

WORKMAN | NYDEGGER

Sterling A. Brennan, #10060

sbrennan@wnlaw.com

David R. Wright, #5164

dwright@wnlaw.com

Kirk R. Harris, #10221

kharris@wnlaw.com

Cara J. Baldwin, #11863

cbaldwin@wnlaw.com

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

Facsimile: (801) 321-1707

MORRISON & FOERSTER LLP

Michael A. Jacobs (pro hac vice)

mjacobs@mofo.com

Eric M. Acker (pro hac vice)

eacker@mofo.com

Grant L. Kim (pro hac vice)

gkim@mofo.com

425 Market Street

San Francisco, CA 94105-2482

Telephone: (415) 268-7000

Facsimile: (415) 268-7522

*Attorneys for Defendant and Counterclaim-Plaintiff Novell, Inc.***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.

Case No. 2:04CV00139

**NOVELL'S SUPPLEMENTAL RULE
26(a)(3) PRETRIAL DISCLOSURES**

Judge Ted Stewart

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's Amended Scheduling Order, Novell discloses the following witnesses and exhibits that it may present at trial, other than solely for impeachment: (1) the witnesses and exhibits listed on Novell's August 2, 2007 Rule 26 Pretrial Disclosures (Dkt. No. 369), and (2) any additional exhibits identified in Novell's subsequent amended disclosures (Dkt. Nos. 380, 382, 515, 518). Novell does not believe that other witnesses or exhibits are necessary beyond what the parties previously disclosed in their earlier Rule 26(a)(3) disclosures.

In the event that the parties agree to a supplementation of evidence and/or such supplementation is permitted by the Court, Novell would add the exhibits identified in Exhibit C-2 as described below.

Federal Rule of Civil Procedure 26(a)(3)(A)(i): Exhibit A-1 discloses witnesses that Novell expects to call at trial. Exhibit A-2 discloses witnesses that Novell may call at trial. All of these witnesses were previously disclosed in Novell's earlier Rule 26(a)(3) disclosures.

Federal Rule of Civil Procedure 26(a)(3)(A)(ii): Exhibit B discloses witnesses that Novell expects to present by deposition. Please note that this list includes deponents from both this action and *SCO v. IBM*, Case No. 03-0294. All of these witnesses were previously disclosed in Novell's earlier Rule 26(a)(3) disclosures.

Federal Rule of Civil Procedure 26(a)(3)(A)(iii): Novell incorporates by reference the exhibit list from its August 2, 2007 Rule 26 Pretrial Disclosures (Exhibits 1-898). Novell also discloses the exhibits on Exhibit C-1 attached hereto (Exhibits 899-1136) that were disclosed in Novell's amended disclosures (Dkt. Nos. 380, 382, 515, 518) but were not included in the August 2, 2007 disclosure. These have been re-numbered as Exhibits 899-1136. Exhibit C-2

identifies further exhibits that Novell would add in the event the parties agree to a supplementation of evidence and/or such supplementation is permitted by the Court.

DATED: February 1, 2010

Respectfully submitted

By: /s/ Sterling A. Brennan

Sterling A. Brennan

David R. Wright

Kirk R. Harris

Cara J. Baldwin

WORKMAN | NYDEGGER

Michael A. Jacobs, *pro hac vice*

Eric M. Acker, *pro hac vice*

Grant L. Kim, *pro hac vice*

MORRISON & FOERSTER LLP

Attorneys for Defendant and
Counterclaim-Plaintiff NOVELL, INC.