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MORRISON & FOERSTER LLP
Michael A. Jacobs (pro hac vice)
Kenneth W. Brakebill (pro hac vice)
David E. Melaugh (pro hac vice)
425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

ANDERSON & KARRENBERG
Thomas R. Karrenberg, #3726
John P. Mullen, #4097
Heather M. Sneddon, #9520
700 Chase Tower
50 West Broadway
Salt Lake City, UT 84101
Telephone: (801) 534-1700
Facsimile: (801) 364-7697

Attorneys for Novell, Inc.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

THE SCO GROUP, INC., a Delaware corporation,

Plaintiff and Counterclaim-Defendant,

vs.

NOVELL, INC., a Delaware corporation,

Defendant and Counterclaim-Plaintiff.

NOVELL, INC.'S MOTION FOR A MORE DEFINITE STATEMENT OF SCO'S UNFAIR COMPETITION CAUSE OF ACTION

Case No. 2:04CV00139

Judge Dale A. Kimball


Defendant and Counterclaimant Novell, Inc. (“Novell”), by and through its attorneys of record, respectfully moves the Court pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for an order requiring Plaintiff and Counterdefendant The SCO Group, Inc. (“SCO”) to submit a more definite statement of its Fifth Claim for Relief against Novell.

SCO’s Second Amended Complaint (“Complaint”), includes a Fifth Claim for Relief asserting that Novell engaged in unfair competition. Because SCO’s Complaint recites actions spanning the country, it potentially implicates numerous state unfair competition laws, as well as the Federal unfair competition law, each with its own array of elements and defenses. However, SCO’s Complaint fails to provide Novell with proper notice of the unfair competition laws Novell is alleged to have violated. Instead, SCO makes the vague and ambiguous assertion that it seeks all remedies “available under applicable unfair-competition law.” (*See* Compl. ¶ 126.) Despite requests for clarification from Novell, SCO refuses to take a position on what unfair competition law it is asserting against Novell. Novell therefore asks this Court to require SCO to amend its Complaint to provide Novell with proper notice of the unfair competition laws that Novell has allegedly violated.

The grounds for this motion are more fully set forth in the supporting memorandum filed concurrently herewith.

DATED: April 10, 2006

ANDERSON & KARRENBURG



Thomas R. Karrenberg
John P. Mullen
Heather M. Sneddon

- and -

MORRISON & FOERSTER LLP
Michael A. Jacobs (pro hac vice)
Kenneth W. Brakebill (pro hac vice)

Attorneys for Novell, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2006, I caused a true and correct copy of the foregoing **NOVELL, INC.'S MOTION FOR A MORE DEFINITE STATEMENT OF SCO'S UNFAIR COMPETITION CAUSE OF ACTION** to be served via first class mail, postage prepaid, to the following:

Brent O. Hatch
Mark F. James
Mark R. Clements
HATCH JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101

Kevin P. McBride
1299 Ocean Avenue, Suite 900
Santa Monica, California 90401

Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP
100 Southeast Second Street, Suite 2800
Miami, Florida 33131

Robert Silver
Edward J. Normand
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504