

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

October 20, 2009

**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)


ORDER

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

Appellee's petition for rehearing is denied.

The petition for rehearing en banc was transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the court requested that the court be polled, that petition is also denied.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk