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International Business Machines Corporation*

**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 OVERLENGTH MEMORANDUM
IN OPPOSITION TO SCO'S
OBJECTIONS TO THE MAGISTRATE
JUDGE'S ORDER DENYING SCO'S
MOTION FOR RELIEF FOR IBM'S
ALLEGED SPOILIATION OF EVIDENCE**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Memorandum in Opposition to SCO’s Objections to the Magistrate Judge’s Order Denying SCO’s Motion for Relief for IBM’s Alleged Spoliation of Evidence, consisting of approximately 16 pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

SCO’s objections distort the factual record, confuse the relevant law, and require the recitation of certain procedural history in this case. While IBM has endeavored to respond to the issues raised by SCO’s objections in succinct fashion, doing so fully and fairly has necessitated approximately 16 pages of legal argument.

Based on the foregoing, IBM respectfully requests that it be granted leave to file its overlength Memorandum in Opposition to SCO’s Objections to the Magistrate Judge’s Order Denying SCO’s Motion for Relief for IBM’s Alleged Spoliation of Evidence, consisting of approximately 16 pages of argument.

DATED this 27th day of April, 2007.

Snell & Wilmer L.L.P.

/s/ Amy F. Sorenson

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2007, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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