Brent O. Hatch (5715)
Mark R. Clements (7172)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Robert Silver, Esq. (pro hac vice pending)
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

Stephen N. Zack (admitted pro hac vice)
Mark J. Heise (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.	**EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH MEMORANDUM** Case No. 2:03CV0294DAK Judge Dale A. Kimball Magistrate Judge Brooke C. Wells

164

Plaintiff/Counterclaim-Defendant The SCO Group ("SCO") hereby moves the Court pursuant to District Court Rule 7-1(e) for leave to file an over-length reply memorandum in support of SCO's Motion to Amend the Scheduling Order.

SCO's Opening Memorandum set forth in detail the reasons why the scheduling order in this highly technical case should be amended to provide for a discovery plan that deals with the substantial practical problems and issues that have arisen. In its sixteen page opposition to SCO's motion, International Business Machines Corporation ("IBM") makes numerous mischaracterizations of SCO's discovery conduct in this action and SCO's theories of the case. In addition, IBM mischaracterizes public statements made by SCO about the case and about the status of discovery generally. To respond to IBM's attempts to mischaracterize the actions and statements of SCO, SCO has been required to discuss in detail the factual record in order to demonstrate how the record contradicts IBM's claims.

SCO's Reply Memorandum is up to 20 pages long, exclusive of face sheet and any table of contents. SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary for a full and fair reply to IBM's opposition.

SCO respectfully requests that it be allowed to file a Reply Memorandum up to 20 pages long, exclusive of face sheet and table of contents.

DATED this the 28TH day of May, 2004.

HATCH, JAMES & DODGE

By: _____

Brent O. Hatch
Mark R. Clements

Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH MEMORANDUM** be placed in the United States Mail first class postage prepaid on the 10th day of May, 2004 to the following:

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

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

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, UT 84101-1004