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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.

**DECLARATION OF DAVID E.
 MELAUGH IN SUPPORT OF
 NOVELL'S MOTIONS *IN LIMINE*
 NOS. 1-3**

*[REDACTED pursuant to the August 2,
 2006 Stipulated Protective Order]*

Case No. 2:04CV00139

Judge Dale A. Kimball

I, David E. Melaugh, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and an associate at the law firm of Morrison & Foerster LLP, counsel of record for Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") in this action. I was admitted to practice before this Court *pro hac vice* by this Court's Order of July 30, 2004. The statements made herein are based on my personal knowledge.

2. I submit this declaration in support of Novell's Motions *In Limine* Nos. 1-3.

3. As discussed below, some of the exhibits attached hereto include information that may be subject to the August 2, 2006 Stipulated Protective Order. Accordingly, the complete version of this declaration, which includes full and unredacted copies of all exhibits, is being filed under seal. A public version of this declaration, which deletes or redacts confidential documents and information, is also being submitted.

4. Attached as **Exhibit 1** is a true and correct copy of The SCO Group, Inc. Intellectual Property License between The SCO Group, Inc. and Everyone's Internet, LTD, dated March 1, 2004, as produced by SCO in this litigation and as attached to the Marsh Declaration.

5. Attached as **Exhibit 2** is a true and correct copy of The SCO Group, Inc.'s press release, "SCO Announces Intellectual Property License for Linux," dated August 5, 2003, as produced by SCO in this litigation.

6. Attached as **Exhibit 3** is a true and correct copy of The SCO Group, Inc.'s Form 10-Q SEC filing, dated April 30, 2004.

7. Attached as **Exhibit 4** is a true and correct copy of a letter from Ryan Tibbitts to Randall Williams, dated December 19, 2003, as included in the April 5, 2006 Declaration Robert

Marsh submitted in the SCO v. IBM litigation, Case No. 2:03CV0294 DAK, Docket No. 804, Exhibit 224 ("Marsh Declaration").

8. Attached as **Exhibit 5** is a true and correct copy of Novell, Inc.'s Second Set of Interrogatories to the SCO Group, Inc. dated September 27, 2006.

9. Attached as **Exhibit 6** is a true and correct copy of SCO's Supplemental Responses and Objections to Novell's Second and Third Sets of Interrogatories dated July 12, 2007.

10. Attached as **Exhibit 7** are true and correct copy of Exhibits C and C-1 to SCO's Supplemental Responses and Objections to Novell's Second and Third Sets of Interrogatories dated July 12, 2007. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

11. Attached as **Exhibit 8** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated July 11, 2003.

12. Attached as **Exhibit 9** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated November 21, 2003.

13. Attached as **Exhibit 10** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated December 29, 2003.

14. Attached as **Exhibit 11** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated February 4, 2004.

15. Attached as **Exhibit 12** is a true and correct copy of a letter from Mike Bready to Robert Bench, dated July 11, 2003.

16. Attached as **Exhibit 13** is a true and correct copy of a letter from Joseph LaSala to Ryan Tibbitts, dated March 1, 2004.

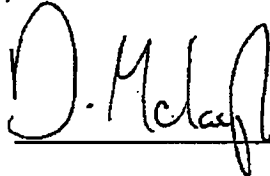
17. Attached as **Exhibit 14** is a true and correct copy of a letter from Joseph LaSala to Ryan Tibbitts, dated April 2, 2004.

18. Attached as **Exhibit 15** is a true and correct copy of a letter from Joseph LaSala to Ryan Tibbitts, dated November 17, 2004.

19. Attached as **Exhibit 16** is a true and correct copy of the Report and Declaration of Thomas A. Cargill, dated May 29, 2007. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

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

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



A handwritten signature in black ink, appearing to read "D. Melaugh", is written over a solid horizontal line.

David E. Melaugh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of August, 2007, I caused a true and correct copy of the **DECLARATION OF DAVID E. MELAUGH IN SUPPORT OF NOVELL'S MOTIONS *IN LIMINE* NOS. 1-3 [REDACTED pursuant to the August 2, 2006 Stipulated Protective Order]** to be served to the following:

Via CM/ECF:

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/s/ Heather M. Sneddon