

FILED

-5 APR 04 PM 4:54

DISTR CT OF UTAH

BY: _____
DEPUTY CLERK

Brent O. Hatch (5715)
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)
David K. Markarian (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 Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC.)
)
)
 Plaintiff,)
)
 v.)
)
INTERNATIONAL BUSINESS)
MACHINES CORPORATION,)
)
 Defendant.)
)
)
)

**PLAINTIFF SCO'S MOTION TO
AMEND THE SCHEDULING ORDER**

Case No. 2:03CV0294DAK

Judge Dale A. Kimball
Magistrate Judge Brooke C. Wells

Plaintiff The SCO Group, Inc. ("SCO"), hereby moves this Court for an order amending the Scheduling Order in this matter. The grounds for this Motion are as follows:

129


Pursuant to Federal Rule of Civil Procedure 16(b), SCO has moved to amend the Scheduling Order to extend certain deadlines in this case. Good cause exists to grant SCO's Motion because: (1) after the Scheduling Order was entered, IBM filed 10 counterclaims, including several claims for patent infringement; (2) discovery in this case was effectively stayed for four months; and (3) IBM's untimely responses to discovery have hindered orderly prosecution of the case.

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

DATED this 5th day of April, 2004.

Respectfully submitted,

By:



HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

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

Stephen N. Zack

Mark J. Heise

David K. Markarian

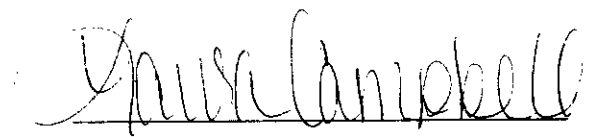
CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, Inc. hereby certifies that a true and correct copy of **PLAINTIFF'S MOTION TO AMEND THE SCHEDULING ORDER** was served on Defendant International Business Machines Corporation on this 5th day of April, 2004, by U.S. Mail, first class, postage prepaid, on their counsel of record as indicated below:

Alan L. Sullivan, Esq.
Todd M. Shaughnessy, Esq.
Snell & Wilmer L.L.P.
15 West South Temple, Ste. 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004

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

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

A handwritten signature in cursive script, appearing to read "Gause Campbell", written over a horizontal line.