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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

OCT - 4 2004

MARKUS B. ZIMMER, CLERK  
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DEPUTY CLERK

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**

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

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke Wells**

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 Brief in Further Support of Its Supplemental Memorandum Regarding Discovery.

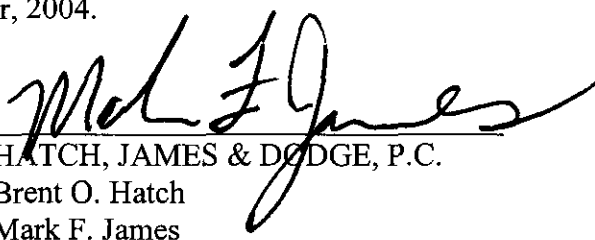
The discovery issues raised in the present briefing go to the very heart of the issues in this case. Nearly a year ago, SCO requested the most basic discovery in this case from IBM, including versions of AIX and Dynix code. IBM, in large part, has refused to provide the requested discovery

314

which, as described in SCO's prior memoranda, is essential to the development of SCO's claims and defenses. Given the importance of the issues to SCO, it is necessary for SCO to fully address, clarify and rebut IBM's arguments and explain to the Court the importance of the requested discovery.

To address these issues and place them in context for the Court, SCO respectfully requests leave to file an over-length memorandum. SCO's Memorandum now contains 26 pages exclusive of face sheet and table of contents. SCO respectfully submits that the excess length is necessary to fully address the issues.

DATED this 4<sup>th</sup> day of October, 2004.

  
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**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 by first class mail on the 4<sup>th</sup> day of October, 2004, as follows:

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