

# EXHIBIT 61

March 5, 2007

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By Telefacsimile (914) 749-8300

Edward J. Normand, Esq.  
Boies, Schiller & Flexner LLP  
333 Main Street  
Armonk, NY 10504

Re: *The SCO Group, Inc. v. Novell, Inc.*  
Case No. 2:04 CV 00139 DAK

Dear Ted:

I write in response to SCO's wholesale objections to certain of Novell's discovery requests relating to SCO's damages claims.

In response to Novell's Interrogatory No. 15, SCO has refused to provide any facts concerning its allegations that Novell's actions caused SCO damage, including the "factual justification" for SCO's claim, "all documents that SCO contends support the bases for its damages claims" and "all persons with knowledge of the related facts." The sole ground for SCO's refusal to answer this basic interrogatory is its contention that "the information [the interrogatory] seeks is properly the subject of expert discovery." Although SCO may plan to put forth an expert on its damages claims, this does not prevent Novell from obtaining discovery of the factual predicates for SCO's allegations. Courts have rejected SCO's objection outright. *See, e.g., Geer v. Cox*, 2003 U.S. Dist. LEXIS 9230, at \*5, \*10 (D. Kan. May 21, 2003); *Zapata v. IBP, Inc.*, 1995 U.S. Dist. LEXIS 6436 (D. Kan. May 10, 1995).

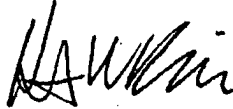
Likewise, SCO has refused to designate a Rule 30(b)(6) witness on Topic No. 23 from Novell's Rule 30(b)(6) deposition notice. This refusal is unfounded. Novell's Topic No. 23 asks SCO to produce a witness on "[d]amages caused by Novell to SCO from the acts and omissions alleged by SCO in its Second Amended Complaint." This is an entirely appropriate topic for a Rule 30(b)(6) deposition and, regardless of whether SCO also seeks to have expert testimony admitted on this topic, Novell is entitled to examine a SCO designee on the factual bases and predicates for SCO's damages claims. *See, e.g., United Techs. Motor Sys., Inc. v. Borg-Warner Auto., Inc.*, 1998 U.S. Dist. LEXIS 21837, at \*2, \*8 (E.D. Mich. Sept. 4, 1998). In addition, none of the litany of SCO's other boilerplate objections are valid or applicable. *See, e.g., Payless Shoesource Worldwide, Inc. v. Target Corp.*, No.

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05-4023-JAR, 2006 U.S. Dist. LEXIS 84072, at \*18-25 & n.53 (D. Kan. Nov. 17, 2006) (rejecting "boilerplate" irrelevancy and undue burden objections to a 30(b)(6) seeking information relevant to damages).

Please let us know in three business days (*i.e.*, by the close of business on March 8, 2007) whether SCO will withdraw its objections to Interrogatory No. 15 and Topic No. 23. If not, we will have no choice but to move to compel.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Brakebill", written over a horizontal line.

Kenneth W. Brakebill

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DATE: March 5, 2007

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\* \* \* COMMUNICATION RESULT REPORT ( MAR. 5. 2007 17PM ) \* \* \*

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