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

THE SCO GROUP, INC., a Delaware corporation, Plaintiff/Counterclaim Defendant, vs. NOVELL, INC., a Delaware corporation, Defendant/Counterclaim Plaintiff.	ORDER GRANTING DEFENDANT'S MOTION IN LIMINE NO. 10 TO PRECLUDE SCO FROM PRESENTING ARGUMENT RELATING TO ISSUES STAYED PENDING ARBITRATION Case No. 2:04-CV-139 TS

This matter is before the Court on Defendant's Motion in Limine No. 10. In that Motion, Defendant seeks to preclude Plaintiff from presenting argument on issues that relate to the portions of its claims that are stayed pending the SUSE arbitration. Specifically, Defendant seeks exclusion of evidence and argument that (1) Defendant violated the APA or TLA by distributing SUSE Linux, (2) Defendant's distribution of SUSE Linux infringes on Plaintiff's copyrights, or (3) Defendant misappropriated Plaintiff's UNIX technology in SUSE Linux. Plaintiff agrees that neither party should introduce or make argument relating to these claims. Plaintiff also argues that the parties should be allowed to introduce evidence and make argument

regarding the meaning and interpretation of the TLA, independent of whether Defendant has breached it. Based on the parties' agreement, the Court will preclude evidence and argument from both parties on the stayed claims as set forth above, but will not preclude evidence and argument regarding the meaning and interpretation of the TLA independent of whether Defendant has breached it because that evidence is relevant to the meaning and interpretation of the APA.

It is therefore

ORDERED that Defendant's Motion in Limine No. 10 to Preclude SCO from Presenting Argument Relating to Issues Stayed Pending Arbitration (Docket No. 635) is GRANTED as set forth above.

DATED February 22, 2010.

BY THE COURT:

TED STEWART
United States District Judge