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Attorneys for The SCO Group, Inc.

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

<p>THE SCO GROUP, INC.,</p> <p style="padding-left: 40px;">Plaintiff/Counterclaim Defendant,</p> <p style="text-align: center;">v.</p> <p>NOVELL, INC.,</p> <p style="padding-left: 40px;">Defendant/Counterclaim-Plaintiff.</p>	<p>SCO'S CROSS MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY JUDGMENT ON NOVELL'S THIRD, SIXTH, SEVENTH, EIGHTH AND NINTH COUNTERCLAIMS</p> <p>Case No. 2:04CV00139 Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells</p>
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Plaintiff/Counterclaim-Defendant, the SCO Group, Inc. (“SCO”), pursuant to Rule 56 of the Federal Rules of Civil Procedure and for the reasons set forth in the Memorandum in Opposition to Defendant Novell, Inc.’s (“Novell’s”) Motion for Partial Summary Judgment or Preliminary Injunction and in Support of SCO’s Cross Motion for Summary Judgment or Partial Summary Judgment, respectfully moves this Court to enter summary judgment for SCO on Novell’s Sixth, Seventh, Eighth and Ninth Counterclaims, or, in the alternative, to enter partial summary judgment for SCO on Novell’s Third, Sixth, Seventh, Eighth and Ninth Counterclaims.

SCO is entitled to summary judgment on Novell’s Sixth, Seventh, Eighth and Ninth Counterclaims because the evidence of the parties’ intent under the APA and Amendments thereto is undisputed in SCO’s favor. In the alternative, SCO is entitled to partial summary judgment on Novell’s counterclaims for a constructive trust and/or accounting under its Third, Sixth, Seventh, Eighth and Ninth causes of action on the grounds that Novell cannot satisfy the elements for such relief.

For the forgoing reasons, and as more fully set forth in the accompanying memorandum, this Court should enter summary judgment or partial summary judgment in favor of SCO.

DATED this 12th day of December, 2006.

HATCH, JAMES & DODGE, P.C.

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By: /s/ Brent O. Hatch

CERTIFICATE OF SERVICE

Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Cross Motion for Summary Judgment or Partial Summary Judgment on Novell's Third, Sixth, Seventh, Eighth and Ninth Counterclaims was served on Defendant, Novell, Inc., on this 12th day of December, 2006, via CM/ECF to the following:

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