

EXHIBIT 36

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC., a)
Delaware corporation,) Deposition of:
)
Plaintiff,) CHRIS SONTAG
)
vs.)
)
NOVELL, INC., a Delaware) Case No. 2:04CV00139
corporation,)
) Judge Dale A. Kimball
Defendants.)

MARCH 14, 2007 * 9:30 a.m.

Location: Anderson & Karrenberg
700 Chase Tower
50 West Broadway
Salt Lake City, Utah 84101

Reporter: Diana Kent, CSR, RPR, CRR
Notary Public in and for the State of Utah
Videographer: Max Nelson, CLVS

1 Q. I'll show you -- I'll mark as 91, this is
2 an e-mail from June 23, 2003 from Michelle Dopp,
3 D-O-P-P, to a number of individuals at SCO, and it's
4 a 19-page e-mail that looks like it attaches or
5 includes the text of a whole bunch of articles.
6 Bates range is SCH 13089 through SCH 13107.

7 (EXHIBIT-91 WAS MARKED.)

8 Q. And what I'd ask you to look at, Mr.
9 Sontag, is if you flip to -- in the upper right there
10 are page numbers. If you flip to the article on
11 pages 17 to 18.

12 A. Hold on just a moment, I want to --

13 Q. Yeah. You can look it over.

14 A. Okay. What page?

15 Q. Well, just while you were looking at the
16 front, do you recognize the format of this e-mail?

17 A. I don't specifically recall this e-mail.

18 Q. Do you remember receiving e-mails of this
19 type which forwarded articles related to SCO?

20 A. Sure.

21 Q. Do you know who Michelle Dopp is?

22 A. Not specifically, but I believe she was
23 with the Schwartz P.R. firm that we were using at the
24 time.

25 Q. Okay. All right. So I was looking,

1 there's an article number 6, if you look at page 17.

2 A. Page 17? Bates number?

3 Q. No. I was trying to be simpler this time.
4 On the upper right.

5 A. Okay.

6 Q. Page 17 of 19. If you could read that
7 short article to yourself.

8 A. The one that starts with number 6?

9 Q. Yes.

10 A. Okay.

11 Q. Do you see on page 18 there's a quote,
12 "Clearly [this is] an extortion attempt by SCO since
13 they can't compete in the open market"? And it's
14 attributed to a director of technology and
15 architecture at Cedars-Sinai Health System in L.A.;
16 do you see that?

17 A. Yes, I see that quote.

18 Q. Do you agree with that characterization of
19 SCOSource, that it was an extortion attempt?

20 A. No.

21 Q. Have you heard that before?

22 A. Not specifically.

23 Q. Why don't you agree with it?

24 A. I think I have already answered this
25 question but I will say it again. As the owners of

1 we would do financial forecasts were usually in the
2 late fall. And so the window in which we saw the
3 largest opportunity was in between those kind of time
4 periods where we would have done more rigorous
5 forecasting. And the timing of Novell's statements
6 fell before we started that next forecasting period,
7 and I think started to dampen what we would want to
8 project for licensing even in the fall of 2003.

9 Q. So do you believe that SCOSource
10 initiatives would have led to more revenues if not
11 for Novell's statements about copyrights?

12 A. Absolutely.

13 Q. And what evidence do you have of that?

14 MS. BORUCHOW: To the extent that's based
15 on your personal knowledge, you can answer.
16 Obviously if it's based on your discussions and work
17 with the attorneys, don't divulge that.

18 Q. No. Let me rephrase that. Let me
19 clarify. You have to tell me all the evidence you
20 are aware of. I don't want you to tell me
21 attorney/client communications. That's off the table
22 and I'm not asking you about that. But any evidence
23 you're aware of that Novell caused the revenue stream
24 -- or that Novell impacted the revenue stream, I'm
25 entitled to. So that's what I'd like.

1 MS. BORUCHOW: Well, I don't know that
2 this will really be an issue in his answer, but to
3 the extent that it's based on his work with attorneys
4 pursuant to the lawsuit, no, he wouldn't be required
5 to divulge that and I would instruct him not to. But
6 it may be irrelevant. You can ask your question and
7 he can answer it.

8 A. I think there's a simple answer to this.
9 In discussions with potential licensees that I either
10 had directly or for which I received copies of
11 correspondence or write-ups of the discussion that
12 occurred with other people such as the SCOsource
13 sales people, I was aware of a number of situations
14 and times where the person was right in front of me
15 saying, "Well, there's questions about who even owns
16 the copyrights so therefore I don't feel like I need
17 to take a license for your SCO UNIX intellectual
18 property or the right to use a license until that's
19 resolved." And I would do my best to try and explain
20 that I thought it was a baseless set of statements on
21 the part of Novell. But in many cases, people I
22 talked to would say, "Well, until it is resolved, I'm
23 still not going to act upon this."

24 So there was also other potential
25 licensees that would not specifically state, but I

1 have a strong belief that Novell's statements had an
2 impact on them. There certainly was a lot of press
3 related to Novell's statements. There was also
4 statements made by industry analysts. I can
5 specifically remember George Weiss of Gartner saying,
6 "Until this is all resolved, it is my opinion," or
7 something to that effect, "you don't need to take a
8 license from SCO." So I think there's a number of
9 good quality examples there.

10 Q. Okay. Just to clarify, then, do you have
11 some information that you're not sharing now because
12 of your attorney's instruction?

13 A. Well, my opinion regarding the nature of
14 our case against Novell is based in large part on my
15 communications with our attorneys. So I feel
16 strongly about our case. But the nature and basis of
17 that is primarily from my communications with our
18 attorneys.

19 Q. Well, I just want to make --

20 MS. BORUCHOW: Let me just --

21 A. And that's the other piece.

22 MS. BORUCHOW: Let me clarify my
23 instruction so there's no confusion. My instruction
24 was purely that if there's any evidence responsive to
25 his question that you're aware of, not in your

1 personal capacity but solely by virtue of your
2 communications with the attorneys, don't divulge that
3 because you are here in your personal capacity. I
4 think the question is simply yes or no whether
5 there's been any evidence that you have not divulged
6 based on that.

7 Q. (By Mr. Pernick) Is there any factual
8 evidence about ways or examples of how Novell
9 impacted SCO's revenue stream? Are there any
10 examples that you are not telling me about because of
11 your attorney's instructions?

12 A. Not because of attorney's instructions,
13 no.

14 Q. Okay. Are there any examples you are not
15 telling me about?

16 A. Likely. Due to no longer remembering
17 those examples.

18 Q. Okay. Fair enough. Now, who are the
19 people or companies that you can remember? I want
20 their identities that you can remember talking about
21 Novell and this cloud that you mentioned.

22 A. Sure. Specifically I believe Morgan
23 Stanley or another -- and I may be confusing it.
24 Another Wall Street firm sent us a letter back and I
25 believe they specifically mentioned or raised Novell

1 as an issue as to why they were not pursuing a
2 SC0source license.

3 I believe in my discussions with
4 representatives from Google, they expressed concerns
5 and raised Novell as one of the reasons for their
6 concerns of why they were not likely -- they
7 certainly didn't move forward with a license.

8 And there's other customers and I believe
9 correspondence for which I can't specifically
10 remember now. But I know we certainly got a fair
11 number of messages either verbally from various
12 customers or from e-mails back and forth, some of
13 which I had seen that stated Novel as a reason, in
14 total or in part, for some of these companies not
15 moving forward.

16 Q. You mean e-mails from the company or from
17 some --

18 A. Yeah, in some cases. Correspondence of
19 some form, either a letter or an e-mail. In some
20 cases it was oral conversations that were then
21 written up in a trip report or something. So a
22 number of those. And I can't specifically remember
23 all of those. But I believe I've seen a number of
24 those. The George Weiss analyst report specifically
25 comes to mind, where he specifically cites Novell as

Christopher Sontag * March 14, 2007

REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, Diana Kent, Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

That prior to being examined, the witness, Christopher S. Sontag, was by me duly sworn to tell the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in stenotype on March 14, 2007, at the place therein named, and was thereafter transcribed and that a true and correct transcription of said testimony is set forth in the preceding pages;

I further certify that, in accordance with Rule 30(e), a request having been made to review the transcript, a reading copy was sent to Attorney Sashi Boruchow for the witness to read and sign before a notary public and then return to me for filing with Attorney Mark Pernick.

I further certify that I am not kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the outcome thereof.

WITNESS MY HAND AND OFFICIAL SEAL this
27th day of March, 2007.

Diana Kent, RPR, CRR
Notary Public
Residing in Salt Lake County