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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.

Case No. 2:04CV00139

**NOVELL, INC.'S RULE 50(a)
MOTION AT THE CLOSE OF ALL
EVIDENCE**

Judge Ted Stewart

AND RELATED COUNTERCLAIMS.

Defendant Novell, Inc. (“Novell”) respectfully moves the Court to grant judgment as a matter of law in favor of Novell because plaintiff The SCO Group, Inc. (“SCO”) has failed to introduce legally sufficient evidence upon which a reasonable jury could find for SCO on its claim for slander of title. Specifically, SCO has not shown that: (1) Novell acted with constitutional malice, (2) Novell’s statements were disparaging, (3) Novell’s statements were unprivileged, (4) Novell’s statements were false, or (5) Novell’s statements caused special damages. Moreover, SCO has failed to introduce sufficient evidence supporting an award of punitive damages.

Novell’s motion is supported by the accompanying memorandum of points and authorities.

DATED: March 26, 2010

Respectfully submitted,

By: /s/ Sterling A. Brennan
WORKMAN NYDEGGER

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Counterclaim-Plaintiff Novell, Inc.