

FILED  
DISTRICT COURT  
21 JUN 04 PM 2:53

Brent O. Hatch (5715)  
HATCH, JAMES & DODGE, PC  
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

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

*Attorneys for Plaintiff The SCO Group, Inc.*

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

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**STIPULATION RE BRIEFING FOR  
PENDING MOTIONS**

**Civil No. 2:03CV0294 DAK**

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke Wells**

The parties, through their counsel of record, hereby stipulate and jointly move the Court for an Order setting the following deadlines for briefing IBM's Partial Motion for Summary Judgment, SCO's Motion to Dismiss, and SCO's Memorandum Regarding Discovery:

183

IBM's supplemental Memorandum in Opposition to the Motion to Dismiss shall be due on June 28, 2004.

IBM's Response to SCO's Memorandum Regarding Discovery shall be due on June 23, 2004.

SCO's Opposition Memorandum to IBM's Motion for Partial Summary Judgment shall be due on July 8, 2004.

SCO's Reply Memorandum Regarding Discovery shall be due on July 12, 2004.

IBM's Reply Memorandum in Support of its Motion for Summary Judgment shall be due on July 26, 2004.

SCO's Reply Memorandum in Support of its Motion to Dismiss shall be due on July 26, 2004.


The parties submit herewith a proposed Order confirming these deadlines.

DATED this 25<sup>th</sup> day of June, 2004.

By:   
HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch

BOIES, SCHILLER & FLEXNER LLP  
Robert Silver  
Mark J. Heise

*Counsel for Plaintiff The SCO Group, Inc.*

By:   
SNELL & WILMER L.L.P.  
Alan L. Sullivan  
Todd M. Shaughnessy  
Amy F. Sorenson

CRAVATH, SWAINE & MOORE  
Evan R. Chesler  
David R. Marriott

*Counsel for Defendant International  
Business Machines Corporation*