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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 FOR VOLUNTARY
 DISMISSAL OF STAYED CLAIMS,
 ENTRY OF FINAL JUDGMENT, AND
 CERTIFICATION AND ENTRY OF
 PARTIAL FINAL JUDGMENT**

Case No. 2:04CV00139

Judge Dale A. Kimball

I, David E. Melaugh, declare as follows:

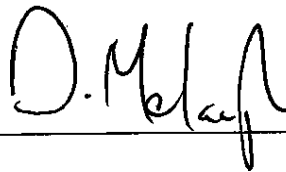
1. I am an attorney duly licensed to practice law in the State of California and an associate at the law firm of Morrison & Foerster LLP, counsel of record for Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") in this action. I was admitted to practice before this Court *pro hac vice* by this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

2. In meet-and-confer discussions with SCO following the Court's July 16, 2008 entry of its Findings of Fact, Conclusions of Law and Order ("Trial Order"), SCO took the position that it could dismiss the stayed claims for purposes of obtaining final judgment or certification, but could revive and litigate those claims in the event of a favorable ruling on appeal.

3. In these discussions, SCO also refused to say whether it intended to assert, at some future date, that Novell infringed post-APA code and to pursue claims on that basis.

4. Attached as **Exhibit 1** is a true and correct copy of a partial transcript of the November 6, 2007 Bankruptcy Hearing in In re: The SCO Group, Inc., in the United States Bankruptcy Court for the District of Delaware.

Executed on this **3rd** day of **October**, 2008 in San Francisco, California.

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

David E. Melaugh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of **October**, 2008, I caused a true and correct copy of the **DECLARATION OF DAVID E. MELAUGH IN SUPPORT OF NOVELL'S OPPOSITION TO SCO'S MOTIONS FOR VOLUNTARY DISMISSAL OF STAYED CLAIMS, ENTRY OF FINAL JUDGMENT, AND CERTIFICATION AND ENTRY OF PARTIAL FINAL JUDGMENT** be served to the following:

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