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Attorneys for Plaintiff, The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF UTAH**

<p>THE SCO GROUP, INC., a Delaware corporation,</p> <p style="text-align: center;">Plaintiff/Counterclaim-Defendant,</p> <p>vs.</p> <p>NOVELL, INC., a Delaware corporation,</p> <p style="text-align: center;">Defendant/Counterclaim-Plaintiff.</p>	<p>SCO'S MOTION TO STAY TAXATION OF COSTS</p> <p>Civil No. 2:04 CV-00139 Judge Dale A. Kimball Magistrate Brooke C. Wells</p>
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Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. (“SCO”), respectfully moves this Court to stay taxation of costs pending resolution of SCO’s appeal of this Court’s Final Judgment dated November 20, 2008, to the United States Court of Appeals for the Tenth Circuit.

In its discretion, the District Court may stay the resolution of a bill of costs pending appeal. How v. City of Baxter Springs, Kas., Nos. 04-2256 & 57 JWL, 2006 WL 1128667, at *1 (D. Kan. Apr. 26, 2006) (citing authority). Such a stay is efficient, acknowledging that the grounds justifying the bill of costs may be reversed on appeal.

This Court entered Final Judgment in this case on November 20, 2008. (Docket No. 565.) On November 25, 2008, SCO filed its Notice of Appeal of that Judgment to the United States Court of Appeals for the Tenth Circuit. (Docket No. 567.) Novell does not dispute that SCO is taking an appeal nor that SCO may prevail, which would moot any award of costs from this Court, but instead has informed counsel for SCO that it would prefer that the Court resolve the bill of costs now for purposes of Novell's proof of claim in the Bankruptcy Court. Yet Novell concedes that it cannot actually recover the costs pending the appeal, and if Novell were to prevail on appeal, this Court could just as easily resolve the bill of costs at that time.

In sum, absent any good reason for awarding costs at this time, and considering the pendency of SCO’s appeal, the Court should stay the resolution of Novell’s request until such time as the appeal has been resolved. In the event that such stay is not granted, SCO will file its opposition to Novell’s Bill of Costs within ten days of the Court’s decision.

DATED this 24th day of December, 2008.

HATCH, JAMES & DODGE, P.C.

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By: /s/ Edward Normand

CERTIFICATE OF SERVICE

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that on this 24th day of December, 2008, a true and correct copy of the foregoing Motion to Stay Taxation of Costs was electronically filed with the Clerk of Court and delivered by CM/ECF to:

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