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Attorneys for Defendant and Counterclaim-Plaintiff 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'S MOTION TO VOLUNTARILY DISMISS ITS THIRD CLAIM FOR RELIEF

Case No. 2:04CV00139

Judge Dale A. Kimball

MOTION

Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") hereby moves this Court to voluntarily dismiss Novell's Third Claim for Relief pursuant to Federal Rule of Civil Procedure 41.

For the reasons set forth in Novell's opening brief, filed herewith, Novell requests that this Court grant this motion.

DATED: August 24, 2007

ANDERSON & KARRENBURG

By: /s/ Heather M. Sneddon

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

-and-

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Counterclaim-Plaintiff Novell, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of August, 2007, I caused a true and correct copy of NOVELL'S MOTION TO VOLUNTARILY DISMISS ITS THIRD CLAIM FOR RELIEF to be served to the following:

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