLER
INTERNATIONAL LTD.,**

Counterclaim-Defendants.

**MOTION OF CATERPILLAR INC. FOR PARTIAL SUMMARY JUDGMENT ON
COUNT 3 AND FOR SUMMARY JUDGMENT ON COUNT 4
OF PLAINTIFFS' AMENDED AND SUPPLEMENTAL COMPLAINT**

For the reasons stated in its accompanying Memorandum of Law and pursuant to Rule 56 of the Federal Rules of Civil Procedure, Caterpillar Inc. respectfully moves this Court for an order granting partial summary judgment on Count 3 (regarding buckets) and summary judgment on Count 4 of the Amended and Supplemental Complaint of Miller UK Ltd. and Miller International Ltd. (ECF No. 56).

Date: January 31, 2012

Respectfully submitted,

/s/ Gregory L. Baker

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CERTIFICATE OF SERVICE

I, John Stapleton, hereby certify that on January 31, 2012, the foregoing **MOTION OF CATERPILLAR INC. FOR PARTIAL SUMMARY JUDGMENT ON COUNT 3 AND FOR SUMMARY JUDGMENT ON COUNT 4 OF PLAINTIFFS' AMENDED AND SUPPLEMENTAL COMPLAINT** was filed with the Clerk of the Court and served by operation of the electronic filing system of the United States District Court for the Northern District of Illinois upon the following counsel who have consented to receive notice of filings in the above-captioned matter pursuant to Fed. R. Civ. P. 5(b)(2)(D), the General Order on Electronic Case Filing, and Local Rule 5.9:

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General Information

Case Name	Miller UK Ltd. et al v. Caterpillar, Inc.
Docket Number	1:10-cv-03770
Court	United States District Court for the Northern District of Illinois
Nature of Suit	Contract: Other
Related Opinion(s)	2012 BL 104689