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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 JOSEPH A. LASALA, JR. IN SUPPORT OF NOVELL, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT OR PRELIMINARY INJUNCTION** Case No. 2:04CV00139 Judge Dale A. Kimball

I, Joseph A. LaSala, Jr. declare as follows:

1. I am an attorney duly licensed to practice law in the District of Columbia. I submit this declaration in support of Novell's Motions for Partial Summary Judgment or Preliminary Injunction. The statements made herein are based on my personal knowledge.

2. I am, and at all relevant times have been, Senior Vice President and General Counsel of Novell, Inc. ("Novell"), Defendant and Counterclaim-Plaintiff in this action.

3. SCO did not contact Novell for approval prior to executing its 2003 agreements with Sun Microsystems and Microsoft. Novell never authorized either agreement.

4. SCO never remitted to Novell any monies it received from the 2003 Sun or Microsoft Agreements.

5. SCO never provided Novell with an estimate of the total amount of royalties flowing from the 2003 Sun and Microsoft Agreements.

6. On July 11, 2003, when Novell had not received any royalty reports from SCO for over half a year, Novell sent SCO a letter demanding royalty reports and payments as required by the APA. Attached hereto as Exhibit 1 is a true and correct copy of this letter, available at http://www.novell.com/licensing/indemnity/pdf/7_11_03_n-sco.pdf. In response, on July 17, 2003, SCO submitted limited royalty payments from November 2002 through May 31, 2003. These payments did not include or mention any royalties from the 2003 Sun or Microsoft Agreements. Attached hereto as Exhibit 2 is a true and correct copy of SCO's July 17, 2003 letter, available at http://www.novell.com/licensing/indemnity/pdf/7_17_03_sco-n.pdf.

7. Novell competes with Sun and Microsoft in the marketplace, and is harmed when Sun and Microsoft obtain licenses to SVRX technology without Novell's approval.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on this 14th day of September, 2006 in Waltham, Massachusetts.

Joseph A. LaSala, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2006, I caused a true and correct copy of the **DECLARATION OF JOSEPH A. LASALA, JR. IN SUPPORT OF NOVELL, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT OR PRELIMINARY INJUNCTION** to be served via CM/ECF to the following:

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