

No. 09-1061

IN THE SUPREME COURT OF THE UNITED STATES

NOVELL, INC.,

Petitioner,

v.

THE SCO GROUP, INC.

MOTION TO DISMISS

Pursuant to Rule 46.1(a) of the Supreme Court Rules, petitioner Novell, Inc. hereby moves to dismiss its petition for a writ of certiorari.

Respectfully submitted.

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August 10, 2010

CERTIFICATE OF SERVICE

I hereby state that I caused to be served on August 10, 2010, in compliance with S. Ct. R. 29.3, one copy of the Motion to Dismiss by sending the same via UPS for next day delivery to counsel of record at the address indicated below:

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Dated: August 10, 2010



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Case 09-1061 CFX

Long: Novell, Inc., Petitioner v. The SCO Group, Inc.

Filed: 3/4/2010 **Docketed:** 3/8/2010

Court: United States Court of Appeals for the Tenth Circuit

Counsel for Petitioner: Maynard, Deanne E.

Entry	Date	Proceedings and Orders
1	1/7/2010	Application (09A647) to extend the time to file a petition for a writ of certiorari from January 18, 2010 to February 18, 2010, submitted to Justice Sotomayor.
2	1/8/2010	Application (09A647) granted by Justice Sotomayor extending the time to file until February 18, 2010.
3	2/3/2010	Application (09A647) to extend further the time from February 18, 2010 to March 4, 2010, submitted to Justice Sotomayor.
4	2/4/2010	Application (09A647) granted by Justice Sotomayor extending the time to file until March 4, 2010.
5	3/4/2010	Petition for a writ of certiorari filed. (Response due April 7, 2010)
6	3/26/2010	Order extending time to file response to petition to and including May 7, 2010.
7	4/29/2010	Order further extending time to file response to petition to and including August 5, 2010.
8	8/5/2010	Brief of respondent The SCO Group, Inc. in opposition filed.
9	8/11/2010	Motion to dismiss the petition for a writ of certiorari pursuant to Rule 46 received.

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