

# Judge Kimball Rules at Last

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Judge Kimball rules in SCO v. Novell! Here it is [PDF] at last! I haven't read it yet myself, just quickly skimmed it enough to see that SCO owes Novell some money (\$2,547,817 plus interest probably -- SCO can oppose -- from the Sun agreement) and it had no right to enter into the Sun agreement, but it did have the right to enter into the Microsoft and other SCOSource agreements. Requests for attorneys fees are separate, and that part comes next. Then appeals. I know you want to see it immediately, so let's read it together, and after it's clear, I'll come back and explain some more.

OK. I've read it now once through, and the big picture is this: Judge Kimball did not change anything in his August 10th order, which I was afraid might happen. He could have, had he heard anything that he didn't know when he made that order. So, SCO breached its fiduciary duty to Novell, converted funds, and so it has to pay.

However, Judge Kimball accepted SCO's argument that UnixWare is the latest version of UNIX and that it was the foundation of all the other agreements, even though SYSV was also involved, or so SCO thought.

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