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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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THE SCO GROUP, INC.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Defendant.

**ORDER REOPENING CASE AND  
VACATING PRIOR ORDER**

Case No. 2:03-cv-294 DN

District Judge David Nuffer

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SCO filed a motion for reconsideration<sup>1</sup> of the court's order<sup>2</sup> denying its motion to reopen<sup>3</sup> this case. IBM does not oppose the motion to reconsider or the motion to reopen the case.<sup>4</sup> The order entered denying the motion to reopen is VACATED.<sup>5</sup> This motion for reconsideration is therefore GRANTED;<sup>6</sup> the motion to reopen is GRANTED;<sup>7</sup> and the clerk will reopen the case.

IT IS FURTHER ORDERED:

1. On or before June 24, 2013, SCO shall file a brief statement identifying its claims which it agrees are foreclosed by the *Novell* judgment and the form of a judgment dismissing

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<sup>1</sup> Docket no. 1110, filed May 7, 2013.

<sup>2</sup> Docket no. 1109, filed April 23, 2013.

<sup>3</sup> Docket no. 1095, filed November 4, 2011.

<sup>4</sup> Docket no. 1111, filed May 24, 2013.

<sup>5</sup> The order was based on a fundamental misunderstanding of the effect of the SCO bankruptcy on this case. As SCO pointed out in its request to submit the motion to reopen (docket no. 1107, filed June 12, 2012) the bankruptcy stay has been entirely lifted as to this case, including SCO's claims and IBM's counterclaims. The court apologizes to the parties for its error and the unnecessary work it has caused the parties..

<sup>6</sup> Docket no. 1110, filed May 7, 2013.

<sup>7</sup> Docket no. 1095, filed November 4, 2011.

those claims. The order shall be emailed in word processing format to  
dj.nuffer@utd.uscourts.gov.

2. On or before June 28, 2013, IBM may file any objection to the form of that order.

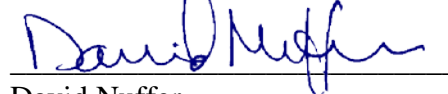
3. On or before July 15, 2013, IBM may file a new motion for summary judgment limited solely to the effect of the *Novell* judgment on the remaining claims and counterclaims.

The motion shall provide sufficient factual background to understand the claims in this case and the claims and decision in the *Novell* case without assuming the court has read other documents in this case file or has any knowledge of the claims in the *Novell* case.

4. After that motion is decided, by a method and on a schedule yet to be determined, the court anticipates the parties will be asked to identify summary judgment motions filed before the case was assigned to this judge which should still be decided and digest and submit pertinent parts of memoranda and supporting materials. These motions will be reactivated on the court docket and would then be resolved by the court.

Dated June 14, 2013.

BY THE COURT:



David Nuffer

United States District Judge