

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>THE SCO GROUP, INC.</p> <p style="padding-left: 40px;">Plaintiff/Counterclaim-Defendant,</p> <p>v.</p> <p>INTERNATIONAL BUSINESS MACHINES CORPORATION,</p> <p style="padding-left: 40px;">Defendant/Counterclaim-Plaintiff.</p>	<p>[PROPOSED] ORDER GRANTING SCO’S MOTION FOR MODIFICATION OF STIPULATED PROTECTIVE ORDER</p> <p>Case No. 2:03CV0294DAK</p> <p>Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells</p>
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On June 29, 2009, Plaintiff/Counterclaim-Defendant, The SCO Group (“SCO”), filed its Motion for Modification of Stipulated Protective Order entered by this Court on September 16, 2003. Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) opposed the Motion. For the reasons set forth in SCO’s Motion, and good cause appearing therefore, this Court GRANTS SCO’s Motion. Accordingly, IT IS HEREBY ORDERED that the Stipulated Protective Order is amended as follows:

1. SCO shall be permitted to use and disclose CONFIDENTIAL INFORMATION in the bankruptcy proceedings pending in the United States Bankruptcy Court for the District of Delaware under the caption In re: The SCO GROUP, INC., et al, Case No. 07-11337 (KG) (Jointly Administered), subject to the same terms and conditions otherwise set forth in the Stipulated Protective Order.

2. The term “this Action” in Paragraphs 2 and 4 of the Stipulated Protective Order are amended to read: “this Action and the bankruptcy proceedings pending in the United States Bankruptcy Court for the District of Delaware under the caption In re: The

SCO GROUP, INC., et al, Case No. 07-11337.” The term “Court” in Paragraph 4 of the Stipulated Protective Order shall include the court presiding over those bankruptcy proceedings.

3. Except as set forth herein, SCO and IBM shall continue to comply with the terms and conditions of the Stipulated Protective Order.

IT IS SO ORDERED.

DATED this ____ day of _____, 2009.

BY THE COURT

Dale A. Kimball
United States District Court Judge