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*Attorneys for The SCO Group, Inc.*

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

THE SCO GROUP, INC.,  
  
 Plaintiff/Counterclaim Defendant,  
  
 v.  
  
 NOVELL, INC.,  
  
 Defendant/Counterclaim-Plaintiff.

**SCO'S CROSS MOTION FOR  
 PARTIAL SUMMARY JUDGMENT  
 ON NOVELL'S FOURTH  
 COUNTERCLAIM**

Case No. 2:04CV00139  
 Honorable Dale A. Kimball  
 Magistrate Judge Brooke C. Wells

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 on Its Fourth Counterclaim for Relief and in Support of SCO’s Cross Motion for Partial Summary Judgment, respectfully moves this Court to enter partial summary judgment for SCO on Novell’s Fourth Counterclaim.

SCO is entitled to partial summary judgment on Novell’s Fourth Counterclaim because the evidence of the parties’ intent under the APA and Amendments thereto is undisputed in SCO’s favor.

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

DATED this 18th day of January, 2007.

By: /s/ Edward Normand

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**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Cross Motion for Partial Summary Judgment on Novell's Fourth Counterclaim was served on Defendant, Novell, Inc., on this 18th day of January, 2007, via CM/ECF to the following:

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