

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 28, 2009

Elisabeth A. Shumaker
Clerk of Court

SCO GROUP, a Delaware corporation,

Plaintiff - Appellant,

v.

No. 08-4217

NOVELL, INC., a Delaware
corporation,

Defendant - Appellee.

ORDER

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

Appellee's Motion to Stay the Mandate Pending the Filing of a Petition for a Writ of Certiorari in the Supreme Court of the United States is denied.*

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk

*The Honorable Michael W. McConnell sat on this panel originally and participated in the court's decision. On August 31, 2009, however, he resigned his commission. The two remaining members of the panel, who are in agreement, considered the motion. *See* 28 U.S.C. § 46(d).