

Brent O. Hatch (5715)  
Mark R. Clements (5295)  
HATCH, JAMES & DODGE  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
Facsimile: (801) 363-6666

Stephen N. Zack (admitted pro hac vice)  
Mark J. Heise (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
Bank of America Tower – Suite 2800  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1307

*Attorneys for The SCO Group, Inc.*

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Robert Silver (admitted pro hac vice)  
Edward Normand (admitted pro hac vice)  
Sean Eskovitz (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff

**EX PARTE MOTION FOR  
LEAVE TO FILE OVER-  
LENGTH MEMORANDUM**

Case No. 2:03CV0294DAK  
Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) hereby moves the Court pursuant to District Court Rule 7-1(e) for leave to file an over-length Memorandum in Support of SCO’s Motion for Leave to File a Third Amended Complaint Pursuant to Federal Rules of Civil Procedure 15(a) and 16(b). SCO’s Memorandum has four pages of preliminary statement, two pages of procedural background, eight pages of factual background, and approximately ten pages

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of argument. The Memorandum explains why SCO must have leave to file its Third Amended Complaint and the preliminary and procedural statements and the fact section provide the Court with the necessary background to understand the basis of SCO's Motion. Given the importance of the issues to SCO, it is necessary for SCO to fully address, clarify and explain to the Court the importance of the amendment.

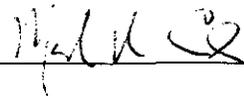
To address these issues and place them in context for the Court, SCO respectfully requests leave to file an over-length memorandum. SCO submits that the excess length is necessary to fully address the issues.

DATED this 14th day of October, 2004.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch  
Mark R. Clements

BOIES, SCHILLER & FLEXNER LLP  
Robert Silver  
Stephen N. Zack  
Mark J. Heise  
Edward Normand  
Sean Eskovitz

By  \_\_\_\_\_

*Counsel for Plaintiff/Counterclaim Defendant*

**CERTIFICATE OF SERVICE**

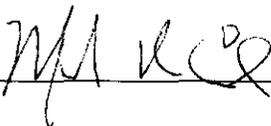
Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing was served this 14th day of October, 2004, by U.S. Mail to:

David Marriott, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019

Donald J. Rosenberg, Esq.  
1133 Westchester Avenue  
White Plains, New York 10604

and HAND-DELIVERED to:

Todd Shaughnessy, Esq.  
Snell & Wilmer LLP  
1200 Gateway Tower West  
15 West South Temple  
Salt Lake City, Utah 84101-1004

  
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