

# **EXHIBIT 3**

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

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

THE SCO GROUP, INC.,  
a Delaware corporation,

Plaintiff/Counterclaim-Defendant,

vs.

NOVELL, INC.,  
a Delaware corporation,

Defendant/Counterclaim-Plaintiff.

**DECLARATION OF SANDEEP  
GUPTA**

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

Judge Dale A. Kimball  
Magistrate Brooke C. Wells

**FILED UNDER SEAL**

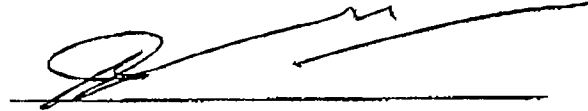
### **DECLARATION OF SANDEEP GUPTA**

I, Sandeep Gupta, declare as follows:

1. I am Vice President of Engineering and Chief Technology Officer for The SCO Group, Inc. I submit this Declaration in connection with the case entitled The SCO Group v. Novell, Inc., No. 2:04CV0139DAK (D. Utah 2004).
2. On September 29, 2007, another SCO engineer and I installed into a computer system the SCO UnixWare Application Server Version 2.1. My understanding is that SCO previously produced a copy of this operating system to Novell in this litigation.
3. After the installation, we brought up the system. Then, by double clicking on the Online\_Docs icon on the UnixWare 2.1 desktop, we accessed the dynabook viewer, which is a program that allows the user to read the online documentation.
4. In viewing the online documentation, we found numerous Santa Cruz copyright notices on the online books. To illustrate, we accessed the Command Reference and the System Administrator online books. Each of these contained a Santa Cruz 1996 copyright notice on the first page. Using a digital camera, we photographed the screenshots command.jpg and sysadmin.jpg corresponding to the first page of these two books. I have attached those photographs showing the 1996 Santa Cruz copyright notice as Exhibits A and B to this declaration.
5. On the same system, we also executed the Unix command “uname” to find out the version and time stamp of the kernel. The command reported that the system was based on UNIX 4.2 MP, and that the kernel was time stamped 1995. Exhibit C hereto shows a photograph of the screen shot of this report.

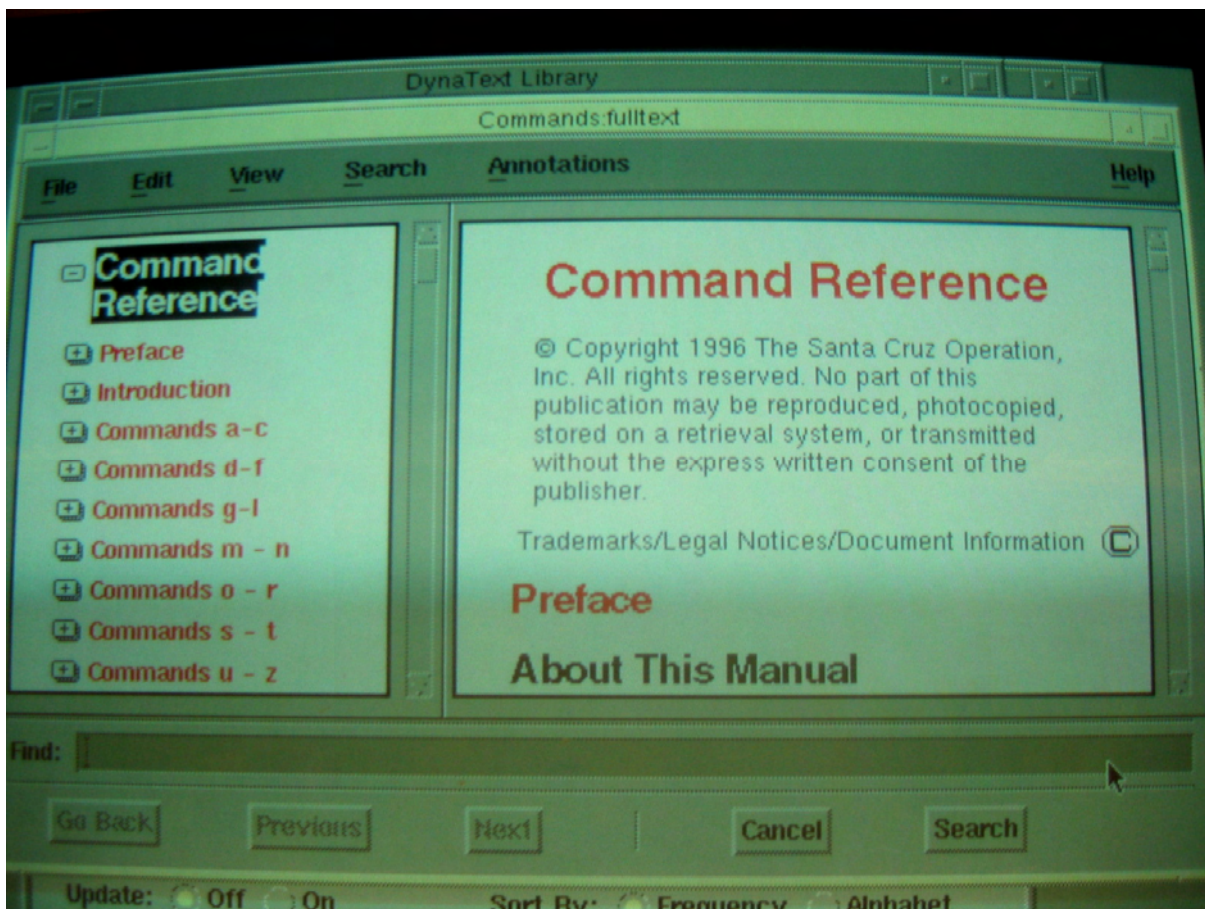
**I declare under penalty of perjury that the foregoing is true and correct.**

**Executed: May 29, 2007, in Murray Hill, New Jersey.**

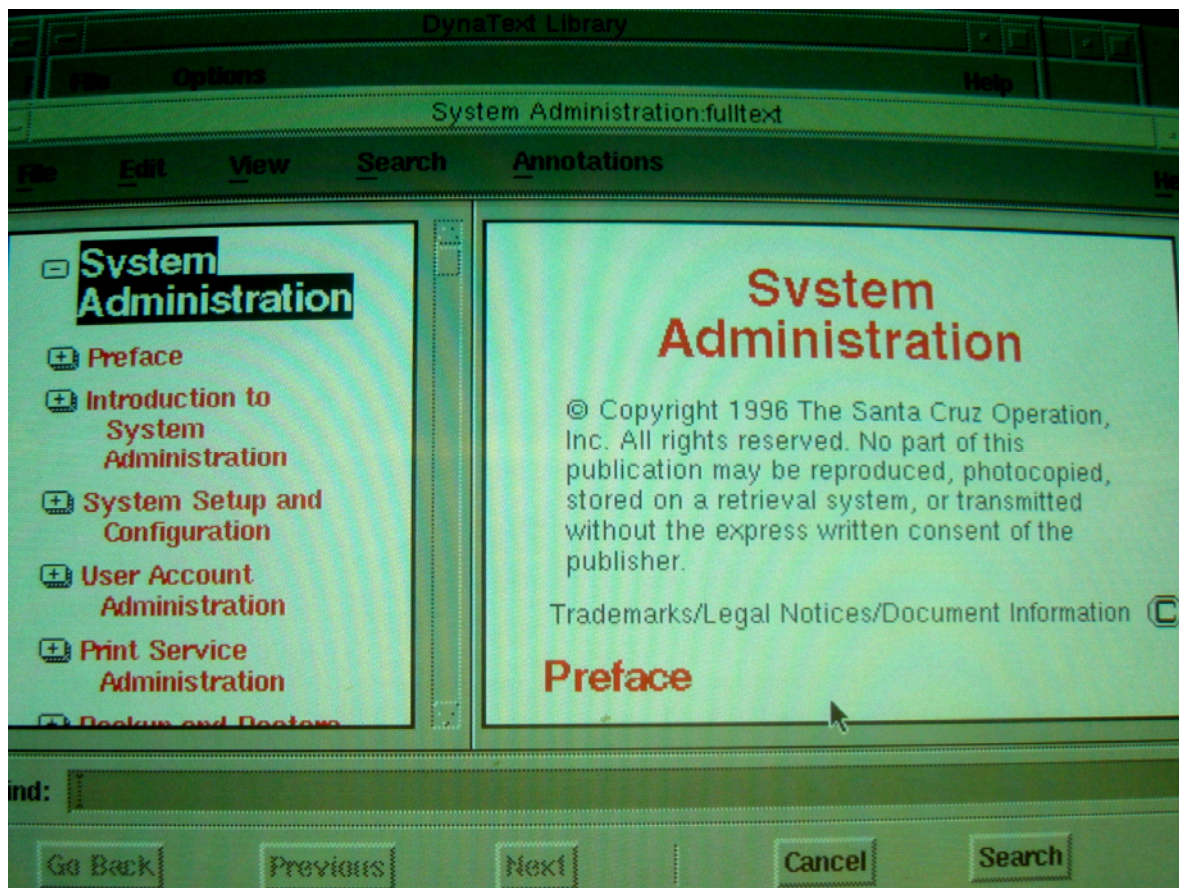
A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal stroke with a small upward flick at the end.

**Sandeep Gupta**

# EXHIBIT A



## EXHIBIT B





## EXHIBIT C

