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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.

Case No. 2:04CV00139

**NOVELL'S PROPOSED
SPECIAL VERDICT FORM**

Judge Ted Stewart

AND RELATED COUNTERCLAIMS.

We, the jury, answer the questions submitted to us as follows:

Copyright Ownership

1. Did the Asset Purchase Agreement (“APA”) transfer the UNIX copyrights from Novell to SCO?

Yes ____ No ____

Go to question 2.

Unclean Hands

2. Did SCO prove that it acted conscientiously, in good faith, and fairly in connection with the subject matter of this lawsuit?

Yes ____ No ____

If you answered yes to both of questions 1 and 2, then go to question 3.

If you answered no to both of questions 1 and 2, then go to question 16.

If you answered no to question 1 and yes to question 2, then go to question 15.

If you answered yes to question 1 and no to question 2, then stop here, answer no further questions, and have the presiding juror sign and date this form.

Slander of Title (SCO’s claim)

3. Did Novell make a false statement, to anyone other than SCO, regarding ownership of the UNIX copyrights?

Yes ____ No ____

If your answer to question 3 is yes, then go to question 4.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Identify every false statement that Novell made to anyone other than SCO regarding ownership of the UNIX copyrights.

Go to question 5.

5. Did SCO prove that the statement was made to someone who did not have an adequate legal interest in the outcome of the proposed litigation?

Yes ____ No ____

If your answer to question 5 is yes, then go to question 6.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

6. If the statement was made in an application for copyright registration, did SCO prove that the statement was baseless?

Yes ____ No ____

If your answer to question 6 is yes, then go to question 7.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

7. Did SCO prove by clear and convincing evidence that when Novell made the statement, Novell knew the statement was false or acted with reckless disregard for its truth?

Yes ____ No ____

If your answer to question 7 is yes, then go to question 8.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

8. Did SCO prove that none of the recipients of Novell's statement had a legitimate interest that could be affected by that statement?

Yes ____ No ____

If your answer to question 8 is yes, then go to question 10.

If you answered no, then go to question 9.

9. Did SCO prove that the only reason Novell made the statement was to injure SCO?

Yes ____ No ____

If your answer to question 9 is yes, then go to question 10.

If you answered no, then go to question 12.

10. Did SCO suffer special damages to its business as a result of Novell's statement?

Yes ____ No ____

If your answer to question 10 is yes, then go to question 11.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

11. What are SCO's special damages resulting from Novell's statement?

\$ _____

Stop here, answer no further questions, and have the presiding juror sign and date this form.

12. Did SCO prove that Novell excessively published its statement by publishing it to persons who did not share the interest affected by the statement?

Yes ____ No ____

If your answer to question 12 is yes, then go to question 13.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

13. Did SCO suffer special damages to its business as a result of such excessive publication?

Yes ____ No ____

If your answer to question 13 is yes, then go to question 14.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

14. What are SCO's special damages resulting from the excessive publication?

\$ _____

Stop here, answer no further questions, and have the presiding juror sign and date this form.

Specific Performance

15. Does the APA require Novell to transfer the UNIX copyrights to SCO?

Yes ____ No ____

Go to question 16.

Slander of Title (Novell's claim)

16. Did SCO make a false statement, to anyone other than Novell, regarding ownership of Novell's copyrights?

Yes ____ No ____

If your answer to question 16 is yes, then go to question 17.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

17. Identify every false statement that SCO Novell made to anyone other than Novell regarding ownership of Novell's copyrights.

Go to question 18.

18. Did Novell prove by clear and convincing evidence that when SCO made the statement, SCO knew the statement was false or acted with reckless disregard for its truth?

Yes ____ No ____

If your answer to question 18 is yes, then go to question 19.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

19. Did Novell suffer special damages to its business as a result of SCO's statement?

Yes ____ No ____

If your answer to question 19 is yes, then go to question 20.

If you answered no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

20. What are Novell's special damages resulting from SCO's statement?

\$ _____

Stop here, answer no further questions, and have the presiding juror sign and date this form.

(Sources: CACI VF-1700, 1701; 9th Cir. Model Jury Instruction 17.4)

Dated this ____ day of March, 2010.

Jury Foreperson