

Ownership of Unix copyright headed to trial

August 25 2009, By P. SOLOMON BANDA , Associated Press Writer

(AP) -- A federal appeals court on Monday reversed a judge's decision that granted the copyright of the Unix computer operating system to Novell Inc.

A three-judge panel of the 10th U.S. Circuit Court of Appeals ruled that a judge erred in August 2007 by granting the copyright to Novell. The panel ordered a trial to determine ownership.

Novell, a software and computer infrastructure company, has been locked in a yearslong legal battle with The SCO Group Inc. of Lindon, Utah, over ownership to the copyright.

SCO said the ruling paves the way for resumption of the court case.

SCO filed for [bankruptcy protection](#) in 2007, drained by unsuccessfully filing lawsuits claiming its software code was misappropriated by developers of the open-source Linux [operating system](#).

"For us it's a case of survival, of protecting what we own." SCO chief executive Darl McBride told The Associated Press.

Part of the Unix computer code, which was developed by AT&T in 1969, is used in the Linux operating system.

McBride said the [development](#) and distribution of Linux has caused the company's revenues to drop from \$250 million a year to \$15 million, forcing the company to file for bankruptcy.

"There are 20 million versions of Linux running around the world," McBride said, referring to his estimate of company servers using Linux. "Linux at the end of the day is a knock off of our Unix."

Novell has operations in Provo, Utah, and Waltham, Mass. A Novell spokesman did not return a message seeking comment.

SCO has another lawsuit pending against IBM Corp., claiming Big Blue's Unix license for IBM's core AIX system was canceled in 2003 and IBM improperly gave away Unix source code for use in Linux.

McBride said the appellate panel's ruling reinstates SCO's claims against IBM, most which had been dismissed because of Novell's claim to the Unix copyright. A message left after business hours for IBM was not immediately returned.

Trial dates for SCO's lawsuits against Novell and IBM have not been set. Both cases are pending in U.S. District Court in Salt Lake City.

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