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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.

**NOVELL'S MOTION TO STRIKE
SUPPLEMENTAL DECLARATION
OF MARK F. JAMES ATTACHING
EXPERT REPORTS AND
DECLARATIONS**

Case No. 2:04CV00139

Judge Dale A. Kimball

Defendant and Counterclaim-Plaintiff Novell, Inc. (“Novell”) hereby moves the Court for an Order striking the Supplemental Declaration of Mark F. James, submitted by Plaintiff and Counterclaim-Defendant The SCO Group, Inc. (“SCO”) and attaching expert reports and declarations, as untimely.

Despite the fact that SCO’s opposition materials to Novell’s April 20, 2007 summary judgment motions were due on May 18, 2007, SCO submitted the Supplemental Declaration of Mark F. James today, May 30, 2007, in support of its oppositions to Novell’s motions. The declaration, attaching new evidence in the form of two expert reports, is untimely under the Federal Rules of Civil Procedure, the Local Rules of this Court, and the parties’ agreed-upon briefing schedule for Novell’s motions. Accordingly, it should be stricken.

The grounds for this motion are more fully set forth in the Memorandum in Support filed concurrently herewith.

DATED: May 30, 2007

ANDERSON & KARRENERG

/s/ Heather M. Sneddon
Thomas R. Karrenberg
John P. Mullen
Heather M. Sneddon

-and-

MORRISON & FOERSTER LLP
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Attorneys for Novell, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 2007, I caused a true and correct copy of **NOVELL'S MOTION TO STRIKE SUPPLEMENTAL DECLARATION OF MARK F. JAMES ATTACHING EXPERT REPORTS AND DECLARATIONS** to be served to the following:

Via CM/ECF:

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