## MORRISON & FOERSTER LLP

Michael A. Jacobs (pro hac vice) Kenneth W. Brakebill (pro hac vice) Grant L. Kim (pro hac vice) 425 Market Street San Francisco, CA 94105-2482

Telephone: (415) 268-7000 Facsimile: (415) 268-7522

### ANDERSON & KARRENBERG

Thomas R. Karrenberg, #3726 John P. Mullen, #4097 Heather M. Sneddon, #9520 700 Chase Tower 50 West Broadway Salt Lake City, UT 84101

Telephone: (801) 534-1700 Facsimile: (801) 364-7697

Attorneys for Defendant and Counterclaimant 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.

### NOTICE OF CONVENTIONAL FILING

Case No. 2:04CV00139

Judge Dale A. Kimball

PLEASE TAKE NOTICE that Defendant and Counterclaim-Plaintiff Novell, Inc. has conventionally filed the original and one copy of each of the following:

- 1. **DECLARATION OF DAVID E. MELAUGH IN SUPPORT OF NOVELL'S MOTIONS IN LIMINE NOS. 1-3** [FILED UNDER SEAL pursuant to the August 2, 2006 Stipulated Protective Order]; and
- 2. OPENING BRIEF IN SUPPORT OF NOVELL'S MOTION IN LIMINE NO. 3 TO PRECLUDE SCO FROM INTRODUCING NEW EVIDENCE OR ARGUMENT REGARDING APPORTIONMENT OF SCOSOURCE REVENUE [FILED UNDER SEAL pursuant to the August 2, 2006 Stipulated Protective Order].

The foregoing documents have not been filed electronically because they contain confidential information subject to the August 2, 2006 Stipulated Protective Order, and thus have been filed under seal. These documents have therefore been filed with the Court and conventionally served on all parties.

DATED: August 24, 2007

ANDERSON & KARRENBERG

By: /s/ Heather M. Sneddon

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

-and-

MORRISON & FOERSTER LLP Michael A. Jacobs (pro hac vice) Kenneth W. Brakebill (pro hac vice) Grant L. Kim (pro hac vice)

Attorneys for Defendant and Counterclaim-Plaintiff Novell, Inc.

## **CERTIFICATE OF SERVICE**

Document 399

I HEREBY CERTIFY that on this 24th day of August, 2007, I caused a true and correct copy of the foregoing **NOTICE OF CONVENTIONAL FILING** to be served to the following:

*Via CM/ECF*:

Brent O. Hatch Mark F. James HATCH JAMES & DODGE, P.C. 10 West Broadway, Suite 400 Salt Lake City, Utah 84101

Stuart H. Singer William T. Dzurilla Sashi Bach Boruchow BOIES, SCHILLER & FLEXNER LLP 401 East Las Olas Blvd., Suite 1200 Fort Lauderdale, Florida 33301 (and via Overnight Mail)

**David Boies** Edward J. Normand BOIES, SCHILLER & FLEXNER LLP 333 Main Street Armonk, New York 10504

Devan V. Padmanabhan John J. Brogan DORSEY & WHITNEY, LLP 50 South Sixth Street, Suite 1500 Minneapolis, Minnesota 55401

*Via U.S. Mail, postage prepaid:* Stephen Neal Zack BOIES, SCHILLER & FLEXNER LLP 100 Southeast Second Street, Suite 2800 Miami, Florida 33131

/s/ Heather M. Sneddon