

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WAYNE R. GRAY,

Plaintiff,

v.

Case No. 8:06-CV-1950-T-30TGW

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

Defendants.

ORDER

This cause comes before the Court for consideration of Plaintiff's Motion and Combined Memorandum in Support of Declassifying the 1996 Novell-X/Open-Santa Cruz "Confirmation Agreement" and Its Transmittal Memo (Dkt. #38), Motion to Seal, With Combined Brief (Dkt. #39), and Amended Motion to Seal, With Combined Brief (Dkt. # 40), and Defendants' opposition thereto (Dkt. # 42, 43, 44, 45). Having considered Plaintiff's motions, the responses thereto, oral argument, and being otherwise advised of the premises therein, the Court finds that said motions are premature. It is, therefore,

ORDERED AND ADJUDGED that:

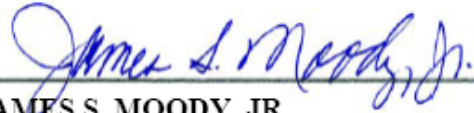
1. The Motion and Combined Memorandum in Support of Declassifying the 1996 Novell-X/Open-Santa Cruz "Confirmation Agreement" and Its Transmittal Memo (Dkt. #38) is **DENIED** without prejudice.

2. The Motion to Seal, With Combined Brief (Dkt. #39), superseded by the Amended Motion to Seal, With Combined Brief (Dkt. # 40), is **DENIED** as moot.

3. The Amended Motion to Seal, With Combined Brief (Dkt. # 40) is **DENIED** without prejudice.

4. Counsel shall, within thirty (30) days hereof, confer for the purpose of drafting a confidentiality agreement governing the disclosure of the Confirmation Agreement executed by Novell, Inc., X/Open Company, Ltd., and The Santa Cruz Operation, Inc., predecessor of The SCO Group, Inc., effective September 4, 1996, and transmittal memo from Burt Levine dated September 17, 1996.

DONE and **ORDERED** in Tampa, Florida on September 24, 2007.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Parties/Counsel of Record

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