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DISTRICT COURT
DISTRICT OF NEVADA
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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

COMPLAINT
JURY DEMAND

CV-S-04-0237-DWH-LRL

COMES NOW, the Plaintiff, The SCO Group, Inc. ("SCO") sues Defendant, AutoZone, Inc., ("AutoZone") and alleges as follows:

INTRODUCTION

1. Defendant uses one or more versions of the Linux operating system that infringe on SCO's exclusive rights in its propriety UNIX System V operating system technology. This case seeks relief under the Copyright Act to compensate SCO for damages it has sustained as result of Defendant's infringing uses of SCO's proprietary UNIX System V technology, and to enjoin any further use by Defendant of the protected UNIX System V technology contained in Linux.

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2. Plaintiff SCO is a Delaware corporation with its principal place of business in Utah County, State of Utah.

3. Defendant is a Nevada corporation with its principal place of business in the State of Tennessee.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Venue is properly situated in this District pursuant to 28 U.S.C. §§ 1391 and 1400.

BACKGROUND FACTS

6. UNIX is a computer software operating system. Operating systems serve as the link between computer hardware and the various software programs (known as applications) that run on the computer. Operating systems allow multiple software programs to run at the same time and generally function as a "traffic control" system for the different software programs that run on a computer.

7. In the business-computing environment for the Fortune 1000 and other large corporations (often called the "enterprise computing market"), UNIX is widely used.

8. The UNIX operating system was originally developed by AT&T Bell Laboratories ("AT&T"). After successful in-house use of the UNIX software, AT&T began to license UNIX as a commercial product for use in enterprise applications by other large companies.

9. Over the years, AT&T Technologies, Inc., a wholly owned subsidiary of AT&T, and its related companies licensed UNIX for widespread enterprise use. Pursuant to a license with AT&T, various companies, including International Business Machines, Hewlett-Packard, Inc., Sun Microsystems, Inc., Silicon Graphics, Inc., and Sequent Computer Systems, became some of the principal United States-based UNIX vendors, among many others.

10. These license agreements place restrictions on the valuable intellectual property developed by AT&T, which allow UNIX to be available for use by others while, at the same time, protecting AT&T's (and its successors') rights.

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2 11. Through a series of corporate acquisitions, SCO presently owns all right, title and
3 interest in and to UNIX and UnixWare operating system source code, software and sublicensing
4 agreements, together with copyrights, additional licensing rights in and to UNIX and UnixWare, and
5 claims against all parties breaching such agreements.

6 12. During the past few years a competing, and free, operating system know as Linux
7 has been transformed from a non-commercial operating system into a powerful general enterprise
8 operating system.

9 13. Linux is in material respects an operating system variant or clone of UNIX System
10 V technology. According to leaders within the Linux community, Linux is not just a "clone," but is
11 intended to displace UNIX System V.

12 **CAUSE OF ACTION**
13 **(Copyright Infringement)**

14 14. Plaintiff repeats and re-alleges all allegations set forth in paragraphs 1 through 13
15 of this Complaint as though fully set forth herein.

16 15. SCO is the owner of copyright rights to UNIX software, source code, object code,
17 programming tools, documentation related to UNIX operating system technology, and derivative
18 works thereof. These materials are covered by numerous copyright registrations issued by the
19 United States Copyright Office (the "Copyrighted Materials"). Registrations in the Copyrighted
20 Materials have been obtained by SCO and its predecessors in interest and are owned by SCO.
21 Included among such registrations are the following reference materials:

22

TITLE	REGISTRATION NO.
23 UNIX SYSTEM V RELEASE 4 Integrated 24 Software Development Guide	TX 2 931-646
25 UNIX SYSTEM V RELEASE 4 Reference Manual 26 For Intel Processor Commands m-z	TX 3 221-656
27 UNIX SYSTEM V RELEASE 4 Reference Manual 28 for Intel Processors Commands a-1	TX 3 227-639

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UNIX SYSTEM V RELEASE 4 Device Driver Interface/Driver Kernel Interface Reference Manual for Intel Processors	TX 3 232-578
UNIX SYSTEM V RELEASE 4 Programmer's Guide: Streams for Intel Processors	TX 3 218-286
UNIX SYSTEM V RELEASE 4 Device Driver Interface/Driver Kernel Interface Reference Manual for Motorola Processors	TX 220-500
UNIX SYSTEM V RELEASE 4 Reference Manual for Motorola Processors Commands a-1	TX 3 220-331
UNIX SYSTEM V RELEASE 4 PROGRAMMER'S GUIDE	TX 2 120-502
UNIX SYSTEM V/386 RELEASE 4 Transport Application Interface Guide	TX 2 881-542
UNIX SYSTEM V/386 RELEASE 4 Device Interface/Driver Kernel Interface (DDI/DKI) Reference Manual	TX 2 883-235
UNIX SYSTEM V/386 RELEASE 4 Programmer's Guide: SCSI Driver Interface	TX 2 902-863
UNIX SYSTEM V/386 RELEASE 4 System Administrator's Reference Manual	TX 2 881-543
UNIX SYSTEM V/386 RELEASE 4 Programmer's Reference Manual	TX 2 853-760
UNIX SYSTEM V/386 RELEASE 4 User's Reference Manual	TX 2 890-471
UNIX SYSTEM V/386 RELEASE 4 User's Reference Manual	TX 2 820-791
UNIX SYSTEM V RELEASE 4 Device Driver Interface/Driver Kernel Interface (DDI/DKI) Reference Manual	TX 3 820-792
UNIX SYSTEM V RELEASE 4 Programmer's Guide: Streams	TX 2 833-114
UNIX SYSTEM V RELEASE 4 Programmer's Reference Manual	TX 2 832-009
UNIX SYSTEM V RELEASE 4 System Administrator's Reference Manual	TX 2 830-989
UNIX SYSTEM V/386 Programmer's Guide Vol. II	TX 2 454-884

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UNIX SYSTEM V/386 RELEASE 3.2 Programmer's Reference Manual	TX 2 494-658
UNIX SYSTEM V/386 Programmer's Reference Manual	TX 2 373-759
UNIX SYSTEM V/386 System Administrator's Reference Manual	TX 2 371-952
UNIX SYSTEM V/386 Streams Programmer's Guide	TX 2 367-657
UNIX SYSTEM V/386 Streams Primer	TX 2 366-532
UNIX SYSTEM V RELEASE 3.2 System Administrator's Reference Manual	TX 2 611-860
UNIX SYSTEM V. RELEASE 3.2 Programmer's Reference Manual	TX 2 605-292
UNIX SYSTEM V Documentor's Workbench Reference Manual	TX 2 986-119
UNIX SYSTEM V RELEASE 4 User's Reference Manual/System Administrator's Reference Manual for Motorola Processors Commands m-z	TX 3 218-267
UNIX SYSTEM V RELEASE 4 System Files and Devices Reference Manual for Motorola Processors	TX 3 221-654

16. Pursuant to 17 U.S.C. § 410 (c) the Certificates of Copyright Registrations identified above constitutes *prima facie* evidence of the validity of the copyrights and of the facts stated in the Certificates. SCO's registered copyrights in the Copyrighted Materials as embodied in the above Copyright Registrations are entitled to such statutory presumptions.

17. Registrations in the Copyrighted Materials have also been obtained by SCO and its registrations in the following additional registrations of software code:

UNIXWARE 7.1.3	TX 5-787-679
UNIX SYSTEM V RELEASE 3.0	TX 5-750-270
UNIX SYSTEM V RELEASE 3.1	TX 5-750-269
UNIX SYSTEM V RELEASE 3.2	TX 5-750-271

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UNIX SYSTEM V RELEASE 4.0	TX 5-776-217
UNIX SYSTEM V RELEASE 4.1ES	TX 5-705-356
UNIX SYSTEM V RELEASE 4.2	TX 5-762-235
UNIX SYSTEM V RELEASE 4.1	TX 5-762-234
UNIX SYSTEM V RELEASE 3.2	TX 5-750-268

18. SCO and its predecessors in interest created the Copyrighted Materials as original works of authorship, and, as such, the Copyrighted Materials constitute copyrightable subject matter under the copyright laws of the United States. The Copyrighted Materials were automatically subject to copyright protection under 17 U.S.C. § 102(a) when such programs were fixed in a tangible medium of expression. Copyright protection under 17 U.S.C. §§ 102 and 103 extends to derivative works. Derivative works are defined in 17 U.S.C. § 101 to include works based on the original work or any other form in which the original work may be recast, transformed, modified or adapted.

19. The Copyrighted Materials include protected expression of code, structure, sequence and/or organization in many categories of UNIX System V functionality, including but not limited to the following: System V static shared libraries; System V dynamic shared libraries; System V inter-process communication mechanisms including semaphores, message queues, and shared memory; enhanced reliable signal processing; System V file system switch interface; virtual file system capabilities; process scheduling classes, including real time support; asynchronous input/output; file system quotas; support for Lightweight Processes (kernel threads); user level threads; and loadable kernel modules.

20. On information an belief, parts or all of the Copyrighted Material has been copied or otherwise improperly used as the basis for creation of derivative work software code, included one or more Linux implementations, including Linux versions 2.4 and 2.6, without the permission of SCO.

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21. Defendant has infringed and will continue to infringe SCO's copyrights in and relating to Copyrighted Materials by using, copying, modifying, and/or distributing parts of the Copyrighted Materials, or derivative works based on the Copyrighted Materials in connection with its implementations of one or more versions of the Linux operating system, inconsistent with SCO's exclusive rights under the Copyright Act.

22. Defendant does not own the copyright to the Copyrighted Materials nor does it have permission or proper license from SCO to use any part of the Copyrighted Materials as part of a Linux implementation.

23. Upon information and belief, Defendant's conduct was and is willfully done with knowledge of SCO's copyrights.

24. Plaintiff has no adequate remedy at law. Defendant's conduct has caused, and if not enjoined, will continue to cause, irreparable harm to SCO.

25. As a result of Defendant's wrongful conduct, SCO is entitled to the following relief:
- a. Injunctive relief pursuant to 17 U.S.C. § 502 against Defendant's further use or copying of any part of the Copyrighted Materials;
 - b. SCO's actual damages as a result of Defendant's infringement and, to the extent applicable and elected by SCO prior to trial pursuant to 17 U.S.C. § 504, SCO's statutory damages and enhanced damages; and
 - c. Attorney's fees and costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, having fully set forth its complaint, plaintiff prays for relief from this Court as follows:

- 1. Injunctive relief pursuant to 17 U.S.C. § 502 against Defendant's further use or copying of any part of the Copyrighted Materials;

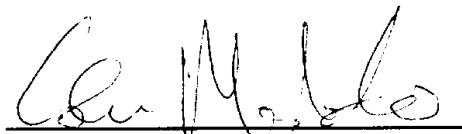
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2. SCO's actual damages as a result of Defendant's infringement and, to the extent applicable and elected by SCO prior to trial pursuant to 17 U.S.C. § 504, SCO's statutory damages and enhanced damages;
3. Attorney's fees and costs pursuant to 17 U.S.C. § 505; and
4. Pre- and post-judgment interest, and all other legal and equitable relief deemed just and proper by this Court.

JURY DEMAND

Plaintiff demands that all issues in this case be tried by a jury in accordance with the Seventh Amendment to the U.S. Constitution and Rule 38(b) of the Federal Rules of Civil Procedure.

DATED this 2nd day of March, 2004.



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