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January 3, 2006

**BY ELECTRONIC FILING**

The Honorable Sue L. Robinson  
United States District Court  
District of Delaware  
844 North King Street  
Wilmington, Delaware 19801

Re: *Red Hat, Inc. v. The SCO Group, Inc., C.A. No. 03-772-SLR*

Dear Chief Judge Robinson:

Pursuant to this Court's April 6, 2004 Order, SCO respectfully submits this 90-day status report to apprise the Court of events that have transpired since our last update (on October 3, 2005) in SCO v. IBM, Case No. 2:03CV0294 (DAK), which is currently pending before the Honorable Dale A. Kimball in the United States District Court for the District of Utah.

SCO Disclosure of IBM

On December 22, 2005, pursuant to the Court's Pre-Trial Management Order of July 1, 2005, SCO submitted its Disclosure of Material Misused by IBM, specifically identifying (from an even larger universe of code and related materials) 293 separate technology disclosures made by IBM in violation of SCO's contractual and other rights. The number and substance of those disclosures reflects the pervasive extent and sustained degree to which IBM disclosed methods, concepts, and literal code from protected UNIX and UNIX-derived technologies.

Dismissal of IBM's Counterclaims

On October 10, 2005, based upon a stipulation by the parties, the Court dismissed IBM's three patent-infringement counterclaims with prejudice.

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Discovery Motions

On October 7, 2005, the Magistrate Court postponed a ruling, pending re-briefing, on SCO's December 23, 2004 Renewed Motion to Compel seeking Linux-related documents from IBM's senior executives; denied in part SCO's Renewed Motion to Compel dated September 6, 2005, ordering IBM to produce materials from twenty Linux developers identified by SCO; granted in part SCO's motion for leave to take additional depositions; and denied IBM's request to lengthen its additional depositions. On October 27, SCO objected to the Magistrate Court's order insofar as it denied SCO's Renewed Motion to Compel of September 6, 2005. On December 16, Judge Kimball affirmed the order.

On December 20, 2005, after the parties had re-briefed SCO's Motion to Compel of December 23, 2004, the Court found that SCO had correctly read past Court orders and directed IBM to produce Linux-related materials from the files of two additional IBM senior executives. On the same date, the Court granted IBM's motion to compel SCO to produce attorney-client privileged documents of SCO's predecessors-in-interest.

On December 29, 2005, SCO filed its Motion to Compel certain discovery and 30(b)(6) witnesses, including numerous categories of damages-related materials, documents concerning Project Monterey, documents related to IBM's ongoing Linux activities, and all versions of AIX from 1985 to 1990.

SCO's Second Amended Complaint Against Novell

On December 30, 2005, SCO moved the Court for leave to file a Second Amended Complaint in which SCO re-asserts the slander-of-title claim in its original Complaint and asserts four additional causes of action covering the same subject matter as Novell's seven counterclaims.

Sincerely,

*/s/ Leslie A. Polizoti*

Leslie A. Polizoti

cc: Peter T. Dalleo, Clerk (By Hand)  
Josy W. Ingersoll, Esquire (By Hand)  
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