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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 MOTION IN LIMINE NO. 4 TO EXCLUDE REFERENCE TO LITIGATION COMMENTARY</p> <p>Civil No. 2:04 CV-00139</p> <p>Judge Ted Stewart</p>
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Plaintiff, The SCO Group, Inc. (“SCO”), respectfully moves for an order in limine to preclude reference by the parties to the various sources which have been providing publicly available commentary on this and related SCO litigation.

ARGUMENT

There are a number of websites and publications which have followed this litigation and related litigation invoking SCO.

Such websites and publications and the commentary to be found there are not relevant under Rule 401 of the Federal Rules of Evidence. Rule 401 defines “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Telum, Inc. v. E.F. Hutton Credit Corp., 859 F.2d 835 (10th Cir. 1988).

In addition, given the partisan nature of commentary, any probative value in such evidence would be substantially outweighed by the danger of unfair prejudice to SCO. Indeed, the nature of the claims at issue has led to highly polarized commentary. One example is the website Groklaw.com, on which a self-described former paralegal named Pamela Jones has published and continues to publish biased, anti-SCO coverage of all pleadings, hearings, and events relating to SCO’s pursuit of its claims and defenses. There are other similar sites and commentary, and the Court should not allow Novell or its counsel or witnesses to make any statements that might lead jurors to investigate such sources. (We do not suggest Novell’s counsel will intentionally do so, but witnesses should be so instructed. We understand Novell may not oppose this motion.)

Accordingly, SCO requests that the Court exercise its inherent power over the conduct of trials, and order Novell, its representatives, and its witnesses not to elicit or offer testimony respecting commentary on this case or related litigation, and not to make any references to such commentary or to the websites or publications devoted to such commentary.

DATED this 8th day of February, 2010.

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CERTIFICATE OF SERVICE

I, Edward Normand, hereby certify that on this 8th day of February, 2010, a true and correct copy of the foregoing **SCO'S MOTION IN LIMINE NO. 4** was filed with the Court and served via electronic mail to the following recipients:

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