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

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THE SCO GROUP, INC., a Delaware  
 corporation,

Plaintiff and Counterclaim-  
 Defendant,

v.

NOVELL, INC., a Delaware corporation,

Defendant and Counterclaim-  
 Plaintiff.

**REPLY TO SCO'S RESPONSE  
 CONCERNING NOVELL'S NOTICE  
 OF RELATED PROCEEDING**

Case No. 2:04-cv-00139

Judge Ted Stewart

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Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell"), by and through its counsel, hereby replies to SCO's response concerning Novell's Notice of Related Proceeding.

SCO devotes most of its response to its argument that the consolidation of this case with *SCO v. IBM* does not make sense because no such request was made before and the cases are too complicated. SCO, however, fails to explain why the two cases should not be assigned to the

same judge, as they were before Judge Kimball recused himself. SCO also does not deny that there is substantial overlap between the cases, especially with regard to the core copyright infringement claims.

As an initial matter, consolidation and/or assignment to the same judge was unnecessary before, given that both cases already were assigned to Judge Kimball, who repeatedly recognized their extensive overlap. Further, the fact that both cases are quite complicated is precisely the reason why they should be assigned to the same judge or consolidated. Familiarity with the facts and issues in one case will make it much easier to decide similar issues in the other case, as is evident from Judge Kimball's rulings.

Therefore, Novell requests that this case be assigned to Judge Campbell who is presiding over *SCO v. IBM* (which has a lower case number), or consolidate this case with *SCO v. IBM*, so as to promote the efficient administration and prompt resolution of both cases.

DATED: November 30, 2009

ANDERSON & KARRENBURG

By:                   /s/ Heather M. Sneddon                  

Thomas R. Karrenberg  
Heather M. Sneddon

-and-

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of November, 2009, I caused a true and correct copy of the foregoing **REPLY TO SCO'S RESPONSE CONCERNING NOVELL'S NOTICE OF RELATED PROCEEDING** to be served to the following:

*Via CM/ECF:*

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