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

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff and Counterclaim-
Defendant,

vs.

NOVELL, INC., a Delaware corporation,

Defendant and Counterclaim-
Plaintiff.

**DECLARATION OF GRANT L. KIM IN
SUPPORT OF NOVELL'S RULE 60(b)
MOTION FOR RELIEF FROM FINAL
JUDGMENT**

Case No. 2:04CV00139

Judge Ted Stewart

I, Grant L. Kim, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and was admitted to practice before this Court *pro hac vice* by Order of February 13, 2007. I am Of Counsel at Morrison & Foerster LLP, counsel for Defendant and Counterclaim-Plaintiff Novell, Inc. (“Novell”) in this action. I make this Declaration to attach court orders that are cited in Novell’s Rule 60(b) Motion for Relief From Final Judgment.

2. Attached to this declaration as **Exhibit 1** is a true and correct copy of the District Court’s Summary Judgment Ruling dated August 10, 2007, which held that the UNIX copyrights are owned by Novell, not SCO.

3. Attached to this declaration as **Exhibit 2** is a true and correct copy of the District Court’s Findings of Fact, Conclusions of Law, and Order dated July 16, 2008, which relied on the prior summary judgment ruling in rejecting Novell’s claim for SVRX Royalties related to the Microsoft Agreement and Other SCOsource Licenses.

4. Attached to this declaration as **Exhibit 3** is a true and correct copy of the District Court’s Final Judgment dated November 20, 2008.

5. Attached to this declaration as **Exhibit 4** is a true and correct copy of the Tenth Circuit’s Decision dated August 24, 2009, which reversed the summary judgment ruling on copyright ownership.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct and that this declaration was executed on December 22, 2009, at San Francisco, California.

/s/ Grant L. Kim

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2009, I caused a true and correct copy of the foregoing **DECLARATION OF GRANT L. KIM IN SUPPORT OF NOVELL'S RULE 60(b) MOTION FOR RELIEF FROM FINAL JUDGMENT** to be served to the following:

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