

WAYNE R. GRAY V. NOVELL, INC., ET AL
CASE NO.: 8:06-CV-01950-JSM-TGW

DECLARATION OF EVAN A. RAYNES IN SUPPORT OF
X/OPEN'S OPPOSITION TO PLAINTIFF'S MOTION TO
DECLASSIFY THE 1996 SCO-NOVELL-X/OPEN CONFIDENTIALITY AGREEMENT

EXHIBIT 10

Raynes, Evan

From: George Coe [gcoe@BSFLLP.com]
Sent: Tuesday, May 29, 2007 5:55 PM
To: Sommers, Mark; Raynes, Evan
Subject: FW: Motion to seal

-----Original Message-----

From: George Coe
Sent: Thursday, May 17, 2007 9:35 AM
To: 'dlppa@mindspring.com'
Cc: Karen Dyer
Subject: RE: Motion to seal

David,

I do not know what "totally declassify" means and would ask that you reconsider filing your motion with regard to SCO given SCO has agreed to your request as SCO understands it. You had previously requested that your client needed to review the document to issue discovery and you wished to be able to file the document without filing under seal. We have agreed to both of those conditions. You also represented that your client would not publish the document on the internet or in other media. To the extent you wish to retract that statement please let me know.

Sincerely,
George Coe

-----Original Message-----

From: David Partlow [mailto:dlppa@mindspring.com]
Sent: Wednesday, May 16, 2007 5:50 PM
To: George Coe
Cc: Karen Dyer
Subject: Re: Motion to seal

Your message is not responsive to the question of totally declassifying the documents--it only addresses the issue of my client seeing them. Accordingly, I will take your response as negative, and so report it in my motion, which I expect to file tomorrow.

/s/ David L. Partlow

> [Original Message]
> From: George Coe <gcoe@BSFLLP.com>
> To: <dlppa@mindspring.com>
> Cc: Karen Dyer <kdyer@BSFLLP.com>
> Date: 5/16/2007 4:05:33 PM
> Subject: Re: Motion to seal
>
> David,
>
> Although we have sought to reach a reasonable compromise to permit
> your client to review the 1996 Confirmation Agreement, we do not
> believe that
the
> issue merits motion practice before the Court. Based on your

representation

> that your client will not publish the document, we will withdraw our
> objection to your client reviewing this document. SCO's position
> should

not
> be construed as our taking the position that other parties do not have
> the right to request reasonable confidentiality provisions for this
> document.

>
> Please contact me if you have any questions.

>
> ----- Original Message -----

> From: David Partlow <dlppa@mindspring.com>
> To: George Coe; Karen Dyer; Guerrant_William C.
> <wguerrant@hwhlaw.com>; Karrenberg_Thomas R.
> <tkarrenberg@aklawfirm.com>; McClure, Fredrick H.L.
> <fredrick.mcclure@dlapiper.com>; Mullen_John P_Esquire
> <jmullen@aklawfirm.com>; Raynes, Evan <evan.raynes@finnegan.com>;
> Sneddon_Heather <HeatherSneddon@aklawfirm.com>; Sommers_Mark
> <mark.sommers@finnegan.com>; Thompson, E. Colin
<Colin.Thompson@dlapiper.com>
> Sent: Wed May 16 13:40:30 2007
> Subject: Motion to seal

>
>
> Attached is a motion to seal documents that I intend to file
> concurrently with my motion to declassify the Confirmation Agreement
> and its
transmittal
> memo. Please let me know if you agree with the motion to seal so that
> I
can
> make the appropriate representation to the Court.

>
>
> /s/ David L. Partlow

>
>

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>

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