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Attorneys for Plaintiff, The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>THE SCO GROUP, INC., by and through the Chapter 11 Trustee in Bankruptcy, Edward N. Cahn,</p> <p>Plaintiff/Counterclaim-Defendant,</p> <p>vs.</p> <p>NOVELL, INC., a Delaware corporation,</p> <p>Defendant/Counterclaim-Plaintiff.</p>	<p>SCO'S OPPOSITION TO NOVELL'S REQUEST TO FILE A REPLY AND ALTERNATIVE REQUEST TO ALLOW SUR-REPLY, IN CONNECTION WITH NOVELL'S MOTION IN LIMINE NO. 1</p> <p>Civil No. 2:04 CV-00139</p> <p>Judge Ted Stewart</p>
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Novell's request for leave to file a reply effectively recognizes that its motion is not a true motion in limine addressed to the admissibility of evidence, as this Court's trial order provides simply for a 3-page motion and a 3-page response on such motions. Novell now seeks to file leave to file an additional 3-page brief outside of this Court's order. That request should be denied as unauthorized by the Court's trial order.

In the alternative, if the request is granted, SCO should be permitted to file the attached 3-page sur-reply in response. First, under the trial court's order, the responding party was given an equal-length response without provision for a reply; a sur-reply would preserve this balance. Second, having expressly moved for summary judgment to dismiss SCO's claim for slander of title, Novell in its reply now ignores that SCO appealed the summary judgment that was granted on slander of title, as well as specific performance, by appealing the copyright ownership determination which was the sole basis for dismissal of both claims. Contrary to its own prior and repeated explicit recognition that the slander of title claim had been reversed on appeal and was back for trial, Novell now pretends that the only claim reversed by the Tenth Circuit was the alternative claim for specific performance, which concerns SCO's right to obtain the copyrights in the future, not whether SCO already is the owner of the copyrights.

If the Court entertains Novell's reply, it should also consider SCO's sur-reply, which responds to the points asserted by Novell in its proposed reply.

CONCLUSION

SCO respectfully submits, for the reasons set forth above, that the Court should deny Novell's request to submit a reply, or in the alternative, should also grant leave for SCO to file the sur-reply attached hereto as Ex A.

DATED this 16th day of February, 2010.

By: /s/ Brent O. Hatch
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CERTIFICATE OF SERVICE

I, Brent O. Hatch, hereby certify that on this 16th day of February, 2010, a true and correct copy of the foregoing **SCO'S OPPOSITION TO NOVELL'S REQUEST TO FILE A REPLY AND ALTERNATIVE REQUEST TO ALLOW A SUR-REPLY, IN CONNECTION WITH NOVELL'S MOTION IN LIMINE NO. 1** was filed with the court and served via electronic mail to the following recipients:

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