

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 24, 2009

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

THE SCO GROUP, INC.,

Plaintiff-Appellant,

v.

NOVELL, INC.,

Defendant-Appellee.

No. 08-4217
(D.C. NO. 2:04-CV-00139-DAK)

JUDGMENT

Before **LUCERO, BALDOCK** and **McCONNELL**, Circuit Judges.

This case originated in the District of Utah and was argued by counsel.

The judgment of that court is affirmed in part and reversed in part. The case is remanded to the United States District Court for the District of Utah for further proceedings in accordance with the opinion of this court.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk