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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
COURT'S DECEMBER 6, 2007
ORDER**

Case No. 2:04CV00139

Judge Dale A. Kimball

Pursuant to the Court's December 6, 2007 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, make the following joint statement:

Motions for Summary Judgment

Novell anticipates filing a motion for summary judgment on its Fourth Claim for Relief, seeking a declaration that SCO was without authority to enter into the Sun, Microsoft, and other SCOsource licenses. Novell will be prepared to file this motion by December 21, 2007. Both parties agree that the trial need not be deferred pending a ruling on the motion for summary judgment.

SCO does not anticipate filing a motion for summary judgment. SCO does not believe the subject matter of Novell's proposed motion can properly be resolved on summary judgment, as the issue involves the question of whether any SVRX license aspects of these licenses were "incidental" to non-SVRX license aspects, which is closely tied to the issues that this Court will be trying on apportionment of licensing income.

Trial Length and Schedule

The parties anticipate that trial will last four days. Because the parties had agreed to address the issue of any constructive trust in post-trial briefing, the bankruptcy court's decision to reserve that issue for itself is not expected to reduce the trial length.

The parties agree they are available for trial January 11-21 and January 31 to February 22, 2008. Novell has not proposed the second half of April for trial, because the SUSE arbitration is presently scheduled for hearing in Zurich April 16-25, 2008. SCO proposes to make April available for trial because that arbitration has been held to be subject to the automatic stay in bankruptcy and the parties should not assume that the stay will be lifted.¹ One of SCO's

¹ According to Novell, in light of the bankruptcy court's decision to lift the stay over this litigation, SUSE is evaluating whether to make a similar motion regarding the arbitration. In the meantime, the arbitration tribunal is holding open an April hearing date.

lead counsel has conflicts for the month of March (a four-week trial in federal court in Kentucky) and May (arbitration in Florida, followed by one-week trial in Wisconsin). Novell's lead counsel has a conflict for the first half of June (trial in federal court in Delaware).

DATED: December 13, 2007

ANDERSON & KARRENBURG

/s/ Heather M. Sneddon
Thomas R. Karrenberg
Heather M. Sneddon
Attorneys for Novell, Inc.

DATED: December 13, 2007

HATCH, JAMES & DODGE

/s/ Brent O. Hatch
(Signed by filing attorney with the consent
of Brent O. Hatch)
Brent O. Hatch
Mark F. James
Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of December, 2007, I caused a true and correct copy of the foregoing **JOINT STATEMENT REGARDING COURT'S DECEMBER 6, 2007 ORDER** to be served to the following:

Via CM/ECF:

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