

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WAYNE R. GRAY,
Plaintiff,

vs.

NOVELL, INC., and
THE SCO GROUP, INC., and
X/OPEN COMPANY LIMITED,

Defendants.

CASE NO.: 8:06-cv-01950-T-30TGW

**UNOPPOSED MOTION AND BRIEF FOR EXTENSION OF TIME FOR
PLAINTIFF TO RESPOND TO DEFENDANT SCO'S MOTION TO DISMISS.**

COMES NOW plaintiff Wayne R. Gray (hereinafter "Gray"), by and through his undersigned counsel, and moves this Court pursuant to Middle District of Florida Rule 3.01 to enter an order extending his time to respond to the pending motion to dismiss by defendant The SCO Group, Inc. (hereinafter "SCO"), said response currently being due on February 14, 2007.

As grounds for this motion, Gray would show that over the past five years or so he personally has taken an active and integral role in the legal research and writing of drafts of court documents in the litigation between himself and defendant X/Open Company Limited before the Trademark Trial and Appeal Board which underlies the present case, and he has done so and intends to continue to do so in this case. However,

due to the terminal illness of a close family member he has had to be out of town much of the past week, and due to long-standing business commitments he has to be in California most of this week. Similarly, his undersigned counsel has had conflicting commitments including a case set for trial in state court which just settled seven days ago. Plaintiff Gray needs and requires additional time adequately to research and prepare his brief in opposition to SCO's dispositive motion. Specifically, Gray requests that this Court enter an order extending his time to file his opposing brief to and including Monday, March 5, 2007.

The undersigned counsel for Gray, pursuant to Local Rule 3.01(g), has discussed this specific request with Karen Dyer, counsel for the movant SCO, who does not oppose this motion.

WHEREFORE plaintiff Gray requests that an order be entered extending his time to respond to the outstanding motion to dismiss by defendant SCO to and including March 5, 2007.

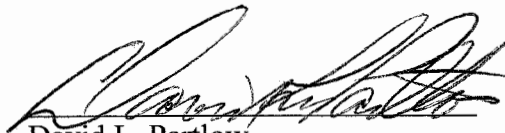
Respectfully submitted,



David L. Partlow, FBN 239682
David L. Partlow, P.A.
P.O. Box 82963
Tampa, FL 33682-2963
(813) 287-8337; FAX (813) 287-8234
dlppa@mindspring.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 12, 2007, I electronically filed the above document with the Clerk using the CM/ECF system, which will send electronic notice to: Karen C. Dyer and George R. Coe of Boies, Schiller et al., 225 S. Orange Ave., Suite 905, Orlando, FL 32801; William Cooper Guerrant, Jr. of Hill, Ward & Henderson, P.A., P.O. Box 2231, Tampa, FL 33601-2231; Evan A. Raynes and Mark Sommers of Finnegan, Henderson et al., 901 New York Avenue, Washington, D.C. 20001-4413; Frederick H.L. McClure and E. Colin Thompson of DLA PiperUS, 101 E. Kennedy Blvd., Suite 2000, Tampa, FL 33602-5148; and John P. Mullen and Heather M. Sneddon of Anderson & Karenberg, 700 Chase Tower, 50 West Broadway, Salt Lake City, UT 84101.



David L. Partlow