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2005 OCT 19 P 1:08

October 19, 2005

**VIA HAND-DELIVERY**The Honorable Robert C. Jones  
United States District Judge  
District of Nevada  
333 S. Las Vegas Blvd.  
Las Vegas, Nevada 89101**Re: The SCO Group, Inc. v. AutoZone, Inc., CV-S-04-0237-RCJ-LRL**

Dear Judge Jones:

Pursuant to this Court's August 6, 2004 Order, The SCO Group, Inc. ("SCO") respectfully submits this 90-day status report to apprise the Court of events that have transpired since our last update (on July 18, 2005) in certain other actions.

**1. The SCO Group, Inc. v. International Business Machines Corporation  
Case No. 2:03CV0294 DAK (D. Utah)****Dismissal of IBM Counterclaims**

On October 10, 2005, the Court dismissed IBM's three patent-infringement counterclaims with prejudice. In addition, on August 1, 2005, the Court granted IBM's Motion to Narrow the Scope of Its Ninth Counterclaim.

**Discovery Motions**

On October 7, 2005, the Court postponed ruling, pending re-briefing, on SCO's December 23, 2004 Renewed Motion to Compel seeking Linux-related documents from IBM senior executives; denied in part SCO's Renewed Motion to Compel dated September 6, 2005, ordering IBM to produce materials from twenty Linux developers identified by SCO; granted in part SCO's motion to for leave to take additional depositions; and denied IBM's request to lengthen its additional depositions.

On September 26, 2005, IBM filed its Motion to Compel Production of Documents on SCO's Privilege Log, alleging that SCO withheld "hundreds" of documents based on the privilege claims of its predecessors in interest.

**2. The SCO Group, Inc. v. Novell, Inc., Case No. 2:04CV00139 (D. Utah)**

On July 29, 2005, Novell filed its Answer and Counterclaims, asserting seven counterclaims. Contrary to the language of the Asset Purchase Agreement ("APA"), the intent of the parties to the APA, and Novell's own conduct during the more than seven years that followed the APA's signing,

The Honorable Robert C. Jones  
United States District Judge  
October 19, 2005  
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Novell now alleges that it did not transfer the copyrights to UNIX and that it retained the right to take actions (such as waive SCO's claims against IBM) that may destroy the value of the UNIX business for which SCO's predecessor paid over \$100 million in consideration.

On September 12, 2005, SCO filed its Answer to Novell's Counterclaims. Among other things, SCO set forth facts refuting the assertion that SCO contacted Novell in 2002 to ask for the transfer of the UNIX copyrights.

**3. Red Hat, Inc. v. The SCO Group, Inc., Case No. 03-772-SLR (D. Del.)**

As Your Honor knows, the Court in the Red Hat case has stayed that case sua sponte. Since our last letter to this Court, the parties in that case have submitted additional 90-day progress reports to the Court.

SCO will submit its next 90-day update to this Court by January 16, 2006.

Respectfully submitted,

CURRAN & PARRY

  
Stanley W. Parry, Esq.

SWP:lcd

cc: James Pisanelli, Esq. (via hand-delivery)  
David S. Stone, Esq. (via facsimile)

Confirmation Report - Memory Send

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FACSIMILE TRANSMITTAL COVER SHEET

DATE: October 19, 2005  
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FROM: Lucy C. Darilek  
Legal Assistant to Stanley W. Parry  
NUMBER OF PAGES TRANSMITTED : 3 (including cover sheet)  
RE: Civil Action No. CV-S-04-0237-RC/JLR: The SCO Group, Inc. v. AutoZone, Inc.

COMMENTS/NOTES:

Attached please find SCO Group, Inc.'s 90-Day Status Report Letter to Judge Jones dated October 19, 2005.

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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 THE SCO GROUP, INC.,  
4 a Delaware corporation.

5 Plaintiff,

6 v.

7 AUTOZONE, INC.,  
8 a Nevada corporation,

9 Defendant.

Case Number: CV-S-04-0237-RCJ-(LRL)

10 RECEIPT OF COPY

11 RECEIPT OF COPY of the documents is hereby acknowledged this 19<sup>th</sup> day of  
12 October, 2005:

- 13 1. SCO GROUP, INC.'S 90-DAY STATUS REPORT LETTER TO JUDGE  
14 JONES DATED OCTOBER 19, 2005.

15 

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