

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

IN RE: . Case No. 07-11337(KG)  
. .  
The SCO GROUP, INC., et al. .  
. 824 Market Street  
Debtor. . Wilmington, Delaware 19801  
. November 6, 2007  
. . . . . 10:00 a.m.

TRANSCRIPT OF HEARING  
BEFORE HONORABLE KEVIN GROSS  
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For the Debtor: Berger Singerman, P.A.  
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1           Before filing bankruptcy, SCO went to Judge Kimball  
2 and said, take your summary judgment ruling and certify it for  
3 appeal. Judge Kimball said, no, I'm not going to parse this  
4 ruling. We're going to get all the issues decided at the  
5 district court level.

6           Now, they could still conceivably go back and say, if  
7 you were to grant us stay relief so we can go back on our  
8 affirmative -- on our counter-claims for dollars with Judge  
9 Kimball, maybe they'd go back to him and say certify it even  
10 though this copyright infringement claim is stayed.

11           We'd resist that. We would say, they had all the  
12 opportunity in the world to resolve the -- to get the  
13 arbitration done, to resolve the issues that have been referred  
14 to arbitration that relates to this claim in Utah. They went  
15 to you. They asked you for -- to shut down the arbitration.  
16 Its their own fault for dividing up the causes of action in  
17 this -- in the district court case in Utah and making it  
18 impossible to reach a final judgment on all causes of action.  
19 So we would oppose certification, partial certification and  
20 entry of final judgment so that the case could go up on appeal.

21           So in order -- even for them to accomplish their  
22 appellate objections, it seems to us the arbitration should go  
23 forward and the scope of the United Linux intellectual property  
24 provision should be decided. Once those are decided, we can go  
25 back to Judge Kimball on the copyright infringement claim.

1 and I'll issue an opinion as quickly as I can here.

2 MR. LEWIS: Thank you, Your Honor.

3 MR. SPECTOR: Thank you, Your Honor. We appreciate  
4 the care and attention.

5 THE COURT: Absolutely. And with that --

6 MR. LEWIS: We appreciate the time you've allotted to  
7 us, too.

8 THE COURT: Pardon me?

9 MR. LEWIS: We appreciated as well the time you've  
10 allotted to these matters as well.

11 THE COURT: Absolutely. They're important matters  
12 and its an important case. And I appreciate counsels hard work  
13 on the papers. They were just excellent and very helpful. And  
14 I thank you and good day.

15 ALL ATTORNEYS: Thank you, Your Honor.

16 \* \* \* \* \*

17 C E R T I F I C A T I O N

18 I, Susan Holcomb, court approved transcriber, certify  
19 that the foregoing is a correct transcript from the official  
20 electronic sound recording of the proceedings in the above-  
21 entitled matter.

22

23 /s/ Susan Holcomb

Date: November 13, 2007

24 Susan Holcomb AAERT CET \*\*00273

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