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Attorneys for Defendant & Counterclaim-Plaintiff Novell, Inc.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff & Counterclaim-
Defendant,

v.

NOVELL, INC., a Delaware corporation,

Defendant & Counterclaim-
Plaintiff.

**JOINT STATEMENT REGARDING
JURY INSTRUCTIONS**

Case No. 2:04CV00139

Judge Dale A. Kimball

Pursuant to the Court's August 10, 2007 Memorandum Decision and Order, Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell"), by and through its counsel, and Plaintiff and Counterclaim-Defendant The SCO Group, Inc. ("SCO"), by and through its counsel, hereby submit the following joint statement regarding jury instructions:

Attached as Exhibit 1 are instructions as to which Novell and SCO were able to agree. Where the parties' proposed instruction involves a change to the Court's stock instruction, that change is noted in bold. If a stock instruction is not included in this list, the parties agree that such an instruction is not necessary in this matter.

Attached as Exhibit 2 is a chart conveying each party's proposed instruction on the substantive issues in the case, along with citation to authority for the proposed instruction.

The parties are not in agreement on the substantive instructions. As a threshold matter, the parties are divided on the effect of the Court's August 10 order on the instructions and the relative burdens of proof on apportionment.

The parties commit to working together to craft joint instructions after resolution of these threshold questions.

DATED: August 29, 2007

ANDERSON & KARRENBERG

/s/ Heather M. Sneddon

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Heather M. Sneddon

Attorneys for Novell, Inc.

(Signatures continue.)

DATED: August 29, 2007

BOIES, SCHILLER & FLEXNER

/s/ Edward J. Normand

Edward J. Normand

Attorneys for The SCO Group, Inc.

