SCO Grp v. Novell Inc Doc. 19

MORRISON & FOERSTER LLP Michael A. Jacobs (pro hac vice) Kenneth W. Brakebill (pro hac vice) 425 Market Street San Francisco, CA 94105-2482 Telephone: (415) 268-7000

Facsimile: (415) 268-7522

ANDERSON & KARRENBERG Thomas R. Karrenberg, #3726 John P. Mullen, #4097 Heather M. Sneddon, #9520 700 Chase Tower 50 West Broadway Salt Lake City, UT 84101

Telephone: (801) 534-1700 Facsimile: (801) 364-7697

Attorneys for Novell, Inc.

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

THE SCO GROUP, INC., a Delaware corporation,

Plaintiff,

VS.

NOVELL, INC., a Delaware corporation,

Defendant.

DECLARATION OF HEATHER M. SNEDDON IN SUPPORT OF NOVELL'S MOTION FOR PARTIAL SUMMARY JUDGMENT OR PRELIMINARY INJUNCTION

Case No. 2:04CV00139

Judge Dale A. Kimball

- I, Heather M. Sneddon, declare as follows:
- 1. I am an attorney duly licensed to practice law in the State of Utah and an associate at the law firm of Anderson & Karrenberg, counsel of record for Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") in this action. I submit this declaration in support of Novell's Motion for Partial Summary Judgment or Preliminary Injunction. The statements made herein are based on my personal knowledge.
- 2. Attached as Exhibit 1 is a true and correct copy of the SCO Quarterly Report, Form 10-Q, for the quarter ended July 31, 2004, as downloaded from http://www.shareholder.com/common/edgar/1102542/1104659-04-27598/04-00.pdf.
- Attached as Exhibit 2 is a true and correct copy of the Novell Quarterly Report, Form 10-Q, for the quarter ended April 30, 2006, as downloaded from http://www.novell.com/company/ir/filings/2006/2_2006.pdf.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of January, 2007 in Salt Lake City, Utah.

/s/ Heather M. Sneddon

Heather M. Sneddon

sf-2251551 1