

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

C.A. No. 2:04CV00139

THE SCO GROUP, INC., a Delaware
corporation

Plaintiff and
Counterclaim Defendant

V.

NOVELL, INC., a Delaware corporation

Defendant and
Counterclaim Plaintiff

- - - - -

30(b)(6) Notice to Novell, Inc.
Deposition of Joseph A. LaSala, Jr.

Wednesday, May 16, 2007

9:41 a.m.

Ropes & Gray

One International Place

Boston, Massachusetts

- - - - -

Reporter: Deborah Roth, RPR/CSR

11:09:14 1 2003 press release, did Novell have a view at
 11:09:18 2 the time as to whether it helped it or hurt it
 11:09:20 3 in the market?
 11:09:21 4 A. I don't think we had a view as to
 11:09:22 5 whether or not that helped or hurt.
 11:09:24 6 Q. In terms of the various public
 11:09:31 7 statements and positions that have been made
 11:09:35 8 public, that have come to be made public, as
 11:09:39 9 you sit here, does Novell have a view as to
 11:09:42 10 whether those public statements have helped it
 11:09:43 11 or hurt it in the market or have had no
 11:09:46 12 effect?
 11:09:46 13 MR. BRAKEBILL: Form.
 11:09:47 14 A. It's our view that these statements
 11:09:51 15 collectively, once they were made public --
 11:09:54 16 and some -- we didn't talk about the January
 11:09:57 17 13th one -- but I think it is our view that
 11:09:59 18 they helped us in the marketplace for a
 11:10:04 19 variety of reasons.
 11:10:06 20 Q. And what are the reasons that you can
 11:10:10 21 articulate, as you sit here?
 11:10:12 22 A. Well, one reason is that, as we
 11:10:16 23 discussed earlier, we think that they
 11:10:19 24 contributed to having the effect of calming

11:10:24 1 down the marketplace with respect to concerns
 11:10:28 2 that were being expressed to us about the
 11:10:30 3 ownership of the UNIX copyrights.
 11:10:32 4 We think once all these
 11:10:34 5 communications were made public, and I believe
 11:10:36 6 this was either in late 2003 or early 2004,
 11:10:41 7 that it resulted in some, I will call it,
 11:10:45 8 credibility with the OpenSource community for
 11:10:50 9 taking on the SCO allegations about LINUX, and
 11:10:55 10 those are two that come to mind, two benefits
 11:11:00 11 to us, to the company, that come to mind.
 11:11:03 12 Q. Did Novell make any of the public
 11:11:11 13 statements that we have reviewed today public
 11:11:15 14 in order to, in part, gain credibility with
 11:11:19 15 the OpenSource community?
 11:11:22 16 MR. BRAKEBILL: Form.
 11:11:24 17 A. Yeah, that was probably a consideration
 11:11:28 18 of ours at the time that these statements were
 11:11:31 19 made public, but it wasn't the only
 11:11:34 20 consideration.
 11:11:38 21 Q. When you say "calm down the
 11:11:40 22 marketplace," I think is the phrase you
 11:11:41 23 used --
 11:11:42 24 A. Yeah.

11:11:42 1 Q. -- what do you mean?
 11:11:43 2 A. As we discussed, there was a lot of
 11:11:46 3 concern in the marketplace among certain
 11:11:50 4 members of the press, even among the analyst
 11:11:53 5 communities, that there was uncertainty about
 11:11:59 6 the ownership of the UNIX copyrights, and
 11:12:02 7 that's the -- that's what -- those concerns,
 11:12:06 8 in my view, were calmed down eventually, and I
 11:12:13 9 think part of that -- I wouldn't say all of
 11:12:18 10 it, in my opinion -- but part of that was due
 11:12:21 11 to these public statements, these statements
 11:12:23 12 that we made that eventually became public.
 11:12:26 13 Q. Do you have a view as to whether the
 11:12:43 14 June 6th, 2003 press release calmed down the
 11:12:50 15 marketplace with respect to the copyright
 11:12:55 16 transfer at all?
 11:13:00 17 MR. BRAKEBILL: Form.
 11:13:00 18 A. I don't think it did.
 11:13:07 19 Q. Do you think it had the opposite effect
 11:13:09 20 in the marketplace?
 11:13:10 21 MR. BRAKEBILL: Form.
 11:13:10 22 A. I am not sure, but I think it may have
 11:13:16 23 given, in part, SCO's reaction to it.
 11:13:27 24 Q. When you refer to "SCO's reaction to

11:13:32 1 it," what do you mean?
 11:13:33 2 A. Well, I recall that subsequent to that
 11:13:39 3 press release being issued, SCO made public
 11:13:44 4 references to it and attempted to use it as a
 11:13:51 5 confirmation of its point of view with respect
 11:13:54 6 to the issue of ownership.
 11:14:03 7 Q. I wanted to move to Topic 7, which was
 11:14:22 8 "Novell internal communication and
 11:14:24 9 communications involving Novell concerning the
 11:14:26 10 statements referenced in Topic No. 6?
 11:14:28 11 A. Okay.
 11:14:43 12 (Document tendered.)
 11:14:44 13 MR. NORMAND: Thank you.
 11:14:45 14 EXHIBIT NO. 1101 MARKED
 11:14:48 15 Q. We have marked as Exhibit 1101 a
 11:15:09 16 three-page document titled "SCO 30(b)(6) Topic
 11:15:15 17 No. 7 (see also Topic S1)," and, Mr. LaSala,
 11:15:23 18 could you or your counsel briefly explain what
 11:15:25 19 this document is.
 11:15:26 20 MR. BRAKEBILL: This is a chart
 11:15:28 21 listing various filings in evidence that
 11:15:32 22 Novell has prepared in connection with
 11:15:35 23 Mr. LaSala in preparation for his testimony
 11:15:38 24 today, and Novell's understanding concerning