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Attorneys for Defendant and Counterclaimant Novell, Inc.

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
 OVERLENGTH REPLY
 MEMORANDA**

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 four reply memoranda in support of its summary judgment motions filed on April 20, 2007, which

exceed the page limitations of DuCivR 56-1(b). Novell requests that it be allowed to file the following overlength reply memoranda containing the specified number of pages:

- Reply in Support of Novell's Motion for Partial Summary Judgment on the Copyright Ownership Portions of SCO's Second Claim for Breach of Contract and Fifth Claim for Unfair Competition, containing approximately 15 pages of argument;
- Reply in Support of Novell's Motion for Partial Summary Judgment on SCO's Non-Compete Claim in its Second Claim for Breach of Contract and Fifth Claim for Unfair Competition, containing approximately 20 pages of argument;
- Reply in Support of Novell's Motion for Summary Judgment on SCO's First Claim for Slander of Title and Third Claim for Specific Performance (Copyright Ownership), containing approximately 24 pages of argument; and
- Reply Memorandum in Support of Novell's Motion for Summary Judgment on SCO's First Claim for Slander of Title Based on Failure to Establish Special Damages, containing approximately 26 pages of argument.

Novell requires an extension of the page limitations specified in DuCivR 56-1(b) due to the length and breadth of the memoranda, declarations and exhibits filed by Plaintiff and Counterclaim-Defendant The SCO Group, Inc. ("SCO") in opposition to Novell's summary judgment motions. SCO's opposition memoranda are 21, 57, 92 and 62 pages long, respectively, with approximately 12, 31, 40, and 15 pages of argument. In addition, SCO filed the Declarations of Mark F. James, and G. Gervaise Davis III, attaching a total of 122 exhibits numbering hundreds of pages.

Novell has endeavored to be as concise as possible in drafting its arguments contained in its above-mentioned reply memoranda, but to adequately apprise the Court of the myriad of factual and legal issues raised in SCO's opposition papers, declarations and exhibits, overlength reply memoranda are necessary.

For the foregoing reasons, Novell submits that good cause and exceptional circumstances exist for the filing of overlength reply memoranda, and respectfully requests that it be granted leave to file the requested reply memoranda in support of its pending summary judgment motions.

DATED: May 25, 2007

ANDERSON & KARRENBERG

/s/ Heather M. Sneddon
Thomas R. Karrenberg
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-and-

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