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Attorneys for Plaintiff, The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>THE SCO GROUP, INC., by and through the Chapter 11 Trustee in Bankruptcy, Edward N. Cahn,</p> <p style="text-align: center;">Plaintiff/Counterclaim-Defendant,</p> <p>vs.</p> <p>NOVELL, INC., a Delaware corporation,</p> <p style="text-align: center;">Defendant/Counterclaim-Plaintiff.</p>	<p>SCO'S SECOND AMENDED SUPPLEMENTAL RULE 26(a)(3) PRETRIAL DISCLOSURES</p> <p>Civil No. 2:04 CV-00139</p> <p>Judge Ted Stewart</p>
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In accordance with Rule 26(a)(3) of the Federal Rules of Civil Procedure, and pursuant to the Court’s Amended Scheduling Order dated January 6, 2010, Plaintiff, The SCO Group, Inc. (“SCO”), respectfully submits to the Court and provides to Defendant, Novell, Inc. (“Novell”), SCO’s Second Amended Supplemental Pretrial Disclosures.¹

1. Rule 26(a)(3)(A)-(B) – WITNESSES

SCO discloses the following witnesses it expects to or may present at trial, other than solely for impeachment purposes: (i) the witnesses identified in SCO’s Rule 26(a)(3) Pretrial Disclosures filed on August 2, 2007 (Docket No. 370), (ii) any additional witnesses identified in SCO’s subsequent amended disclosures (including Docket Nos. 372, 381, 489, 508, and 516), and (iii) the following witnesses:

Person	Expect/May Call	Presented Live or By Deposition	Contact Information
Hughes, Erick	May	Live	Contact through Boies, Schiller & Flexner LLP
Johnson, Lee	May	Live	Contact through Boies, Schiller & Flexner LLP
Nagle, Andrew	May	Live	Contact through Boies, Schiller & Flexner LLP
Tibbitts, Ryan	Expect	Live	Contact through Boies, Schiller & Flexner LLP

¹ In a letter dated June 28, 2007, SCO’s counsel informed Novell’s counsel that Novell has waived the attorney-client privilege with respect to many documents listed on Novell’s privilege logs, including documents that Novell produced in redacted form and documents that Novell has withheld entirely. With respect to most of these documents, the parties appear to be in disagreement as to whether there has been any waiver and, if so, the extent of its scope and the potential relevance of the referenced documents, but the parties are continuing to meet and confer on the issue. SCO reserves the right to supplement the information provided in its Pretrial Disclosures with any additional documents that Novell has improperly redacted or withheld based on its privilege objection, as well as with the names and contact information of any other witnesses identified through any such documents.

SCO also reserves the right to call, and hereby discloses as witnesses it may call, all the witnesses identified in Novell’s Rule 26 Pretrial Disclosures dated August 2, 2007, and the amendments thereto, and in Novell’s Supplemental Rule 26(a)(3) Pretrial Disclosures and any amendments thereto. In addition, SCO reserves the right to present by deposition all the witnesses it has designated as “live” witnesses, and to present live all the witnesses it has designated as “deposition” witnesses.

2. Rule 26(a)(3)(C) – EXHIBITS

SCO discloses the following exhibits it expects to or may offer at trial, other than solely for impeachment purposes: (i) the exhibits identified in SCO’s Rule 26(a)(3) Pretrial Disclosures filed on August 2, 2007 (Docket No. 370), (ii) any additional exhibits identified in SCO’s subsequent amended disclosures (including Docket Nos. 372, 381, 489, 508, and 516), and (iii) the following exhibits:

Beginning Bates	Ending Bates	Other Document Identifier	Document Date	Expect to Offer/May Offer
		Novell’s interrogatory responses in this case		May
		Novell’s 2009 Annual Report (Form 10-K)		May
		Novell’s 2009 Quarterly Reports (Form 10-Q)		May
		Novell’s 2010 Quarterly Reports (Form 10-Q), if any are available		May
NOV 000002247	NOV 000002249	SOW for Licensing and Contract Management	December 5, 1995	May
NOV 000040893	NOV 000040896	Novell Memorandum	September 15, 1995	May
NOV 000040088	NOV 000040089	Novell Memorandum	September 15, 1995	May
NOV 000040897	NOV 000040922	Santa Cruz Guide		May
SCON0035986	SCON0036017	“IBM, Linux and You”		May

Beginning Bates	Ending Bates	Other Document Identifier	Document Date	Expect to Offer/May Offer
		Exhibit 339 to the 11/16/06 Declaration of Brent O. Hatch in the IBM Litigation		May
		Exhibit 340 to the 11/16/06 Declaration of Brent O. Hatch in the IBM Litigation		May
		Exhibit 334 to the 11/16/06 Declaration of Brent O. Hatch in the IBM Litigation		May
		All declarations the parties have filed in this case and all exhibits to those declarations		May
		5/18/2007 James Decl. Ex. 51, Ex. 1010 to the 2/6/07 Deposition of Chris Stone, and any corresponding video.		May
		5/18/2007 James Decl. Ex. 45		May
		5/18/2007 James Decl. Ex. 44		May
		5/18/2007 James Decl. Ex. 48		May
		5/18/2007 James Decl. Ex. 88		May
		5/18/2007 James Decl. Ex. 79		May
		5/18/2007 James Decl. Ex. 49		May
		5/18/2007 James Decl. Ex. 86		May
		http://www.novell.com/licensing/ntap/legal.html		May
NOV 000000373	NOV 000000373	Letter to X/Open	June 19, 1996	May
NOV 000001878	NOV 000001878	Letter to SunSoft	May 23, 1996	May
NOV 000001497	NOV 000001538	Novell letters to partners	January 26, 1996	May

In addition, SCO reserves the right to offer, and hereby discloses as exhibits it may offer, all the exhibits identified in Novell's Rule 26 Pretrial Disclosures dated August 2, 2007, and the amendments thereto, and in Novell's Supplemental Rule 26(a)(3) Pretrial Disclosures and any amendments thereto.

DATED this 3rd day of February, 2010.

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CERTIFICATE OF SERVICE

I, Edward Normand, hereby certify that on this 3rd day of February, 2010, a true and correct copy of the foregoing **SCO'S SECOND AMENDED SUPPLEMENTAL RULE 26(a)(3) PRETRIAL DISCLOSURES** was filed with the court and served via electronic mail to the following recipients:

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