

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
The SCO GROUP, INC., <u>et al.</u> , <sup>1</sup>	)	Case No. 07-11337 (KG)
	)	(Jointly Administered)
	)	
Debtors.	)	Related Docket No. 335

**ORDER GRANTING DEBTORS' MOTION FOR ORDER  
ESTABLISHING A BAR DATE FOR FILING PROOFS OF CLAIM AND  
APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

**THE MATTER** came before the Court upon the *Debtors' Motion for Order Establishing a Bar Date for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* (the "Motion").<sup>2</sup> The Motion requests the entry of an order establishing a claims bar date and approving the form and manner of notice thereof. The Court finds that (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) the relief requested in the Motion is in the best interests of the Debtors, their estates, and their creditors; (iv) proper and adequate notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary; and (v) upon the record herein after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein. Accordingly, it is hereby

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<sup>1</sup> 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.

<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

**ORDERED, ADJUDGED AND DECREED** that:

1. The Motion is **GRANTED as modified herein.**

2. Except as otherwise provided herein, each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, estate, trust, and governmental unit) that asserts a claim (as defined in section 101(5) of the Bankruptcy Code) against the Debtors that arose prior to the Petition Date (i.e., September 14, 2007) must file an original, written proof of such claim which substantially conforms to Official Form B10 so as to be received on or before **April 21, 2008 at 4:00 p.m. Eastern Time** (the "Bar Date") by the Debtors' claims and noticing agent, Epiq Bankruptcy Solutions, LLC ("Epiq"). Original proofs of claims must be mailed to Epiq Bankruptcy Solutions, LLC, FDR Station, P.O. Box 5012, New York, NY 10150-5012. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted. All such proofs of claim will be deemed timely filed only if actually received by Epiq on or before the Bar Date. Persons and entities holding or asserting the following types of Prepetition Claims against the Debtors are not required to file a proof of claim:

- a. Any person or entity that has already properly filed with Epiq a proof of claim against the Debtors utilizing a claim form which substantially conforms to Official Form B10;
- b. Any person or entity (i) whose claim is listed on the Schedules, (ii) whose claim is not described as "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the amount or nature of the claim for such person or entity as set forth in the Schedules;
- c. Professionals retained by the Debtors or the Committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to sections 330, 331, and 503(b) of the Bankruptcy Code;
- d. Current officers and directors of the Debtors who assert claims for indemnification and/or contribution arising as a result of such

officers' or directors' prepetition or postpetition services to the Debtors;

- e. Any person or entity that asserts an administrative expense claim against the Debtors pursuant to section 503(b) of the Bankruptcy Code or any claim for fees relating to these cases under 28 U.S.C. § 1930;
- f. Any person or entity whose claim has been paid by the Debtors;
- g. Any Debtor asserting a claim against another Debtor;
- h. Any direct or indirect non-debtor subsidiary of a Debtor asserting a claim against a Debtor; and
- i. Any person or entity that holds a claim that has been allowed by an order of this Court entered on or before the Bar Date.

3. Each proof of claim filed must: (i) be written in the English language;

(ii) be denominated in lawful currency of the United States as of the Petition Date; (iii) conform substantially with Official Form B10; and (iv) attach copies of any writings upon which the claim is based.

4. Any holder of a claim against the Debtors who is required, but fails, to file a proof of such claim in accordance with this Order on or before the Bar Date shall not be permitted to vote to accept or reject any chapter 11 plan or participate in any distribution in the Debtors' chapter 11 cases on account of such claim.

5. The proof of claim form substantially in the form attached hereto as Exhibit B, and the Bar Date Notice substantially in the form attached hereto as Exhibit A are hereby APPROVED in all respects.

6. The Bar Date Notice shall be deemed good, adequate, and sufficient notice of the relief granted by this Order to all known creditors of the Debtors if it is served, together with the proof of claim form, by being deposited in the United States mail, first-class postage

prepaid, no later than five business days from entry of this Order, upon the following persons and entities:

- a. The Office of the United States Trustee for the District of Delaware;
- b. Counsel to the Official Committee of Unsecured Creditors;
- c. All persons and entities who have requested notice pursuant to Bankruptcy Rule 2002 as of the date of the Bar Date Order;
- d. All persons or entities listed in the Schedules at the addresses set forth therein;
- e. All known parties to executory contracts or unexpired leases with the Debtors;
- f. All known holders of equity securities in the Debtors as of February 22, 2008;
- g. All taxing authorities for the jurisdictions in which the Debtors maintained or conducted business up to one year prior to the Petition Date;
- h. All known holders (and, where known, their counsel) of Prepetition Claims against the Debtors;
- i. All parties that have filed notices of appearance in these chapter 11 cases;
- j. All entities that are parties to any litigation in which the Debtors are a party (and, where known, their counsel);
- k. All indenture trustees;
- l. The District Director of the Internal Revenue Service for the District of Delaware; and
- m. The Securities and Exchange Commission.

7. So long as the initial mailing of the Bar Date Notice occurs within three (3) business days of entry of this Order, as provided above, the Debtors may make supplemental mailings of the Bar Date notice up to twenty (20) days in advance of the Bar Date, as may be

necessary in situations where (a) notices are returned by the post office with forwarding addresses, necessitating re-mailing to new addresses, (b) certain parties acting on behalf of parties in interest (e.g., banks and brokers with respect to stockholders) decline to pass along notices to such parties and instead return their names and addresses to the Debtors for direct mailing, and (c) additional potential claimants become known to the Debtors.

8. Pursuant to Bankruptcy Rule 2002(1), the Debtors shall publish a bar date notice substantially in the form attached hereto as Exhibit C (the "Publication Notice") once in the Salt Lake Tribune, the Salt Lake Tribune & Deseret, and The Wall Street Journal, National Edition, at least twenty-five (25) days prior to the Bar Date to satisfy the requirements of Bankruptcy Rule 2002(a)(7).

9. Epiq is authorized to retain and pay necessary service providers, subject to prior approval from the Debtors, and to obtain reimbursement from the Debtors for any such payments at cost.

10. The Debtors and Epiq are authorized and empowered to take such steps, expend such monies, and perform such acts as may be necessary to implement and effectuate the terms of this Order.

11. Notification of the Bar Date as provided herein is fair and reasonable and will provide good, sufficient, and proper notice to all creditors of their rights and obligations in connection with any Prepetition Claims they may have against the Debtors in these chapter 11 cases.

12. The Debtors shall retain whatever rights they have under applicable law to: (a) dispute, or assert offsets or defenses, against any Prepetition Claim; (b) subsequently

designate any Prepetition Claim as disputed, contingent, or unliquidated; and (c) object to any Prepetition Claim, whether scheduled or filed, on any grounds.

13. This Court retains jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Order.

Dated: March 5, 2008

  
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THE HONORABLE KEVIN GROSS  
UNITED STATES BANKRUPTCY JUDGE