

Brent O. Hatch (5715)
 Mark F. James (5295)
 HATCH, JAMES & DODGE
 10 West Broadway, Suite 400
 Salt Lake City, Utah 84101
 Telephone: (801) 363-6363
 Facsimile: (801) 363-6666

Robert Silver (admitted pro hac vice)
 Edward Normand (admitted pro hac vice)
 BOIES, SCHILLER & FLEXNER LLP
 333 Main Street
 Armonk, New York 10504
 Telephone: (914) 749-8200
 Facsimile: (914) 749-8300

Stuart H. Singer (admitted pro hac vice)
 BOIES, SCHILLER & FLEXNER LLP
 401 East Las Olas Boulevard – Suite 1200
 Ft. Lauderdale, Florida 33301
 Telephone: (954) 356-0011
 Facsimile: (954) 356-0022

Stephen N. Zack (admitted pro hac vice)
 BOIES, SCHILLER & FLEXNER LLP
 Bank of America Tower – Suite 2800
 100 Southeast Second Street
 Miami, Florida 33131
 Telephone: (305) 539-8400
 Facsimile: (305) 539-1307

Attorneys for The SCO Group, Inc.

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

THE SCO GROUP, INC.,

Plaintiff,

v.

NOVELL, INC.,

Defendant.

**SCO'S RULE 26 INITIAL
 DISCLOSURES**

Case No. 2:04CV00139

Honorable Dale A. Kimball

In accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, The SCO Group, Inc. (“SCO”), hereby provides to Defendant, Novell, Inc. (“Novell”), SCO’s Initial Disclosures. SCO reserves the right to supplement or otherwise amend these disclosures based on its ongoing investigation of the facts supporting its claims and defenses.

1. Rule 26(a)(1)(A) – PERSONS LIKELY TO HAVE INFORMATION

The following individuals are likely to have discoverable information that SCO may use to support its claims and defenses. In identifying an attorney who may have such information, SCO does not intend to waive, and indeed reserves, any applicable privilege, protection, or immunity.

PERSON	SUBJECT(S) OF THE INFORMATION	CONTACT INFORMATION
Acheson, Jean	Novell’s audits of SCO pursuant to the APA; SCO’s defenses.	Should be contacted only through Boies, Schiller & Flexner LLP. The SCO Group, Inc. 355 South 520 West Suite 100 Lindon, Utah 84042
Chatlos, Ed	The APA; the TLA; the attempted and consummated buyouts of SVRX royalties; Amendment No. X; SCO’s defenses.	Should be contacted through Goodwin Procter LLP Albert J. Solecki, Jr. 7 Forest View Drive Chester, NJ 07930
Frankenberg, Robert	The APA; the TLA; the attempted and consummated buyouts of SVRX royalties; Amendment No. X; SCO’s defenses.	Known to Novell.

Jones, Greg	Novell's slanderous statements; Novell's communications with SCO regarding the APA and ownership of the UNIX copyrights.	Known to Novell.
LaSala, Joseph	Novell's slanderous statements; Novell's communications with SCO regarding the APA and ownership of UNIX copyrights.	Known to Novell.
Maciaszek, John	The IBM buyout.	Should be contacted only through Boies, Schiller & Flexner. The SCO Group, Inc. 430 Mountain Avenue PO Box 4 Murray Hill, NJ 07974-0004
Madsen, Kimberly	The APA; the TLA; attempted and consummated buyouts of SVRX royalties; Amendment No. X; SCO's defenses.	344 Laurent Street Santa Cruz, CA 95060
Mattingly, Ty	The APA.	22 West 620 South Orem, Utah 84058
McBride, Darl	Communications with Novell regarding the APA and ownership of the UNIX copyrights; SCO's defenses.	Should be contacted only through Boies, Schiller & Flexner LLP. The SCO Group, Inc. 355 South 520 West Suite 100 Lindon, Utah 84042
Messman, Jack	Novell's slanderous statements; Novell's communications with SCO regarding the APA and	Known to Novell.

	ownership of the UNIX copyrights.	
Mohan, Alok	The APA; the TLA; the attempted and consummated buyouts of SVRX royalties; Amendment No. X; SCO's defenses.	4706 Eagles Nest Circle Kettering, OH 45429
Sabbath, Steve	The APA; the TLA; the attempted and consummated buyouts of SVRX royalties; Amendment No. X; SCO's defenses.	Should be contacted only through Boies, Schiller & Flexner LLP. 333 Blackstone Drive Boulder Creek, CA 95006
Sontag, Christopher	Communications with Novell regarding the APA and ownership of the UNIX copyrights; SCO's defenses.	Should be contacted only through Boies, Schiller & Flexner LLP. The SCO Group, Inc. 355 South 520 West Suite 100 Lindon, Utah 84042
Stone, Chris	Novell's slanderous statements; Novell's communications with SCO regarding the APA and ownership of the UNIX copyrights.	Known to Novell.
Thompson, Duff	The APA; the TLA.	Should be contacted only through Boies, Schiller & Flexner LLP. The SCO Group, Inc. 355 South 520 West Suite 100 Lindon, Utah 84042
Wilt, Jim	The APA; the TLA; the attempted and consummated buyouts of SVRX royalties;	Should be contacted only through Boies, Schiller & Flexner LLP.

	Amendment No. X ; SCO's defenses.	P.O. 681908 Franklin, TN 37068
--	-----------------------------------	-----------------------------------

In addition, SCO believes other persons, including current and former employees of SCO, Novell, and/or The Santa Cruz Operation ("Santa Cruz"), may also have discoverable information that SCO may use in support of its claims and defenses. SCO reserves the right to rely on the testimony of such persons. SCO will promptly supplement this disclosure with the names of any additional persons that SCO identifies.

2. Rule 26(a)(1)(B) – CATEGORIES OF DOCUMENTS

SCO identifies the following categories of documents within its possession, custody, or control that SCO may use to support its claims and defenses:

- The APA and documents related to the APA;
- The Operating Agreement between Santa Cruz and Novell and its exhibits;
- The Technology License Agreement between Santa Cruz and Novell;
- The purported amendment referenced on Paragraph 63 of SCO's Second Amended Complaint;
- Amendment No. X;
- The UnitedLinux agreements and their schedules and exhibits;
- Documents concerning the negotiations, drafting history, or interpretation of the foregoing documents;
- Documents concerning Novell's slanderous statements referenced in Paragraph 37 of SCO's Second Amended Complaint;

- Documents concerning Novell's assertions referenced in Paragraph 19 of SCO's Second Amended Complaint;
- Documents concerning communications between SCO and Novell referenced in Paragraphs 38-39 of Novell's Counterclaims;
- Documents concerning Novell's audits pursuant to Sections 1.2 and 4.16 of the APA;
- Statements made by Novell and Santa Cruz;
- "Licensed Technology" referenced in Section 1.6 of the APA; and
- Copyright registrations concerning UNIX and UnixWare.

To the extent they have not been produced, SCO promptly will produce documents within these categories.

3. Rule 26(a)(1)(C) – DAMAGES

As recited in SCO's Second Amended Complaint, SCO is entitled to actual, special, statutory, enhanced, and punitive damages; Novell's profits resulting from its infringement of SCO's copyrights; preliminary and permanent injunctive relief; an order directing specific performance; attorney's fees, costs, and pre- and post-judgment interest; and any other legal and equitable relief deemed just and proper by the Court.

At this time, SCO lacks the information necessary to calculate damages, including information in Novell's (and not SCO's) possession, custody, or control. In addition, SCO expects that the calculation of damages will be the subject of expert analysis and testimony following fact discovery.

4. Rule 26(a)(1)(D) – INSURANCE

SCO is investigating the applicability of its insurance to Novell's counterclaims and will supplement this disclosure promptly upon completing that investigation.

DATED this 21st day of March, 2006.

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

BOIES, SCHILLER & FLEXNER LLP

Robert Silver

Stuart H. Singer

Stephen N. Zack

Edward Normand

By 

Counsel for The SCO Group, Inc.