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Attorneys for Defendant and Counterclaim-Plaintiff Novell, Inc.

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

<p>THE SCO GROUP, INC., a Delaware corporation,</p> <p>Plaintiff and Counterclaim-Defendant,</p> <p>vs.</p> <p>NOVELL, INC., a Delaware corporation,</p> <p>Defendant and Counterclaim-Plaintiff.</p>	<p>Case No. 2:04CV00139</p> <p>NOVELL'S SUPPLEMENTAL RULE 26(a)(3) PRETRIAL DISCLOSURES</p> <p>Judge Ted Stewart</p>
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Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's Amended Scheduling Order, Novell discloses the following witnesses and exhibits that it may present at trial, other than solely for impeachment: (1) the witnesses and exhibits listed on Novell's August 2, 2007 Rule 26 Pretrial Disclosures (Dkt. No. 369), and (2) any additional exhibits identified in Novell's subsequent amended disclosures (Dkt. Nos. 380, 382, 515, 518). Novell does not believe that other witnesses or exhibits are necessary beyond what the parties previously disclosed in their earlier Rule 26(a)(3) disclosures.

In the event that the parties agree to a supplementation of evidence and/or such supplementation is permitted by the Court, Novell would add the exhibits identified in Exhibit C-2 as described below.

Federal Rule of Civil Procedure 26(a)(3)(A)(i): Exhibit A-1 discloses witnesses that Novell expects to call at trial. Exhibit A-2 discloses witnesses that Novell may call at trial. All of these witnesses were previously disclosed in Novell's earlier Rule 26(a)(3) disclosures.

Federal Rule of Civil Procedure 26(a)(3)(A)(ii): Exhibit B discloses witnesses that Novell expects to present by deposition. Please note that this list includes deponents from both this action and *SCO v. IBM*, Case No. 03-0294. All of these witnesses were previously disclosed in Novell's earlier Rule 26(a)(3) disclosures.

Federal Rule of Civil Procedure 26(a)(3)(A)(iii): Novell incorporates by reference the exhibit list from its August 2, 2007 Rule 26 Pretrial Disclosures (Exhibits 1-898). Novell also discloses the exhibits on Exhibit C-1 attached hereto (Exhibits 899-1136) that were disclosed in Novell's amended disclosures (Dkt. Nos. 380, 382, 515, 518) but were not included in the August 2, 2007 disclosure. These have been re-numbered as Exhibits 899-1136. Exhibit C-2

identifies further exhibits that Novell would add in the event the parties agree to a supplementation of evidence and/or such supplementation is permitted by the Court.

DATED: February 1, 2010 Respectfully submitted

By: /s/ Sterling A. Brennan
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