

**UNITED STATES COURT OF APPEALS** **September 17, 2009**

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker  
Clerk of Court**

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THE SCO GROUP, INC.,

Plaintiff-Appellant,

v.

NOVELL, INC.,

Defendant-Appellee.

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

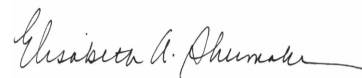
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**ORDER**

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This matter is before the court on appellee’s “Petition for Rehearing and Rehearing En Banc.” The appellant shall file a response within 14 days of the date of this order.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Elisabeth A. Shumaker  
Clerk of Court

September 17, 2009

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**RE: 08-4217, SCO Group v. Novell, Inc.**

Dist/Ag docket: 2:04-CV-00139-DAK

Dear Counsel:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Elisabeth A. Shumaker  
Clerk of the Court

cc: George C. Harris  
Michael Allen Jacobs  
Thomas R. Karrenberg  
Grant L. Kim  
David E. Melaugh  
John P. Mullen  
Heather M. Sneddon  
Thomas Theron Steele

EAS/bv