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

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff & Counterclaim-
Defendant,

v.

NOVELL, INC., a Delaware corporation,

Defendant & Counterclaim-
Plaintiff.

JOINT PRETRIAL STIPULATION

Case No. 2:04CV00139

Judge Dale A. Kimball

Defendant and Counterclaim-Plaintiff, Novell, Inc. (“Novell”), by and through its counsel, and Plaintiff and Counterclaim-Defendant, The SCO Group, Inc. (“SCO”), by and through its counsel, stipulate as follows:

1. TIMING AND ORDER OF TRIAL

Subject to the Court’s approval, the parties agree to conduct the timing and order of trial as follows:

- a) Each party shall have 10 hours to conduct its case, including opening and closing statements, direct examination of that party’s witnesses and cross examination of the opposing party’s witnesses. The 10-hour limit shall apply to each party regardless of whether the opponent uses its full 10-hour allotment.
- b) For purposes of the trial, Novell is the “plaintiff” and SCO the “defendant.” The order of trial shall therefore be:
 - Novell’s opening statement;
 - SCO’s opening statement;
 - Novell’s affirmative witnesses;
 - SCO’s affirmative witnesses;
 - Novell’s rebuttal witnesses, if any;
 - SCO’s sur-rebuttal witnesses, if any;
 - SCO’s closing statement;
 - Novell’s closing statement.

2. WITNESSES

On April 8, 2008, the parties exchanged lists of the witnesses they intend to call, as well as the order in which they intend to call them.

The parties will endeavor in good faith to notify each other of any change in the identity or order of their witnesses as early practicable under the circumstances. The parties agree to

provide no less than 24 hours' notice in the event a party elects to make any change in witness identity or order, unless the party can show that such notice was not possible, in which case the party will give the earliest possible notice. This agreement is not intended to expand the scope of witnesses available to call at trial, which has been set by the parties' prior Rule 26 disclosures.

3. EXHIBIT OBJECTIONS

In order to facilitate the completion of trial within the time allotted by the Court, the parties agree to waive any objection to the admission of the exhibits listed on Attachment A to this Stipulation, including but not limited to any objection based on authenticity, hearsay, or prejudice. At the start of trial, the parties will jointly move into evidence the exhibits listed on Attachment A. Thereafter, any witness or counsel may refer to the Attachment A exhibits without any restriction. Such waiver:

- Does not concede the relevance, materiality, or accuracy of anything contained in the Attachment A exhibits;
- Does not concede the weight that should be given any particular exhibit, and each party shall be free to argue to the Court that, for example, hearsay contained in an admitted Attachment A exhibit should be afforded no weight;
- Does not act to waive any objection the parties might have to the admission of any exhibit not contained on Attachment A;
- Shall have no effect on the admissibility of exhibits at any future proceeding following appeal, and neither SCO nor Novell waive any objection in such regard.

4. DEMONSTRATIVES

The parties agree to exchange any demonstrative no less than 24 hours before its proposed use with a witness at trial, except as for opening and closing arguments, and arguments on pending motions, as to which no advance exchange is required. Notwithstanding that agreement, a party may modify any disclosed demonstrative to be used with a witness to address

evidence presented in the opponent's case, provided the party discloses the modified demonstrative as early as practicable under the circumstances.

DATED: April 28, 2008

ANDERSON & KARRENBURG

/s/ Heather M. Sneddon

Thomas R. Karrenberg
Heather M. Sneddon
Attorneys for Novell, Inc.

DATED: April 28, 2008

BOIES, SCHILLER & FLEXNER

/s/ Edward J. Normand

(Signed by filing attorney with permission
from Edward J. Normand)

David Boies
Edward J. Normand
Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2008, I caused a true and correct copy of the foregoing **JOINT PRETRIAL STIPULATION** to be served to the following:

Via CM/ECF:

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