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U.S. DISTRICT COURT  
SALT LAKE CITY, UTAH

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

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THE SCO GROUP, INC.	)	
	)	
Plaintiff,	)	<b>PLAINTIFF'S MOTION FOR</b>
	)	<b>SEPARATE TRIALS</b>
v.	)	
	)	
INTERNATIONAL BUSINESS	)	
MACHINES CORPORATION,	)	Case No. 2:03CV0294DAK
	)	
Defendant.	)	Judge Dale A. Kimball
	)	Magistrate Judge Brooke C. Wells
	)	

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Plaintiff The SCO Group, Inc. ("SCO") hereby moves this Court for an Order separating the trial of Defendant International Business Machine Corporation's ("IBM")

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patent counterclaims (counterclaims nine through twelve) from the trial of the primary claims and counterclaims in this case. The grounds for this Motion are as follows:

SCO and IBM have asserted various claims arising from the same nucleus of operative facts and the central issue in this case of whether IBM's disclosure of AIX and Dynix/ptx through its involvement in Linux violated the licensing agreements IBM entered into with several third parties.

IBM has interposed four unrelated patent counterclaims into this case. The discrete issues arising from the breach of the license agreements should not be tried before a jury together with IBM's unrelated patent infringement counterclaims where the only common thread between the licensing agreements claims and the patent counterclaims is the identity of the parties. To assist in juror comprehension and reduce both prejudice and delay IBM's four patent counterclaims should be tried separately and should proceed on a separate discovery schedule.

This Motion is supported by a Memorandum in Support filed concurrently herewith.

DATED this 24<sup>th</sup> day of March, 2004.

Respectfully submitted,

By:



HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

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

Stephen N. Zack

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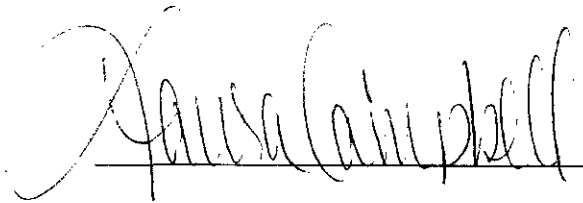
**CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, Inc. hereby certifies that a true and correct copy of **PLAINTIFF'S MOTION FOR SEPARATE TRAILS** was served on Defendant International Business Machines Corporation on this \_\_\_\_ day of March, 2004, by U.S. Mail, first class, postage prepaid, on their counsel of record as indicated below:

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A handwritten signature in cursive script, reading "Paula Campbell", written over a horizontal line.