

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re : Chapter 11
:
The SCO GROUP, INC., *et al.*,¹ : Case No. 07-11337 (KG)
: (Jointly Administered)
:
Debtors. : **Objection Deadline: 3/8/2010 at 4:00 p.m.**
: **Hearing Date: 3/15/2010 at 11:00 a.m.**

**MOTION OF CHAPTER 11 TRUSTEE TO SHORTEN NOTICE AND RESPONSE
TO TRUSTEE’S MOTION FOR ORDER UNDER 11 U.S.C. §§ 105(a), 363, AND 365
AND FED. R. BANKR. P. 2002, 6004, 6006 AND 9014 (A) APPROVING THE SALE
OF MOBILITY BUSINESS FREE AND CLEAR OF ALL LIENS, CLAIMS,
INTERESTS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363, (B)
AUTHORIZING AND APPROVING THE ASSUMPTION AND ASSIGNMENT OF
CERTAIN EXECUTORY CONTRACTS IN CONNECTION THEREWITH, AND (C)
GRANTING RELATED RELIEF**

Edward N. Cahn, Esq. (the “Chapter 11 Trustee” or “Trustee”), in his capacity as Chapter 11 Trustee for the above-captioned debtors (collectively, the “Debtors”) hereby moves this Court (this “Motion”) for entry of an order pursuant to Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 9006-1(c) and (e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), substantially in the form of the proposed order attached hereto as Exhibit A, shortening time for notice and response to the *Motion of the Chapter 11 Trustee for Order under 11 U.S.C. §§ 105(a), 363, and 365 and Fed. R. Bankr. P. 2002,, 6004,, 6006 and 9014 (A) Approving the Sale of the Mobility Business Free and Clear of All Liens, Claims, Interests and Encumbrances Pursuant to 11 U.S.C. § 363, (B) Authorizing and Approving the*

¹ The Debtors and the last four digits of each of the Debtors’ federal tax identification numbers are as follows: (a) The SCO Group, Inc., a Delaware corporation, Fed. Tax Id. #2823; and (b) SCO Operations, Inc., a Delaware corporation, Fed. Tax Id. #7393.

Assumption and Assignment of Certain Executory Contracts in Connection Therewith, and (C) Granting Related Relief (the “Mobility Sale Motion”)², filed contemporaneously with this Motion, such that (i) a hearing with respect to the Mobility Sale Motion may be held on March 15, 2010 at 10:00 a.m. and (ii) objections or responses to the Mobility Sale Motion shall be filed prior to March 8, 2010 at 4:00 p.m. In support of this Motion, the Trustee respectfully represents as follows:

Jurisdiction

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of these proceedings and this Motion is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The statutory predicates for the relief sought herein are Fed. R. Bankr. P. 2002 and 9006, and Del. Bankr. L.R. 9006-1(c) and (e).

Relief Requested

2. By this Motion, the Debtors respectfully request that this Court enter an order shortening the notice period for the Mobility Sale Motion to permit a hearing on the Mobility Sale Motion to be held on March 15, 2010 at 10:00 a.m. (the “Hearing Date”) and to establish March 8, 2010 at 4:00 p.m. as the objection deadline for the Mobility Sale Motion.

Basis for Relief Requested

3. Del. Bankr. L.R. 9006-1(c)(i) fixes the time for service and filing of motions and objection thereto. Specifically, Del. Bankr. L.R. 9006-1(c)(i) provides, in pertinent part, as follows:

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Mobility Sale Motion.

Unless the Fed. R. Bankr. P. or these Local Rules state otherwise, all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days (and an additional three (3) days if service is by mail) prior to the hearing date.

Del. Bankr. L.R. 9006-1(c)(i).

4. Bankruptcy Rule 9006(c)(1) and Local Rule 9006-1(e) authorize this Court to reduce the notice period required for this Motion. Bankruptcy Rule 9006(c)(1) provides, in pertinent part, as follows:

[W]hen an act is required or allowed to be done at or within a specified time by these rules..., the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1). Similarly, Local Rule 9006-1(e) provides that:

No motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by order of the Court, on written motion (served on all interested parties) specifying the exigencies justifying shortened notice. The Court will rule on such motion promptly without need for a hearing.

Del. Bankr. L.R. 9006-1(e).

5. Shortening the notice period required by Local Rule 9006-1(c) so that a hearing on the Mobility Sale Motion may take place on the Hearing Date is appropriate in light of the circumstances of these cases. As noted in the Mobility Sale Motion, due to the current restructuring of the Debtors' business, the Trustee, in the exercise of his business judgment and in consultation with his retained professionals, determined that it is not in the best interests of the Debtors' estates to continue operating the Mobility Business. The Mobility Business is in the early stages of product development and the Debtors do not have sufficient capital to fully develop the Mobility Business at this time. In order for the Debtors' estates to gain the maximum benefit from the sale of the Mobility Business, the Mobility Sale Motion must be heard prior to the omnibus hearing scheduled for April 20, 2010. Accordingly, the Trustee seeks

entry of an order authorizing the sale of the Mobility Business free and clear of all liens, claims, interests and encumbrances and authorizing the assumption and assignment of certain executory contracts in connection therewith. The Trustee respectfully requests that this Court grant the relief requested herein.

Notice

6. Notice of the Mobility Sale Motion will be given to: (i) the Office of the United States Trustee for the District of Delaware; (ii) counsel to MIH; (iii) counterparties to the Executory Contracts; and (iv) all parties that have requested notice pursuant to Bankruptcy Rule 2002. The Trustee submits that, under the circumstances, no other or further notice is required.

WHEREFORE the Trustee respectfully requests that this Court enter an order in substantially the form attached hereto that (i) schedules a hearing on the Mobility Sale Motion on March 15, 2010 at 10:00 a.m., (ii) requiring any party opposing the Mobility Sale Motion to assert any response thereto in writing no later than March 8, 2010 at 4:00 p.m., and (iii) grants the Trustee such other and further relief as may be just, proper and necessary.

Dated: February 26, 2010

BLANK ROME LLP

/s/ Bonnie Glantz Fatell

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