

Brent O. Hatch (5715)
Mark F. James (5295)
Mark R. Clements (7172)
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

Attorneys for Plaintiff The SCO Group, Inc.

FILED
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

Frederick S. Frei (admitted pro hac vice)
Aldo Noto (admitted pro hac vice)
John K. Harrop (admitted pro hac vice)
ANDREWS KURTH LLP
1701 Pennsylvania Avenue, Ste. 300
Washington, DC 20006
Telephone: (202) 662-2700
Facsimile: (202) 662-2739

**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

**EX PARTE MOTION FOR LEAVE
TO FILE OVER-LENGTH
MEMORANDUM**

Case No. 2:03-CV-0294 DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

272

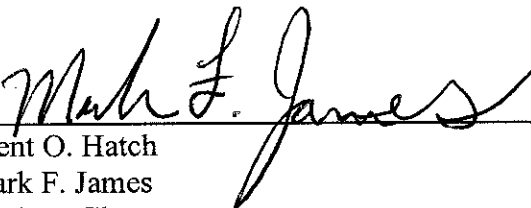
Plaintiff and Counterclaim Defendant The SCO Group, Inc. ("SCO") hereby respectfully moves the Court pursuant to District Court Rule 7-1(e) for leave to file an over-length Memorandum in Opposition to IBM's Motion to Strike Materials Submitted by SCO in Opposition to IBM's Cross-Motion for Partial Summary Judgment.

As SCO must address multiple issues and must explain and place many issues in context for the Court, SCO respectfully requests leave to file an over-length memorandum. The argument section of SCO's Memorandum in Opposition to IBM's Motion to Strike is approximately twenty-eight (28) pages in length. SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully address the issues.

DATED this 7th day of September, 2004.

Respectfully submitted,

By:


Brent O. Hatch
Mark F. James
Mark R. Clements
HATCH, JAMES & DODGE

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

Frederick S. Frei
Aldo Noto
John K. Harrop
ANDREWS KURTH LLP

Counsel for Plaintiff/Counterclaim Defendant

CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of **EX PARTE MOTION FOR LEAVE TO FILE OVER-LENGTH MEMORANDUM** was served on Defendant International Business Machines Corporation in this 7th day of September, 2004 by U.S. mail, postage prepaid to:

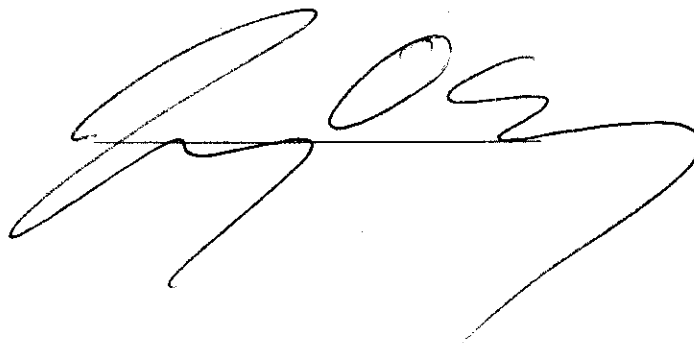
Alan L. Sullivan, Esq.
Todd M. Saughnessy, Esq.
Snell & Wilmer L.L.P.
15 West South Temple, Ste. 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004

Copy to:

Evan T. Chesler, 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

Attorneys for Defendant/Counterclaim Plaintiff IBM Corp.

A handwritten signature in black ink, appearing to read 'D. Rosenberg', is written over the typed name of Donald J. Rosenberg.