

No. 08-4217

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

THE SCO GROUP, INC.,

Plaintiff-Appellant,

v.

NOVELL, INC.,

Defendant-Appellee.

On Appeal from the United States District Court for the District of Utah
Hon. Dale A. Kimball, Presiding
No. 2:04-CV-00139-DAK

**ADDENDUM TO BRIEF FOR APPELLANT,
THE SCO GROUP, INC.**

David Boies
Robert Silver
Edward Normand
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, NY 10504
Telephone: 914-749-8200
Facsimile: 914-749-8300

Stuart Singer
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, Florida 33301
Telephone: 954-356-0011
Facsimile: 954-356-0022

Brent O. Hatch (5715)
Mark F. James (5295)
HATCH, JAMES & DODGE, PC
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: 801-363-6363
Facsimile: 801-363-6666

Devan V. Padmanabhan
DORSEY & WHITNEY LLP
50 South Sixth Street, Suite 1500
Minneapolis, Minnesota 55402
Telephone: 612-340-2600
Facsimile: 612-340-2868

STATEMENT OF RELATED CASES

SCO Group v. Novell, Inc., 08-4154 Notice of Appeal filed August 1, 2008 by Movant-Appellant Jonathan Lee Riches. Appeal dismissed on October 6, 2008 pursuant to Tenth Cir. R. 42.1 for failure to prosecute.

ORAL ARGUMENT STATEMENT

The factual background of the claims in this litigation is lengthy and complex and the appeal presents several legal issues that turn on detailed analysis of the applicable precedent. SCO seeks oral argument (i) to summarize and highlight for the Panel the particular facts and authority on which SCO would ask the Panel to focus; and (ii) to answer any questions from the Panel at that time, which SCO reasonably expects the Panel will have and pursue.

Respectfully submitted on this 6th day of March, 2009.

/s/ Edward Normand

David Boies

Robert Silver

Edward Normand

BOIES, SCHILLER & FLEXNER LLP

333 Main Street

Armonk, NY 10504

Telephone: 914-749-8200

Facsimile: 914-749-8300

dboies@bsflp.com

rsilver@bsflp.com

enormand@bsflp.com

Brent O. Hatch (5715)
Mark F. James (5295)
HATCH, JAMES & DODGE, PC
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: 801-363-6363
Facsimile: 801-363-6666
bhatch@hjdllaw.com
mjames@hjdllaw.com

Devan V. Padmanabhan
DORSEY & WHITNEY LLP
50 South Sixth Street, Suite 1500
Minneapolis, Minnesota 55402
Telephone: 612-340-2600
Facsimile: 612-340-2868
padmanabhan@bsfllp.com

Stuart Singer
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, Florida 33301
Telephone: 954-356-0011
Facsimile: 954-356-0022
ssinger@bsfllp.com

Attorneys for Plaintiff-Appellant, The SCO Group, Inc.

CERTIFICATE OF SERVICE

I, Edward Normand, hereby certify that on this 6th day of March, 2009, a true and correct copy of the foregoing **ADDENDUM TO BRIEF FOR APPELLANT, THE SCO GROUP, INC.**, was electronically filed with the court and forwarded via electronic mail to the following recipients:

Thomas R. Karrenberg
Heather M. Sneddon
ANDERSON & KARRENBERG
700 Bank One Tower
50 West Broadway
Salt Lake City, UT 84101

Michael A. Jacobs
George C. Harris
David E. Melaugh
MORRISON & FOERSTER
425 Market Street
San Francisco, CA 94105-2482

Counsel for Defendant-Appellee Novell, Inc.

/s/ Edward Normand
Edward Normand
Boies, Schiller & Flexner LLP
333 Main Street
Armonk, NY 10504
Telephone: 914-749-8200
Facsimile: 914-749-8300
enormand@bsflp.com

CERTIFICATE OF DIGITAL SUBMISSION

The undersigned certifies with respect to this filing that no privacy redactions were necessary. This **ADDENDUM TO BRIEF FOR APPELLANT, THE SCO GROUP, INC.**, submitted in digital form is an exact copy of the written document filed with the Clerk. The digital submission has been scanned for viruses with the most recent version of a commercial virus scanning program (using Symantec Antivirus which is updated weekly) and, according to the program, is free of viruses.

Dated: March 6, 2009

/s/ Edward Normand
Edward Normand
Boies, Schiller & Flexner LLP
333 Main Street
Armonk, NY 10504
Telephone: 914-749-8200
Facsimile: 914-749-8300
enormand@bsflp.com