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*Attorneys for Plaintiff, The SCO Group, Inc.*

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

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THE SCO GROUP, INC.,  
 a Delaware corporation,  
  
 Plaintiff/Counterclaim-Defendant,

vs.

NOVELL, INC.,  
 a Delaware corporation,

Defendant/Counterclaim-Plaintiff.

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**SCO'S MOTION FOR PARTIAL  
 SUMMARY JUDGMENT ON ITS FIRST,  
 SECOND, AND FIFTH CAUSES OF  
 ACTION AND FOR SUMMARY  
 JUDGMENT ON NOVELL'S FIRST  
 COUNTERCLAIM**

**Civil No.: 2:04CV00139**

Judge Dale A. Kimball  
 Magistrate 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 Support of SCO’s Motion, respectfully moves this Court to enter partial summary judgment for SCO on its First, Second and Fifth Causes of Action and to enter summary judgment for SCO on Novell’s First Counterclaim.

DATED this 9th day of April, 2007.

HATCH, JAMES & DODGE, P.C.  
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*Counsel for The SCO Group, Inc.*

By:           /s/ Edward Normand

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing was served on this 9th day of April, 2007, via CM/ECF to the following:

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