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FILED  
U.S. DISTRICT COURT  
Sterling A. Brennan  
Email: sbrennan@wnlaw.com

2010 FEB 26 A 8:17  
February 25, 2010

Hon. Ted Stewart  
Unites States District Judge  
United States District Court, District of Utah  
350 South Main  
Room 148  
Salt Lake City, UT 84101

By Hand Delivery

Re: *The SCO Group v. Novell, Inc.*  
Case No. 2:04CV00139

Dear Judge Stewart:

At this morning's pre-trial conference in the above-referenced matter, the Court set a briefing schedule regarding (1) Novell's request for judicial notice, (2) issues to be decided by the Court and the jury, and (3) First Amendment privilege issues.

With respect to Novell's request for judicial notice, we would appreciate the opportunity to submit a brief in support thereof, with of course SCO being permitted to file a brief in response. In line with the schedule for the other briefs, we request the right to submit Novell's brief in support of its request for judicial notice next Tuesday, March 2; with SCO to submit its responsive brief next Thursday, March 4 (rather than having to respond to the request for judicial notice next Tuesday). We first discussed this proposal with SCO's counsel, but they have declined to agree.

With the foregoing request in mind, we have taken the liberty of preparing the enclosed proposed order.

Sincerely,

**WORKMAN | NYDEGGER**  
A PROFESSIONAL CORPORATION

Sterling A. Brennan

Enclosure

c: Counsel for The SCO Group, Inc. (via e-mail)