

# United States District Court

CENTRAL DISTRICT OF UTAH

EXHIBIT AND WITNESS LIST

SCO Group v. Novell, Inc.

CASE NUMBER: 2:04-cv-139

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
TRIAL DATE(S)					COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
<b>Ted Stewart</b>					<b>Brent Hatch, Stuart Singer, Ed Normand</b>	<b>S. Brennan, Eric Acker, M. Jacobs</b>
<b>March 8, 2010 -</b>					<b>Walker, Young, Hicken, Fenlon, Robinson</b>	<b>Sandy Malley</b>
Wit		3/9/10			Robert Frankenberg	
1		"	x	x	Asset Purchase Agreement with Amendments No. 1 and No. 2	
162		"	x	x	Technology License Agreement	
526		"	x	x	Press Release titled "SCO Acquires UNIX Business from Novell..."	
	Z3	"	x	x	Novell Board of Directors Minutes, 9/18/95	
	T5	"	x	x	Amendment, 12/6/95, SCO	
Wit		3/10			Robert Duff Thompson	
133		"	x	x	WSJ article entitled "Novell to Cede control of Unix to 2 Companies"	
90		"	x	x	Bill of Sale	
669		"	x	x	5/28/3 letter from Messman to McBride	
254		"	x	x	Press Release - The SCO roup Reports Record Quarterly Net Income	
97		"	x	x	Press Release titled, Novell Statement on SCO Contract Amendment	
517		"	x	x	Novell Press Release: Novell Statement on UNIX Copyright Registration (Dft X23)	
	A1	"	x	x	APA not including Amendment 1 or 2 (9/19/95)	
	V5	"	x	x	Agreement, 12/6/95	
	O10	"	x	x	Assignment, 5/1/0, SCO	
	G12	"	x	x	Email, 1/13/03, from Geoff Seabrook	
	Q22	"	x	x	10-K, 10/31/03	
Wit		"			Edward S. Chatlos	
Wit		3/11			Jack Messman (by video deposition and live by Novell)	
94		"	x	x	Letter from J. Messman to D. McBride	
525		"	x	x	Press Release titled "SCO Acquires UNIX Business from Novell....."	
96		"	x	x	Letter from J. LaSala to D. McBride	

## EXHIBIT AND WITNESS LIST - CONTINUATION

SCO Group vs. Novell, Inc.					CASE NO. 2:04-cv-139
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
105		3/11	x	x	Letter from J. LaSala to D. McBride (8/4/03)
Wit		"			Jim Wilt (by video deposition)
Wit		"			Alok Mohan (by video deposition)
180		"	x	x	Letter from R. Frankenberg to A. Mohan (4/19/96)
	J10	"	x	x	Prospectus, 3/26/01
Wit		"			Doug Michaels (by video deposition)
Wit		"			Burt Levine
	X3	"	x	x	Fax, 9/18/95
	I5	"	x	x	Letter, 11/16/95
Wit		"			William Broderick
580		"	x	x	Novell letter to Prentice-Hall
4		"	x	x	Document titled "AT&T Technologies Inc. Software Agreement
167		3/12	x	x	AT&T Information Systems Inc. Software Agreement Supplement SOFT-00015
3		"	x	x	Doc titled "AT&T Technologies Inc... - Supplement SOFT-00015
592		"	x	x	Novell letters to partners
22		"	x	x	Letter from M. DeFazio to R. Kruger
213		"	x	x	Letter from R. Richards, et al, to B. Broderick
706		"	x	x	Software Agreement between AT&T and SCO
487		"	x	x	Copyright Registration Form
488		"	x	x	Copyright Registration Form
	N13	"	x	x	Agreement, 3/25/03 (Sun)
	T13	"	x	x	Agreement, 4/29/03 (Microsoft)
	H6	"	x	x	Letter dated 3/12/96
	L7	"	x	x	Licensing Agreements (?)
168		"	x	x	Document titled, "Addendum to HP's UNIX System Agreement."
Wit		"			Ty D. Mattingly
570		"	x	x	Novell Memorandum
83		"	x	x	Document titled, "Novell/SCO Term Sheet"
	G4	"	x	x	Memorandum. 9/19/95

Wit		3/15			Kimberlee Madsen
29		“	x	x	Document titled, Minutes of a Meeting of the Board of Directors of SCO
	N5	“	x	x	Fax, 11/22/95
	C6	“	x	x	Letter, 3/12/96
30		“	x	x	Annual Report of SCO
521		“	x	x	SCO 1996 10-K Excerpts
127		“	x	x	Document titled, “Application for the Initiation of Proceedings...”
199		“	x	x	Settlement Agreement between SCO and Microsoft
163		“	x	x	E-mail from A. Mohan to All SCO Employees
	D11	“	x	x	Report, 10/3/02
	X5	“	x	x	Agreement, 12/6/95
	O8	“	x	x	Amendment, 10/16/96 (same as plaintiff's exhibit 165)
Wit		“			Steven Sabbath (by video deposition)
Wit		“			Darl Charles McBride
95		“	x	x	Letter from McBride to Messman
672		“	x	x	6/9/03 letter from Messman to McBride
675		“	x	x	6/12/03 Letter from Messman o McBride
678		“	x	x	6/26/03 Letter from LaSala to McBride
	A24	“	x	x	Press Release, 12/22/03
	Y10	3/16	x	x	Letter, 8/12/02
	Y11	“	x	x	Press Release, 12/11/02
174		“	x	x	Press Release titled, “SCO Established SCOsource to License Unix Intellectual...
241		“	x	x	Letter from SCO to Fortune 1000 Companies
229		“	x	x	SCO Financial Overview Presentation (REDACTED)
532		“	x	x	SCO Registers UNIX Copyrights and Offers UNIX License
533		“	x	x	Press Release titled Intellectual Property License for Linux
	H18	“	x	x	SCOsource, 8/4/03
	T19	“	x	x	License, 8/29/03
394		“	x	x	Novell Linux Indemnification Program
	N12	“	x	x	Press Release, 1/22/03
	I12	“	x	x	Article, 1/13/03
	P12	“	x	x	Article, 1/23/03
	K11	“	x	NO	Email, 11/20/02

	O14	3/16	x	x	Article, 5/14/03
	A16	"	x	x	Article, 6/6/03
	P17	"	x	x	Article, 7/22/03
	X17	"	x	x	Article, 7/30/03
	A15	"	x	x	Email, 5/21/03
	M14	"	x	x	Press Release, 5/14/03
	Q33	"	x	NO	Stock Prices, 5/13/03 (?)
	J16	"	x	x	Letter, 6/11/03
	L17	"	x	x	Transcript, 7/21/03
	J19	"	x	x	Email, 8/18/03 (REDACTED), 6 of 18 (Rooney) and 16 of 18 (Galli)
	P45	"	x	x	Dialog of ??
748		"	x	x	Overview of SCO Company (REDACTED / 1 page only)
172		"	x	NO	Email from Schroeder to <a href="mailto:tlaexec@tarantella.com">tlaexec@tarantella.com</a> , et al
	Q45	3/17	x	x	Email from Beyers to SCO
	D20	"	x	x	Email, 9/3/03, HP
	R45	"	x	x	Form 8-K filed by SCO (REDACTED)
Wit		"			Gary Pisano
750		"	x	x	CV of Dr. Gary Pisano
	K28	"	x	NO	Survey, 4/27/04, SCO
	A30	"	x	NO	Article, 4/1/05
	G29	"	x	NO	Interview, 8/2/04
	M18	"	x	x	Email, 8/6/03, SCO
	D16	"	x	x	Letter, 6/6/03
	V15	"	x	x	Letter, 6/4/03
	Z18	"	x	x	Email, 8/12/03 (REDACTED)
	X22	"	x	x	Email, 11/13/03
	W24	"	x	x	Letter, 1/15/04
	T25	"	x	x	Letter, 1/30/04
	F26	"	x	x	Letter, 2/6/04
	F27	"	x	x	Letter, 3/19/04
	M27	"	x	x	Letter, 3/24/04
	X23	"	x	x	Press Release, 12/22/03 (duplicate of plaintiff's #517)
227		"	x	x	Document titled "Ford Global Technologies LLC" correspondence

Wit		3/17			Christine Botosan
749		“	x	x	CV of Christine Botosan
	R21	3/18	x	x	Press Release, 10/14/03
	C25	“	x	NO	Press Release, 1/20/04
Wit		“			Larry Gasparro (by deposition)
Wit		“			Philip Langer (by deposition)
Wit		“			Gregoy Pettit
Wit		3/19			Christopher Stone
582		“	x	x	Deposition of Chris Stone, and any corresponding video
	E32	“	x	x	Notes, 6/12/03 (REDACTED)
243		“	x	x	Letter from J. LaSala to R. Tibbitts, et al
260		“	x	x	Press Release - Novell Announces Agreement to Acquire SUSE Linux
103		“	x	NO	Letter from J. LaSala to D. McBride
	P21	“	x	NO	Fax, 10/10/03
563		“	x	x	Email from G. Jones to J. Lundberg, et al
Wit		“			Maureen O’Gara (by video deposition)
172		“	x	x	Email from L. Schroeder to <a href="mailto:tlaexec@tarantella.com">tlaexec@tarantella.com</a> , et al
	A14	“	x	x	Email, 5/2/03
	S45	“	x	x	Email, 3/30/05
	D14	“	x	x	Article, 5/9/03
Wit		“			John Maciaszek
560		“	x	x	SOW (Statement of Work) for Licensing and Contract Management
751		“	x	x	Letter of transition from SCO
67		“	x	x	Letter from L. Bouffard to J. Maciaszek
179		“	x	x	Letter from A. Mohan to R. Frankenberg
707		“	x	x	Amendment to Software Agreement
	K6	“	x	x	Email, 4/1/96
248		“	x	NO	Declaration of John Maciaszek
Wit		“			Andrew Nagle
35		“	x	x	Document titled, Statement of Work
82		“	x	x	Copyright Registration TX5-820-489
752		“	x	x	CD with SCO Copyright notice
655		“	x	x	Declaration of Sandeep Gupta Declaration (REDACTED) Exhibits A, B & C

38		3/19	x	x	Document titled, "SCO & Novell Source Transition Plan"
	E1	"	x	x	Agreement, 2/1/85
Wit		3/22			Ryan Tibbetts
109		"	x	x	Letter from R. Tibbetts to J. LaSala
110		"	x	x	Letter from R. Tibbetts to J. LaSala (REDACTED)
691		"	x	x	10/10/03 Letter from J. LaSala to R. Tibbetts
108		"	x	x	Letter from J. LaSala to R. Tibbetts
500		"	x	x	Letter from J. LaSala to R. Tibbetts
	R23	"	x	x	Letter, 12/19/03
575		"	x	x	"IBM, Linux and You" (Bates 200 and 201)
	Wit	"			Joseph LaSala
	J15	"	x	x	Keterm 5.28.93 (duplicate of plaintiff's exhibit 669)
	K15	"	x	x	Press Release, 5/28/03 (duplicate of plaintiff's exhibit 525)
	Z15	"	x	x	Letter, 6/6/03 (duplicate of plaintiff's exhibit 95)
	Y15	"	x	x	Letter 6/6/03 (duplicate of plaintiff's exhibit 97)
	F16	"	x	x	Letter, 6/9/03 (duplicate of plaintiff's exhibit 672)
	S16	"	x	x	Letter 6/24/04
	T16	"	x	x	Letter, 6/26/03 (duplicate of plaintiff's exhibit 678)
	D18	"	x	x	Letter, 8/4/03 (duplicate of plaintiff's exhibit 105)
	F21	"	x	x	Letter, 10/7/03 (duplicate of plaintiff's exhibit 243)
	G21	"	x	x	Letter, 10/7/03
530		"	x	x	Novell 30b6 - LaSala - Novell Communications with IBM re APA
165		"	x	x	Amendment No. X to Software Agreement (duplicate of defendant's O8)
615		"	x	x	11/4/06 Declaration of Sontage (last page only)
103		"	x		Letter from J. LaSala to D. McBride
	L19	"	x	x	8/20/03 Letter to McBride from LaScala
	Wit	3/23			James Tolonen
	N8	"	x	x	Amendment, 10/16/96
	T34	"	x	x	Amendment, 1/0/1900 (sic)
86		"	x	NO	Memorandum from E. Chatlos to T. Braham, B. Shimp, et al
754		"	x	x	Memorandum from Bradford to Novell Board of Directors
640		"	x	NO	4/9/07 Declaration of Tolonen
	X4	"	x	x	Minutes, 10/20/95 (REDACTED)

	Wit	3/23			Allison Amadia
123		“	x	x	Document titled, “Proposed IBM Term Sheet”
	Wit	3/24			Greg Jones
	G11	“	x		Email, 11/15/02
	V12	“	x	x	Email, 2/21/03
	I31	“	x	x	Last page only - same as plaintiff's #615)
	U45	“	x	x	Copyright Certificates (by Novell)
756		“	x	x	Press Release by Novell
755		“	x	x	Copyright Certificates (by SCO)
Wit		“			Jack L. Messman (live)
552		“	x	x	Novell's 2009 Annual Report (Form 10-K) (REDACTED)
	Wit	“			Michael DeFazio (by deposition)
	Wit	“			Tor Braham
	H2	“	x	x	Agreement, 2/12/93
	U3	“	x	x	Agreement, 9/16/95
	V3	“	x	x	Agreement, 9/16/94
	D4	“	x	x	Fax, 9/18/95
	Y3	“	x	x	Fax, 9/18/95
639		3/25	x	x	4/20/07 Braham Declaration (Bates 39783-39801 / REDACTED)
89		“	x	x	Document titled, “Notification and Report form for Certain Mergers & Acquisitions
88		“	x	x	Document titled, “Notification and Report form... (final)
	Wit	“			David Bradford
638		“	x	NO	4/20/07 Bradford Declaration w/ Exhibits 1-11
	Wit	“			Terry Musika
	C33	“	x	x	CV of Terry Musika