

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

<p>THE SCO GROUP, INC., a Delaware corporation, Plaintiff/Counterclaim Defendant,</p> <p>vs.</p> <p>NOVELL, INC., a Delaware corporation, Defendant/Counterclaim Plaintiff.</p>	<p>FINAL JUDGMENT</p> <p>Case No. 2:04-CV-139 TS</p>
---	--

This matter came before the Court for trial on March 8, 2010, through March 26, 2010. Based on the Jury Verdict and the Court's Findings of Fact and Conclusions of Law, Final Judgment is entered as follows:

1. Judgment is entered in favor of Novell and against SCO on SCO's claim for slander of title pursuant to the Jury Verdict.
2. Judgment is entered in favor of Novell and against SCO on SCO's claim for specific performance pursuant to the Court's Findings of Fact and Conclusions of Law.
3. Judgment is entered in favor of Novell and against SCO on Novell's claim for declaratory relief pursuant to the Court's Findings of Fact and Conclusions of Law. Specifically, the Court declares:


- a. Under § 4.16(b) of the APA, Novell is entitled, at its sole discretion, to direct SCO to waive its purported claims against IBM, Sequent and other SVRX licensees;
 - b. Under § 4.16(b) of the APA, Novell is entitled to waive on SCO's behalf SCO's purported claims against IBM, Sequent and other SVRX licensees, when SCO refuses to act as directed by Novell; and
 - c. SCO is obligated to recognize Novell's waiver of SCO's purported claims against IBM and Sequent.
4. Judgment is entered in favor of Novell and against SCO on SCO's claim for breach of the implied covenant of good faith and fair dealing pursuant to the Court's Findings of Fact and Conclusions of Law.

The Clerk of the Court is directed to close this case forthwith.

SO ORDERED.

DATED June 10, 2010.

BY THE COURT:



TED STEWART
United States District Judge