

EXHIBIT 33

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.,
Plaintiff and
Counterclaim Defendant,

COPY

vs.

C.A. No. 2:04CV00139

NOVELL, INC.,

Defendant and
Counterclaim Plaintiff.

Deposition of
ALOK MOHAN
February 23, 2007

Reported by
Katherine E. Lauster
CSR 1894

SHARI MOSS & ASSOCIATES
Certified Shorthand Reporters
877 Cowan Road, Suite A
Burlingame, California 94010-1204
(415) 402-0004
(650) 692-8900
FAX: (415) 402-0005

1 A. The largest revenue.

2 Q. Okay. So I take it that it was having
3 the best success of all the products in the
4 marketplace --

5 MR. NORMAND: Objection --

6 BY MR. BRAKEBILL:

7 Q. -- for Santa Cruz?

8 MR. NORMAND: -- to form.

9 THE WITNESS: The size of the revenue was
10 the largest.

11 BY MR. BRAKEBILL:

12 Q. Did Santa Cruz consider the SCO
13 OpenServer product to be the most valuable of its
14 assets?

15 MR. NORMAND: Objection to form.

16 THE WITNESS: Valuable asset. It was the
17 significant part of our business, the dominant part
18 of our business.

19 BY MR. BRAKEBILL:

20 Q. Did Santa Cruz consider it to be the most
21 valuable of its assets?

22 MR. NORMAND: Same objection.

23 THE WITNESS: Yeah, it was -- it was what
24 comprised the significant part of our revenue
25 stream and -- and the business.

1 BY MR. BRAKEBILL:

2 Q. And in 2000, do you recall that Santa
3 Cruz agreed to sell, among other things, the SCO
4 OpenServer product to Caldera?

5 A. This is where I was not -- I was on the
6 Board. I was not the CEO at that time. I was
7 further removed from the business, but -- so keep
8 that in mind as you ask these questions. Yes,
9 we -- we entered an agreement to sell the Unix
10 business to the Caldera.

11 Q. And when you say that Santa Cruz agreed
12 to sell the Unix business to Caldera, I take it
13 you're referring to not only the SCO and server
14 product, but also Unix business that it had
15 purchased from Novell?

16 A. Yes, everything.

17 Q. And that business that it was selling to
18 Caldera, from a revenue standpoint, was
19 approximately 95 percent of its revenues; is that
20 right?

21 MR. NORMAND: Objection to form.

22 THE WITNESS: Very significant. I,
23 again, don't know the exact number, but it was a
24 very significant part of the revenue.

25 //

1 BY MR. BRAKEBILL:

2 Q. The Unix business was the most
3 significant or valuable asset of Santa Cruz is that
4 right, at the time?

5 A. It was the largest part of our business.

6 Q. And that was sold to Caldera?

7 A. Yes. All that data is available if you
8 want to go look at it.

9 Q. But you were an executive of Santa Cruz
10 at the time; is that right?

11 A. I was on the Board at that time, not our
12 Chief Executive Officer.

13 Q. You had -- you'd stepped down as CEO --

14 A. Yes.

15 Q. -- of Santa Cruz in 1998?

16 A. '98.

17 Q. And then you remained on the Board of
18 Directors of Santa Cruz for how long?

19 A. To 2001, when we sold the business to
20 Caldera. And we kept a small part, which was -- we
21 renamed the company to Tarantella, and -- and then
22 we -- I was on the Board of Tarantella till I think
23 in '95 we sold that to Sun Microsystems.

24 Q. What was the small part of the business
25 that remained after the Santa Cruz-Caldera

1 (Deposition Exhibit Number 79 was marked
2 for identification.)

3 BY MR. BRAKEBILL:

4 Q. -- from Geoff Seabrook to Doug Michaels
5 on January 13th, 2003, and it's copied to, among
6 other people, yourself. Do you see that?

7 A. Yes.

8 Q. Okay. Do you want to take a second to
9 look at this?

10 A. Okay.

11 Q. Again, this is an e-mail from Geoff
12 Seabrook, where he comments on what appears to be a
13 news article or a press article of some sort. Do
14 you see that?

15 A. Let me read it.

16 Q. Okay.

17 A. I've read the first part. I get the gist
18 of it.

19 Q. Do you recall seeding -- receiving this
20 e-mail on or around January 13, 2003?

21 A. I don't recall actually reading it. I
22 don't recall receiving it, but I'm sure I did. I
23 get a lot of e-mail.

24 Q. Do you have a recollection that SCO was
25 going to be implementing any program where they

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF MONTEREY)

4 The witness in the foregoing deposition
5 appeared before me, KATHERINE E. LAUSTER, Certified
6 Shorthand Reporter for the State of California.

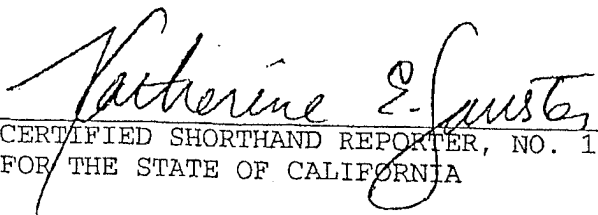
7 Said witness was then and there at the time
8 and place previously stated, by me placed under
9 oath to tell the truth, the whole truth and nothing
10 but the truth in the testimony given on said day.

11 The testimony of the witness and all questions
12 and remarks requested by counsel were taken by me
13 in shorthand at the time and place therein named,
14 and thereafter transcribed into longhand.

15 I further certify that I am not of counsel or
16 attorney for either or any of the parties to said
17 deposition, nor in any way interested in the
18 outcome of the cause named in said caption, and
19 that I am not related to any party thereto.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand this 26th day of February, 2007.

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FOR THE STATE OF CALIFORNIA

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