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Attorneys for The SCO Group, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

THE SCO GROUP Plaintiff/Counterclaim-Defendant v. INTERNATIONAL BUSINESS MACHINES CORPORATION, Defendant/Counterclaim-Plaintiff	**SCO'S MOTION FOR EXTENSION TO FILE RESPONSE TO IBM'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON BREACH OF CONTRACT CLAIMS AND IBM'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON ITS COUNTERCLAIM FOR COPYRIGHT INFRINGEMENT (EIGHTH COUNTERCLAIM)** Case No. 2:03CV0294DAK Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells

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SCO respectfully moves the Court for an extension of time of at least thirty days to file a response to IBM's Motion for Partial Summary Judgment on Breach of Contract Claims (IBM's "Contract Motion") and IBM's Motion for Partial Summary Judgment on its Counterclaim for Copyright Infringement (Eighth Counterclaim) (IBM's "Copyright Motion"). SCO seeks this extension for at least two reasons. First, SCO has filed an expedited motion, along with this one, seeking to stay further briefing on, and consideration of, IBM's fact-intensive dispositive motions until after the close of fact discovery in this case (the "Scheduling Motion"). Unless the Court has an opportunity to consider and rule on SCO's Scheduling Motion before it is required to file it opposition briefs to IBM's motions, a large part of the purpose of the Scheduling Motion will be lost. Second, IBM admits that the requested extension will not impact the current hearing schedule. Thus, even if the Court denies SCO's Scheduling Motion, the Motions can still be heard at the December 9 hearing the Court has scheduled for oral argument. Even if both SCO and IBM take additional time to brief the Motions, the Court will still have more than enough time to review and consider the submissions before the currently-scheduled hearing.

This Motion is supported by a memorandum filed concurrently herewith.

DATED this 8 day of September, 2004.

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CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of the foregoing **SCO'S MOTION FOR EXTENSION TO FILE RESPONSE TO IBM'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON BREACH OF CONTRACT CLAIMS AND IBM'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON ITS COUNTERCLAIM FOR COPYRIGHT INFRINGEMENT (EIGHTH COUNTERCLAIM)** was served on Defendant International Business Machines Corporation on this 8 day of September, 2004, by hand-delivery to:

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