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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 OPPOSITION TO SCO'S
 MOTIONS *IN LIMINE***

*[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 opposition to SCO's motions *in limine*.

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 Release, License and Option Agreement between Microsoft Corporation and The SCO Group, dated April 30, 2003, as produced by SCO in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

5. Attached as **Exhibit 2** is a true and correct copy of the Software License and Distribution Agreement between Sun Microsystems and Novell, dated March 17, 1994, as produced by Novell in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

6. Attached as **Exhibit 3** is a true and correct copy of the Software License Agreement between Sun Microsystems and The SCO Group, dated February 25, 2003, as produced by SCO

in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

7. Attached as **Exhibit 4** is a true and correct copy of an email from Jeff Hunsaker, dated April 15, 2005, as produced by SCO in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

8. Attached as **Exhibit 5** is a true and correct copy of an article "IBM vs. SCO: Now it's IBM's turn," dated February 22, 2006.

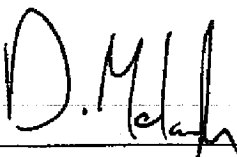
9. Attached as **Exhibit 6** is a true and correct copy of a press release by Sun Microsystems "Sun Confirms Intellectual Property Rights For All Versions of It's Unix Operating Systems, dated March 7, 2003.

10. Attached as **Exhibit 7** is a true and correct copy of the Expert Report on Damages by Terry L. Musika, dated May 29, 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 the Supplemental Expert Report on Damages by Terry L. Musika, dated July 31, 2007, and its attachments. 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 31st day of August, 2007 in San Francisco, California.



David E. Melaugh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 2007, I caused a true and correct copy of the **DECLARATION OF DAVID E. MELAUGH IN SUPPORT OF NOVELL'S OPPOSITION TO SCO'S MOTIONS IN LIMINE** [*REDACTED pursuant to the August 2, 2006 Stipulated Protective Order*] to be served to the following:

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