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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'S REQUESTS FOR VOIR
DIRE EXAMINATION OF THE
VENIRE**

Judge Ted Stewart

Pursuant to the “Trial Order” dated February 4, 2010 (Dkt. No. 626), Novell hereby submits this set of proposed voir dire questions for the Court to include in its voir dire of the potential juror panel:

Ladies and Gentlemen:

It is our purpose here today to select from among you a group of _____ individuals to serve as jurors in a civil dispute involving a corporate plaintiff, The SCO Group, Inc., and a corporate defendant, Novell, Inc. You will be asked a series of questions that are designed to assist the Court and the attorneys representing the parties involved in the dispute in determining whether there is any reason why you should not sit as a juror in this particular dispute. The questions that you will be asked are not intended to offend you in any way, and are not being asked simply out of anyone’s personal curiosity. Instead, they simply are intended to see if there is anything in your background that might affect your ability to fairly weigh the evidence to be presented without any bias for or against any of the parties.

We will now proceed with the questions. Please listen carefully to each of the questions as we go through them. If any of you has a question or a problem during the process please raise your hand.

1. Would any of you be unduly burdened with financial, business, or family problems if the trial of this case lasts as many as 15 trial days?
2. Based on what we have described so far, do you or any of your close friends or relatives work or have any business connection with any of the parties to this action or think that you know anything about this case or the parties, The SCO Group and Novell?
3. Have any of you ever served as a juror before?
 - If yes:
 - a. In what kind of case?
 - b. What was the outcome?

4. Have you ever been involved in a lawsuit?

If yes:

- a. In what kind of case?
- b. What was the outcome?

5. Have any of you ever been personally involved in a breach of contract dispute?

If yes:

- a. What was the dispute?
- b. Were you accused of breach of contract or did you accuse another person or entity of breach of contract?
- c. Was a court action filed?
- d. What was the outcome?

6. Have any of you ever specifically negotiated the terms of a written contract?

If yes:

- a. What was the contract?
- b. Did you retain legal counsel for the negotiations?

7. Have any of you ever worked for a company that has been involved in a breach of contract lawsuit?

If yes:

- a. What was the outcome?
- b. How did you feel about the outcome?

8. Have any of you ever been personally involved in an action for slander of title?

If yes:

- a. What was the dispute?
- b. Were you accused of slander of title or did you accuse another person or entity of slander of title?
- c. Was a court action filed?

d. What was the outcome?

9. In connection with your employment, do you have anything to do with the adjustment of claims or the settlement of claims for damages?

10. Have you or any member of your immediate family ever had a claim against anyone for damages? (If so, what kind of claim? What did it involve? Was this claim compromised or settled out of court, or did the matter go to trial? Would that fact influence you in any way in reaching a verdict in this case? Were you satisfied with the outcome of this claim?)

11. Has anyone ever had a claim for damages against you or a member of your immediate family? (If so, what kind of claim? What did it involve? Was this claim compromised or settled out of court, or did the matter go to trial? Would that fact influence you in any way in reaching a verdict in this case? Were you satisfied with the outcome of this claim?)

12. Do you know any of the following persons who may be called to testify in this case?

[Read Witness Lists]

13. Do you know, or have you had any dealings with, any of the following companies or businesses?

[Read List of Businesses Likely to Be Mentioned During the Trial]

14. If so, describe your connection or affiliation with any of these companies or businesses.

15. Do you, or anyone in your family or any of your close friends, have any experience, knowledge or advanced education in any aspect of the computer hardware or software industry?

16. Do you regularly read computer- or technology-oriented magazines?

17. Are you familiar with the open source model of computer programming or with open source operating systems, such as Linux?
18. Are you familiar with operating systems, such as Microsoft DOS or Windows or Apple operating systems?
19. Are you familiar with other operating systems, such as Netware, UNIX, or Unixware?
20. Do you, or anyone in your family or any of your close friends, work for or in close contact with the accounting or financial forecasting industry?
21. Do you, or anyone in your family or any of your close friends, work for or in close contact with law firms or the legal system?
22. Do you, or anyone in your family or any of your close friends, work for companies involved in licensing intellectual property or software?
- a. If yes, please describe that work experience.
23. Have you, or anyone in your family or any of your close friends, been negatively impacted by the recent economic downturn?
24. Do you, or anyone in your family or any of your close friends, maintain a weblog, or blog?
25. Have you, or anyone in your family or any of your close friends, ever filed a copyright registration with the United States Copyright Office?
26. Have you, or anyone in your family or any of your close friends, ever been involved in the sale of a business or assets of a business?
- a. If yes:
- i. When?
- ii. What was the nature of business?
- iii. Describe your involvement.
- iv. Did any disputes arise concerning the sale? If so, please describe.

27. Do any of you know of any reason why you think that you could not sit in this case and render a just, fair, honest and impartial verdict?

DATED: February 23, 2010

Respectfully submitted,

By: /s/ Sterling A. Brennan

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