

MORRISON & FOERSTER LLP
Michael A. Jacobs, *pro hac vice*
Eric M. Acker, *pro hac vice*
Kenneth W. Brakebill, *pro hac vice*
Marc J. Pernick, *pro hac vice*
David E. Melaugh, *pro hac vice*
425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

ANDERSON & KARRENBERG
Thomas R. Karrenberg, #3726
John P. Mullen, #4097
Heather M. Sneddon, #9520
700 Chase Tower
50 West Broadway
Salt Lake City, UT 84101
Telephone: (801) 534-1700
Facsimile: (801) 364-7697

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 and Counterclaim-Defendant,

vs.

NOVELL, INC., a Delaware corporation,

Defendant and Counterclaim-Plaintiff.

**[PROPOSED] ORDER GRANTING
NOVELL'S MOTION TO
VOLUNTARILY DISMISS ITS THIRD
CLAIM FOR RELIEF**

Case No. 2:04CV00139

Honorable Dale A. Kimball

This ____ day of _____, 2007, defendant and counterclaim plaintiff Novell, Inc. (“Novell”) having filed a motion to voluntarily dismiss its Third Claim for Relief,

Good cause appearing, IT IS HEREBY ORDERED that Novell’s Motion to Voluntarily Dismiss Its Third Claim for Relief is granted. Novell’s Third Claim shall be dismissed, with Novell having the right to renew such claim only in the event there is any subsequent adjudication or trial in this action or any enlargement of the issues for trial beyond that contemplated by the August 17, 2007 Joint Statement.

Honorable Dale A. Kimball
United States District Judge