

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
The SCO GROUP, INC., <u>et al.</u> ,	)	Case No. 07-11337(KG)
	)	
Debtors.	)	Re Dkt No. 649

**ORDER DENYING FOURTH MOTION BY DEBTORS UNDER  
SECTION 1121(d) FOR EXTENSION OF EXCLUSIVITY DEADLINES**

1. The Court has carefully considered and heard argument on the Fourth Motion by Debtors Under Section 1121(d) for Extension of Exclusivity Period (“the Fourth Motion”) (D.I. 649), whereby Debtors (The SCO Group, Inc. and SCO Operations, Inc.) seek an Order extending the Debtors’ exclusive periods within which to file a chapter 11 plan and to solicit plan acceptances (the “Exclusive Periods”) to January 16, 2009, and March 18, 2009, respectively.


2. At the hearing on the Fourth Motion held on March 30, 2009, Debtors orally moved to further increase the exclusive period to file a plan to May 14, 2009, the latest date which the Court would be permitted to extend exclusivity under Section 1121(d)(2)(B) of the Bankruptcy Code.

3. The Court previously granted three extensions of the Exclusivity Periods. See Orders entered February 5, 2008 (D.I. 329), June 17, 2008 (D.I. 502) and September 23, 2008, (D.I. 559).

4. The Court finds that the time to seek any extension of the Exclusive Periods ended as of January 16, 2009, under even the most favorable view toward Debtors. This is because on December 30, 2008, Debtors filed the Fourth Motion by Debtors Under Section 1121(d) for the Extension of Exclusivity and requested extensions to January 16, 2009, to file a plan and March 16, 2009, to solicit acceptances. Debtors did not promptly set the Fourth Motion for a hearing and the Debtors did not bring the Fourth Motion before the Court until March 30, 2009, by which time Debtors had the benefit of the extensions they sought. Therefore, at best the Exclusive Periods terminated on January 16, 2009 and March 16, 2009. In addition, Debtors did not establish cause for an additional extension beyond March 16, 2009.

5. Accordingly, and for the reasons stated on the record, the Fourth Motion is DENIED, nunc pro tunc to January 16, 2009.

SO ORDERED THIS 21<sup>st</sup> day of April, 2009.

  
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KEVIN GROSS, U.S.B.J.