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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 TO STAY TAXATION OF COSTS</p> <p>Civil No. 2:04 CV-00139</p> <p>Judge Ted Stewart</p>
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Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. (“SCO”), respectfully moves this Court to stay taxation of costs pending resolution of SCO’s appeal of the Jury Verdict entered in this action on March 30, 2010, the Court’s evidentiary rulings at trial, the Findings of Fact and Conclusions of Law dated June 10, 2010, the Memorandum Decision and Order Denying SCO’s Renewed Motion for Judgment as a Matter of Law or, in the alternative, for a New Trial dated June 10, 2010, and the Final Judgment entered on June 10, 2010.

In its discretion, the District Court may stay the resolution of a bill of costs pending appeal. How v. City of Baxter Springs, Kas., Nos. 04-2256 & 57 JWL, 2006 WL 1128667, at *1 (D. Kan. Apr. 26, 2006) (citing authority). Such a stay is efficient, acknowledging that the grounds justifying the bill of costs may be reversed on appeal.

This Court entered Final Judgment in this case on June 10, 2010. On July 7, 2010, SCO filed its Notice of Appeal of that Judgment to the United States Court of Appeals for the Tenth Circuit. (Docket No. 881.) Novell does not dispute that SCO is taking an appeal nor that SCO may prevail, which would moot any award of costs from this Court, but instead has informed counsel for SCO that it seeks to supplement its claim in the Bankruptcy Court. Yet Novell cannot actually recover the costs pending the appeal, and if Novell were to prevail on appeal, this Court could just as easily resolve the bill of costs at that time.

In sum, absent any good reason for awarding costs at this time, and considering the pendency of SCO’s appeal, the Court should stay the resolution of Novell’s request until such time as the appeal has been resolved. In the event that such stay is not granted, SCO will file its objections to Novell’s Bill of Costs within ten days of the Court’s decision.

DATED this 8th day of July, 2010.

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

I, Brent O. Hatch, hereby certify that on this 8th day of July, 2010, a true and correct copy of the foregoing **SCO'S MOTION TO STAY TAXATION OF COSTS** was filed with the Court and served via electronic mail to the following recipients:

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