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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.

**REPLY DECLARATION OF JAMES
 MCKENNA 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)**

Case No. 2:04-CV-00139

Judge Dale A. Kimball

I, James McKenna, declare as follows:

1. I am the Firmwide Litigation Technology Manager for Morrison & Foerster LLP, counsel of record for Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") in *The SCO Group, Inc. v. Novell, Inc.* From time to time, my responsibilities include assisting counsel in this action. The statements made herein are based on my personal knowledge.

2. I previously submitted a declaration, filed 5/14/07, PACER No. 293, in support of Novell's Opposition to SCO's Motion For Partial Summary Judgment on SCO's First, Second, and Fifth Causes of Action and for Summary Judgment on Novell's First Counterclaim. That declaration is incorporated herein by reference.

3. In my prior declaration, I described various copyright notices mentioning Novell on three CDs that I was given by the attorneys at Morrison & Foerster LLP, labeled as follows:

- "SCO UnixWare Release 2.1," denominated SCON0114233;
- "SCO UnixWare Release 2.1.3 Installation CD," denominated SCON0114234; and
- "SCO UnixWare Release 2.1.3 Supplemental CD," denominated SCON0114235.

4. The attorneys at Morrison & Foerster have now asked me to read the Declaration of Jay Petersen, dated May 18, 2007, submitted by SCO in this litigation. In that declaration, Mr. Petersen states, "UnixWare 2.1 contained Novell Netware source code (which was not transferred to SCO under the 1995 transaction) that SCO agreed to ship as part of UnixWare as part of the 1995 transaction. SCO's understanding was that the presence of such code in UnixWare required Novell's copyright notice." The attorneys at Morrison & Foerster LLP have asked me to further examine the copyright notices on the SCO UnixWare Release 2.1 CD and the SCO UnixWare Release 2.1.3 Installation CD in response to Mr. Petersen's declaration.

Copyright Notices on Netware Directories

5. On the SCO UnixWare Release 2.1 CD, I observed that the documents entitled "copyright" in what appear to be NetWare directories ("NWMERGE\INSTALL," "NWNET\INSTALL," "NWS\INSTALL," "NWSCLNT\INSTALL," "NWSDOCS\INSTALL," "NWSRVR\INSTALL," "NWSUP\INSTALL," and "NWSWINV\INSTALL") each contained one of the following two copyright notices:

Copyright (c) 1995 Novell, Inc. All Rights Reserved.

or

Copyright (c) 1984-1995 Novell, Inc. All Rights Reserved.

6. On the SCO UnixWare Release 2.1.3 Installation CD, I observed that the documents entitled "COPYRIGHT" in what appear to be NetWare directories ("NWMERGE\INSTALL," "NWNET\INSTALL," "NWS\INSTALL," "NWSCLNT\INSTALL," "NWSDOCS\INSTALL," "NWSRVR\INSTALL," "NWSUP\INSTALL," and "NWSWINV\INSTALL") each contained one of the two copyright notices described above in Paragraph 5.

Copyright Notices Referring to Third Parties

7. On the SCO UnixWare Release 2.1 CD, I observed that several documents entitled "copyright" contained copyright notices that referred to companies other than Novell or the Santa Cruz Operation. For example:

- The document entitled "copyright" in the "\DEMERGE\INSTALL," "\DOSMERGE\INSTALL," "\ESMERGE\INSTALL" and "\JAMERGE\INSTALL" directories contain the following copyright notice:

*Copyright (C) 1992-1995 Novell Inc. All Rights Reserved.
Copyright (C) 1985-1995 Locus Computing Corporation
All Rights Reserved.*

- The document entitled "copyright" in the "\DYNATEXT\INSTALL" directory contains the following copyright notice:

*Copyright (c) 1994-1995 Novell, Inc. All Rights Reserved.
Copyright (c) 1994-1995 Electronic Book Technologies, Inc. All Rights Reserved.
(C) Copyright 1996 The Santa Cruz Operation, Inc. All rights reserved.*

8. On the SCO UnixWare Release 2.1.3 Installation CD, I observed that several documents entitled "COPYRIGHT" contained copyright notices that referred to companies other than Novell or the Santa Cruz Operation. For example:

- The document entitled "COPYRIGHT" in the "\DEMERGE\INSTALL," "\ESMERGE\INSTALL" and "\JAMERGE\INSTALL" directories contain the following copyright notice:

*Copyright (C) 1992-1995 Novell Inc. All Rights Reserved.
Copyright (C) 1985-1995 Locus Computing Corporation
All Rights Reserved.*

- The document entitled "COPYRIGHT" in the "\DOSMERGE\INSTALL" directory contains the following copyright notice:

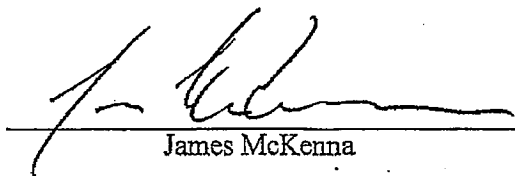
*Copyright (C) 1995 Novell Inc. All Rights Reserved.
Copyright (C) 1985-1994 Locus Computing Corporation
All Rights Reserved.*

- The document entitled "COPYRIGHT" in the "\DYNATEXT\INSTALL" directory contains the following copyright notice:

*Copyright (c) 1994-1995 Novell, Inc. All Rights Reserved.
Copyright (c) 1994-1995 Electronic Book Technologies, Inc. All Rights Reserved.
(C) Copyright 1996 The Santa Cruz Operation, Inc. All rights reserved.*

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

Executed on this 24 day of May, 2007 in San Francisco, California.


James McKenna

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2007, I caused a true and correct copy of the foregoing **REPLY DECLARATION OF JAMES MCKENNA 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)** to be served to the following:

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