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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.

**NOVELL INC.'S *EX PARTE*
MOTION FOR LEAVE TO FILE
AN OVERLENGTH REPLY
MEMORANDUM**

Case No. 2:04CV00139

Judge Dale A. Kimball

Defendant and Counterclaim-Plaintiff Novell, Inc., through its attorneys of record, and pursuant to DuCivR 7-1(e), hereby moves the Court for an order granting it leave to file a reply memorandum in support of Novell's Motion for Partial Summary Judgment or Preliminary Injunction ("Motion") that exceeds the page limitations of DuCivR 56-1(b). Novell requests that

it be allowed to file a reply that does not exceed sixteen pages, exclusive of face sheet, table of contents, table of authorities, statement of issues and summary of argument.

Novell requires an extension of the page limitations specified in DuCivR 56-1(b) due to the length and breadth of the single overlength memorandum filed by Plaintiff and Counterclaim-Defendant The SCO Group, Inc. ("SCO"), both in response to Novell's Motion and in support of SCO's cross-motion for summary judgment ("SCO's Memorandum"). SCO's Memorandum is approximately 72 pages long, consisting of over 30 pages of argument. Further, SCO submitted the Declaration of Brent O. Hatch in connection with its Memorandum, attaching 46 exhibits totaling hundreds of pages.

Novell has endeavored to be as concise as possible in drafting its arguments contained in Novell's Reply to SCO's Opposition to Novell's Motion for Partial Summary Judgment or Preliminary Injunction, but to adequately apprise the Court of SCO's significant concessions in its Memorandum, its fiduciary remittance obligations to Novell under the unambiguous language of the APA and the Sun and Microsoft Agreements, why those agreements are not reasonably susceptible to SCO's interpretations, and why SCO cannot overcome Novell's strong likelihood of success on the merits by interjecting its stayed copying infringement claim into the preliminary injunction analysis, a reply consisting of approximately sixteen pages, exclusive of face sheet, table of contents, table of authorities, statement of issues and summary of argument, is necessary.

For the foregoing reasons, Novell submits that good cause and exceptional circumstances exist for the filing of an overlength reply, and respectfully requests that it be granted leave to file

the requested Reply to SCO's Opposition to Novell's Motion for Partial Summary Judgment or Preliminary Injunction.

DATED: January 8, 2007

ANDERSON & KARRENBURG

/s/ Heather M. Sneddon

Thomas R. Karrenberg

John P. Mullen

Heather M. Sneddon

-and-

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