

Richard J. Pocker
Nevada Bar No. 3568
BOIES, SCHILLER & FLEXNER LLP
300 S. Fourth St., Suite 800
Las Vegas, Nevada 89101
Telephone: (702) 382-7300
Facsimile: (702) 382-2755

Robert Silver
Edward Normand
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

Stuart Singer
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd.
Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022

Attorneys for Plaintiff, The SCO Group, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE SCO GROUP, INC.,)
A Delaware corporation,)
)
Plaintiff,)
v.)
)
AUTOZONE, INC.,)
A Nevada corporation,)
)
Defendant)
)
)
)

Docket No.: 2:04-CV-237-RCJ-(GWF)

**SCO'S REPLY IN SUPPORT OF
MOTION TO AMEND COMPLAINT,
AND ITS STATEMENT OF NON-
OPPOSITION TO DEFENDANT'S
REQUEST TO VACATE AUGUST 24
HEARING**

On July 1, 2009, the deadline for the parties to amend pleadings pursuant to the Stipulated Discovery Plan and Scheduling Order of January 16, 2009, Plaintiff The SCO Group, Inc. (“SCO”) filed its Motion to Amend Complaint (Docket No. 99). On July 6, 2009, the Court scheduled oral argument on that Motion for August 24, 2009. On July 17, 2009, Defendant AutoZone, Inc. (“AutoZone”) filed its Notice of Non-Opposition to Plaintiff’s Motion for Leave to File Amended Complaint, and Request to Vacate Hearing (Docket No. 102).

In view of AutoZone’s non-opposition to SCO’s Motion to Amend Complaint, and for the reasons set forth in that Motion, SCO respectfully requests that the Court grant (1) SCO’s Motion to Amend Complaint and (2) AutoZone’s request to vacate the August 24, 2009, hearing on the Motion.

DATED this 12th day of August, 2009.

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Richard J. Pocker
Richard J. Pocker
Nevada Bar No. 3568
BOIES, SCHILLER & FLEXNER LLP
300 South Fourth Street, Suite 800
Las Vegas, Nevada 89101
Phone: (702) 382-7300
Attorneys for Plaintiff, The SCO Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Boies, Schiller & Flexner LLP and that on this 12th day of August, 2009, I caused to be deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing SCO's REPLY IN SUPPORT OF MOTION TO AMEND COMPLAINT, AND IT'S STATEMENT OF NON-OPPOSITION TO DEFENDANT'S REQUEST TO VACATE AUGUST 24th HEARING, addressed as follows:

James J. Pisanelli, Esq. (State Bar No. 4027)
Nikki L. Wilmer (State Bar No. 6562)
Brownstein Hyatt Farber Schreck
100 City Parkway
Suite 1600
Las Vegas, Nevada 89106-4614

David J. Stewart
Michael P. Kenny
Christopher A. Riley
Alston & Bird LLP
1201 W. Peachtree Street
Atlanta, Georgia 30309-3424

/s/ Shilah Wisniewski
An employee of Boies, Schiller & Flexner LLP