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DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

THE SCO GROUP, INC.,
a Delaware corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a New York corporation,

Defendant.

**PLAINTIFF'S MOTION FOR
ENLARGEMENT OF TIME TO
RESPOND TO DEFENDANT
IBM'S SECOND SET OF
INTERROGATORIES AND
SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS**

Case No. 03-CV-0294

Hon: Dale A. Kimball

Plaintiff/Counterclaim Defendant, The SCO Group, Inc. ("SCO"), through its undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and applicable Local Rules,

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files this Motion for Enlargement of Time to Respond to Defendant IBM's Second Set of Interrogatories and Second Request for Production of Documents, and in support states:

1. On September 16, 2003, Defendant, International Business Machines Corporation ("IBM") served Defendant IBM's Second Set of Interrogatories and Second Request for Production of Documents ("IBM's Second Request").

2. IBM's Second Request followed a much lengthier Defendant IBM's First Set of Interrogatories and First Request for the Production of Documents ("IBM's First Request").

3. IBM's First Request and Plaintiff SCO's responses thereto have been the subject of innumerable extremely lengthy letters, e-mails and telephone calls through which counsel for the parties have attempted to clarify and resolve outstanding issues, the most recent of which occurred yesterday.

4. IBM's First Request is also the subject of a pending Motion to Compel and a *Motion for Enlargement of Time which was filed this date.*

5. SCO advised IBM that it was voluntarily serving supplemental responses to IBM's First Request and was prepared to serve these responses on October 23, 2003. The responsive information to IBM's First Request is intertwined with the responsive information to IBM's Second Request. Consequently, SCO requested that IBM agree to an enlargement of time to respond to IBM's Second Request on the same date as the offered supplemental responses, i.e., October 23, 2003.

6. IBM has refused to agree to the requested enlargement until October 23, 2003.

7. No prejudice will come to IBM by the granting of this motion. The current discovery cut off date is not until August 4, 2004 for fact discovery and October 22, 2004 for

expert discovery, more than one year from now. SCO is seeking just one additional week to respond.

8. SCO will be prejudiced if this Motion is not granted.

9. SCO respectfully requests an extension of time to October 24, 2003 to respond to IBM's Second Set of Interrogatories and Second Request for Production of Documents.

Respectfully submitted,

DATED this 16th day of October, 2003.

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

BOIES, SCHILLER & FLEXNER, L.L.P.

Stephen N. Zack

Mark J. Heise

By:



Counsel for Plaintiff/Counterclaim defendant

CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, Inc. hereby certifies that a true and correct copy of **PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO DEFENDANT IBM'S SECOND SET OF INTERROGATORIES AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS** was served on Defendant International Business Machines Corporation on this 16th day of October, 2003, by facsimile and U.S. Mail, first class, postage prepaid, on their counsel of record as indicated below:

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