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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

RED HAT INC., : CIVIL ACTION
 :
Plaintiff :
 :
vs. :
 :
THE SCO GROUP, :
 :
Defendant : NO. 03-772 (SLR)

Wilmington, Delaware
Tuesday, January 24, 2006
10:05 o'clock, a.m.
*** Telephone Conference

BEFORE: HONORABLE SUE L. ROBINSON, Chief Judge

APPEARANCES:

YOUNG CONAWAY STARGATT & TAYLOR, LLP
BY: JOSY W. INGERSOLL, ESQ.

-and-

WILMER CUTLER PICKERING HALE AND DORR
BY: MARK G. MATUSCHAK, ESQ. and
MICHELLE D. MILLER, ESQ.
(Boston, Massachusetts)

Counsel for Plaintiff

Valerie J. Gunning
Official Court Reporter

ORIGINAL

1 APPEARANCES (Continued):

2 MORRIS, NICHOLS, ARSHT & TUNNELL.
3 BY: JACK B. BLUMENFELD, ESQ.

4 -and-

5 BOIES, SCHILLER & FLEXNER
6 BY: MAURICIO GONZALEZ, ESQ.
7 (Miami, Florida)

8 Counsel for Defendant

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P R O C E E D I N G S

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14 (REPORTER'S NOTE: The following telephone
15 telephone conference was held in chambers beginning at 10:05
16 a.m.)

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18 THE COURT: Good morning, counsel. This is Judge
19 Robinson and Valerie is here as our Court Reporter.

20 As always, it would be helpful if you identified
21 yourselves by name each time you spoke so that our record is
22 clear.

23 The reason I -- I wanted to get you all on the
24 line, I've been getting your status reports. It wouldn't
25 appear as though the case is moving very quickly. In fact,

1 glacial might be the name for it. And I think I had put our
2 case here, I had stayed it because I had an expectation that
3 the case out West would be moving more quickly and that it
4 made more sense for us to wait. But I'm getting a little
5 concerned because the case has been around. It's a '03 case
6 and we're now into '06.

7 So could someone fill me in on what's factually
8 happening out there and whether there's any expectation that
9 you are going to get to trial and a resolution within the
10 next, I don't know, whenever.

11 When is it scheduled to happen here?

12 MR. GONZALEZ: Your Honor, this is Mauricio
13 Gonzalez for the SCO Group.

14 According to the scheduling order that's now in
15 effect, we're scheduled to go to trial in February 2007, and
16 Judge Kimble has been pretty, pretty solid in keeping us to
17 that schedule, so from our point of view, we would expect to
18 go to trial on that date, barring any other unusual
19 occurrences, of course.

20 THE COURT: All right. And I can't recall, it
21 has been long enough, whether this was a contested stay or
22 whether there's someone who's not particularly happy with the
23 fact that this case is moving so slowly.

24 MR. MATUSCHAK: Your Honor, it's Mark Matuschak
25 for Red Hat.

1 Initially, I think the Court ordered the stay
2 sua sponte and we did it on behalf of Red Hat. As the Court
3 indicated, that was a couple years ago, I believe, had
4 opposed the entry of the stay. You know, we're in a slightly
5 different position I think today since we're two years down
6 the path, waiting for the IBM case to resolve.

7 MR. GONZALEZ: Did somebody --

8 MR. MATUSCHAK: No. We're still here.

9 THE COURT: All right. I guess I just wanted to
10 make sure that you all were confident that this case was
11 going to resolve. I mean, we're still more than a year a
12 from a trial date.

13 MR. GONZALEZ: Your Honor, Mauricio Gonzalez
14 again.

15 THE COURT: Yes?

16 MR. GONZALEZ: Our fact discovery deadline on our
17 claims is this Friday, and then we have a March discovery
18 deadline in the IBM case on defenses to claims. And then the
19 Court contemplates that in July we would have dispositive
20 motions and then again in February would be the trial, and
21 the Court has really, you know, gone out of its way to
22 prevent anything that would delay that schedule, so, again,
23 we've come a long way and I think now that we really have the
24 trial in sight, I think it makes sense to keep things as
25 they've been with the Red Hat

1 case.

2 THE COURT: All right all right. Well, I'm
3 willing to stay the course, but if that trial date gets moved
4 even a week, someone needs to let me know, and I'm going to
5 ramp this up because this is an old case that I get to report
6 to Washington because I've got an old case on my docket.

7 MR. GONZALEZ: Sure.

8 THE COURT: And that never makes me happy when
9 I've got matters to report that I have no control over.

10 MR. GONZALEZ: Sure.

11 THE COURT: All right. All right. Thank you
12 very much for your time, counsel. Good-bye now.

13 (Counsel respond, "Thank you, your Honor.")

14 (Telephone conference concluded at 10:12 a.m.)

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I hereby certify that the foregoing is a true
and accurate transcript from my stenographic
notes in the proceeding.

Valerie G. Lunny

Official Court Reporter
U. S. District Court