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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,
 	
vs.
 	
NOVELL, INC., a Delaware corporation,
 	
    Defendant.
 	
AND RELATED COUNTERCLAIMS.
	Case No. 2:04CV00139
	
	NOVELL, INC.'S *DAUBERT* MOTION TO DISQUALIFY G. GERVAISE DAVIS III
	
	Judge Ted Stewart

Defendant and counterclaim-plaintiff Novell, Inc. ("Novell") respectfully moves the

Court to disqualify G. Gervaise Davis III ("Davis), a testifying expert retained by plaintiff and

counterclaim-defendant The SCO Group, Inc. Novell's motion is made pursuant to Federal Rule

of Evidence ("Rule") 104(a), and on the grounds that (1) Davis does not have the qualifications

required by Rule 702 to offer his proffered opinions into evidence, and (2) his opinions are

inadmissible under Rule 702 because they cannot assist the trier of fact.

Novell's motion is supported by an accompanying memorandum of points and

authorities. A proposed form of order is submitted herewith.

DATED: February 8, 2010   Respectfully submitted,

                                            By: /s/ Sterling A. Brennan
                                            WORKMAN NYDEGGER

                                            MORRISON & FOERSTER LLP

                                            Attorneys for Defendant and
                                            Counterclaim-Plaintiff Novell, Inc.