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*Attorneys for The SCO Group, Inc.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

|   |  |
|---|--|
| <p>THE SCO GROUP, INC.</p> <p>Plaintiff/Counterclaim-Defendant</p>                              | <p><b>MOTION TO COMPEL IBM TO<br/>PRODUCE SAMUEL J. PALMISANO<br/>FOR DEPOSITION</b></p>         |
| <p>v.</p>   | <p>Case No. 2:03CV0294DAK<br/>Honorable Dale A. Kimball<br/>Magistrate Judge Brooke C. Wells</p> |
| <p>INTERNATIONAL BUSINESS<br/>MACHINES CORPORATION,</p> <p>Defendant/Counterclaim-Plaintiff</p> |  |

The SCO Group, Inc., by and through counsel hereby respectfully moves the Court to compel International Business Machines Corporation (“IBM”) to produce Samuel J. Palmisano for deposition, for the reasons set forth in supporting memorandum filed herewith.

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DATED this 17th day of January, 2005.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.

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By 

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**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Motion to Compel IBM to Produce Samuel J. Palmisano for Deposition was served by mail on Defendant International Business Machines Corporation on the 7th day of January, 2005, by placing the same in U.S. Mail, postage prepaid to:

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A handwritten signature in black ink, appearing to read "David Marriott", written over a horizontal line.