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**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.

**REPLY DECLARATION OF DAVID E.
MELAUGH IN SUPPORT OF
NOVELL'S MOTION FOR SUMMARY
JUDGMENT ON ITS FOURTH CLAIM
FOR RELIEF**

*[REDACTED pursuant to the August 2,
2006 Stipulated Protective Order]*

Case No. 2:04CV00139

Judge Dale A. Kimball

I, David E. Melaugh, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and an associate at the law firm of Morrison & Foerster LLP, counsel of record for Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") in this action. I was admitted to practice before this Court *pro hac vice* by this Court's Order of July 30, 2004. The statements made herein are based on my personal knowledge.

2. I submit this reply declaration in support of Novell's motion for summary judgment on its fourth claim for relief.

3. As discussed below, some of the exhibits attached hereto include information that may be subject to the August 2, 2006 Stipulated Protective Order. Accordingly, the complete version of this declaration, which includes full and unredacted copies of all exhibits, is being filed under seal. A public version of this declaration, which deletes or redacts confidential documents and information, is also being submitted.

4. Attached as **Exhibit 1** is a true and correct copy of "SCO Memorandum in Opposition to IBM's Motion for Summary Judgment on its Claim for Declaratory Judgment on Non-Infringement (IBM's 10th Counterclaim)," submitted in the SCO v. IBM litigation, dated November 11, 2006, and produced in this litigation at BATES Nos. SCON 26497 to SCON 26732. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

5. Attached as **Exhibit 2** is a true and correct copy of the "Report of Dr. Thomas A. Cargill on the Infringement of the Unix System V Release 4 Operating System by the Linux Operating System," submitted in the SCO v. IBM litigation, dated May 19, 2006, and produced

in this litigation at BATES Nos. SCON 32587 to SCON 32670. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

6. Attached as **Exhibit 3** is a true and correct copy of "IBM's Memorandum in Response to The Court's Order of August 10, 2007," submitted in the SCO v. IBM litigation, dated August 31, 2007.

7. Attached as **Exhibit 4** is a true and correct copy of a letter from Arthur J. Spector to Members of the Tribunal, dated October 16, 2007, as produced in the arbitration between SCO and SUSE.

8. Attached as **Exhibit 5** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated July 11, 2003, as produced in this litigation at BATES Nos. NOV 43077 to NOV 43078.

9. Attached as **Exhibit 6** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated November 21, 2003, as produced in this litigation at BATES Nos. NOV 39512 to NOV 39514.

10. Attached as **Exhibit 7** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated December 29, 2003, as produced in this litigation at BATES No. NOVTR 923.

11. Attached as **Exhibit 8** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated February 4, 2004, as produced in this litigation at BATES No. NOVTR 1157.

12. Attached as **Exhibit 9** is a true and correct copy of a letter from Joseph LaSala to Ryan Tibbitts, dated March 1, 2004, as produced in this litigation at BATES No. NOV 43118.

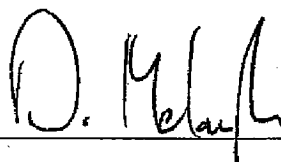
13. Attached as **Exhibit 10** is a true and correct copy of a letter from Joseph LaSala to Ryan Tibbitts, dated April 2, 2004, as produced in this litigation at BATES No. NOVTR 1218.

14. Attached as **Exhibit 11** is a true and correct copy of a letter from Joseph LaSala to Ryan Tibbitts, dated April 2, 2004, as produced in this litigation at BATES Nos. NOVTR 1360 to NOVTR 1361.

15. Attached as **Exhibit 12** is a true and correct copy of "Notice of Debtors' Motion to Approve Settlement Compensation or Sale Compensation and Expense Reimbursement to Plan Sponsor," dated February 14, 2008, as submitted In re: The SCO Group, Inc., in the United States Bankruptcy Court for the District of Delaware.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on this 19th day of February, 2008 in San Francisco, California.

A handwritten signature in black ink, appearing to read "D. Melaugh", is written over a horizontal line.

David E. Melaugh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of February, 2008, I caused a true and correct copy of the **REPLY DECLARATION OF DAVID E. MELAUGH IN SUPPORT OF NOVELL'S MOTION FOR SUMMARY JUDGMENT ON NOVELL'S FOURTH CLAIM FOR RELIEF** [REDACTED pursuant to the August 2, 2006 Stipulated Protective Order] to be served to the following:

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