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March 21, 2007

## BY E-FILE

The Honorable Sue L. Robinson  
Chief Judge  
United States District Court  
844 King Street  
Wilmington, DE 19801

Re: *Red Hat, Inc. v. SCO Group, Inc.*;  
Civil Action No. 03-772-SLR

Dear Chief Judge Robinson:

Pursuant to the Court's April 6, 2004 Order requesting a quarterly report on the status of various related litigation matters, Red Hat, Inc. ("Red Hat") submits this letter as an update to its previous letter, dated December 22, 2006. Although Red Hat is not a party to these other related cases, Red Hat offers the following summary based upon publicly available information.

### 1. *SCO Group, Inc. v. International Business Machines Corp. ("IBM")*

As reported in our previous letter, the parties submitted numerous motions for summary judgment on September 25, 2006. Following additional briefing, the court heard oral argument on these motions on March 1, 5, and 7 and has taken these motions under advisement.

On January 18, 2007, the court heard argument on SCO's motion for relief for IBM's spoliation of evidence, in which SCO claimed that IBM executives directed programmers to intentionally destroy documents that would have shown IBM's reliance on AIX and Dynix source code in making contributions to Linux. The court denied SCO's motion by order dated March 2, 2007.

As also reported in our previous letter, the court granted IBM's motion to strike allegations in excess of SCO's final disclosures on November 30, 2006. SCO now seeks leave to add material to its expert submission in a motion filed on January 9, 2007.

### 2. *SCO Group, Inc. v. AutoZone, Inc.*

Since the filing of our last letter to the Court, no significant activity has occurred in this case.

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3. *SCO v. Novell, Inc.*

On January 23, 2007, the court heard argument on the following summary judgment motions:

Novell's Motion for Partial Summary Judgment or Preliminary Injunction;

SCO's Cross Motion for Summary Judgment or Partial Summary Judgment on Novell's Third, Sixth, Seventh, Eighth and Ninth Counterclaims;

SCO's Cross Motion for Partial Summary Judgment on Novell's Fourth Counterclaim; and

Novell's Motion for Partial Summary Judgment on Novell's Fourth Claim for Relief.

The court has taken these motions under advisement.

Respectfully submitted,



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cc: Clerk of the Court (by CM/ECF and hand delivery)  
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