

Received

AUG 13 2004

James J. Pisanelli

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE SCO GROUP, INC.
a Delaware Corporation

Plaintiff,

v.

AUTOZONE, INC.
a Nevada Corporation

Defendant.

Civil Action File No.
CV-S-04-0237-RCJ-LRL

FILED RECEIVED
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COUNSEL/PARTIES OF RECORD
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CLERK OF DISTRICT COURT
DISTRICT OF NEVADA
BY [Signature] DEPUTY

ORDER

Defendant AutoZone, Inc. ("AutoZone") has filed a motion to stay this case or, in the alternative, for a more definite statement as well as a motion to transfer venue to the Western District of Tennessee pending the resolution of related litigation pending in federal district courts in Utah and Delaware. Plaintiff The SCO Group, Inc. ("SCO") has opposed the motion and, in so doing, has alleged that AutoZone is infringing SCO's OpenServer software product in ways that are not at issue in the related pending cases; and that SCO is suffering irreparable harm as a result of the alleged infringements.

Having read and considered the briefs of the parties, and having heard oral argument from counsel for the parties,

It is HEREBY ORDERED that:

1. AutoZone's motion is GRANTED. This action is stayed pending further order of the court. The parties shall each submit a letter to the Court every 90 days as to the status of the following cases: *The SCO Group, Inc. v. International Business Machines Corporation*, No. 2:03CV294 (D. Utah); *The SCO Group, Inc. v. Novell, Inc.*, No. 2:04CV00139 (D. Utah); and *RedHat, Inc. v. The SCO Group, Inc.*, No. 1:03CV772 (D. Del.). The parties' letters shall be sent

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14 days following the dates on which SCO's status letters are due to the court in the *Red Hat* case.

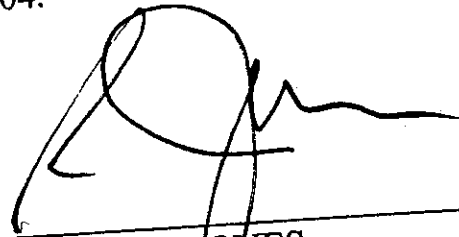
2. Notwithstanding the stay of this case, the court will allow the parties to take limited expedited discovery related to the issue of preliminary injunctive relief. In that regard, *RJ* SCO shall, within ~~ten~~ ^{fifteen} days from the date of this Order, serve on AutoZone a statement of the basis for its claim for preliminary injunctive relief and the nature of the relief it seeks on those claims.

3. Discovery and briefing shall occur according to the following schedule and limitations:

- RJ* (a) The parties shall have ~~30~~ ⁴⁵ days from the date of this Order to propound written discovery pursuant to Federal Rules of Civil Procedure.
- RJ* (b) All relevant party and non-party discovery must be completed within ~~60~~ ⁹⁰ days of the date of this Order.
- (c) The parties may take no more than six depositions each, including 30(b)(6) and third party depositions.
- (d) SCO will file its motion for preliminary injunction and supporting memorandum of authorities within twenty days after the conclusion of discovery.
- (e) AutoZone shall have 33 days from the date of service of SCO's motion for preliminary injunction to file a brief in opposition to SCO's motion for preliminary injunction. The motion will thereafter be scheduled for hearing at the court's earliest opportunity.
- (f) Defendant AutoZone's alternative motion for a more definitive statement and its motion to transfer this matter pursuant to 28 U.S.C. § 1404(c) are ~~stayed pending further~~ ^{denied without} *prejudice*.

RJ ~~order of this Court.~~

SO ORDERED, this 6 day of ^{Aug} ~~July~~, 2004.



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE