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Attorneys for Defendant and Counterclaim-Plaintiff Novell, Inc.

**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH, CENTRAL DIVISION**

THE SCO GROUP, INC., a Delaware  
corporation,

Plaintiff,

vs.

NOVELL, INC., a Delaware corporation,

Defendant.

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AND RELATED COUNTERCLAIMS.

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Case No. 2:04CV00139

**NOVELL, INC.'S *DAUBERT* MOTION  
TO DISQUALIFY DR. CHRISTINE A.  
BOTOSAN**

Judge Ted Stewart

Defendant and counterclaim-plaintiff Novell, Inc. (“Novell”) respectfully moves the Court to disqualify Dr. Christine A. Botoson, a testifying expert retained by plaintiff and counterclaim-defendant The SCO Group, Inc. Novell’s motion is made pursuant to Federal Rule of Evidence (“Rule”) 104(a), and on the grounds that (1) her opinions are inadmissible under Rule 702 because they are not based on sufficient facts or data and are not the product of reliable principles and methods reliably applied to the facts of this case; and (2) her proffered event study testimony is irrelevant, and so inadmissible under Rule 402.

Novell’s motion is supported by an accompanying memorandum of points and authorities. A proposed form of order is submitted herewith.

DATED: February 8, 2010

Respectfully submitted,

By:           /s/ Sterling A. Brennan            
WORKMAN NYDEGGER

MORRISON & FOERSTER LLP

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