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DISTRICT OF UTAH

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BROOKE C. WELLS
U.S. MAGISTRATE

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JAN 28 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

~~PROPOSED~~ ORDER GRANTING
DEFENDANT/COUNTERCLAIM
PLAINTIFF IBM'S EX PARTE MOTION
FOR LEAVE TO FILE SUR-REPLY

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

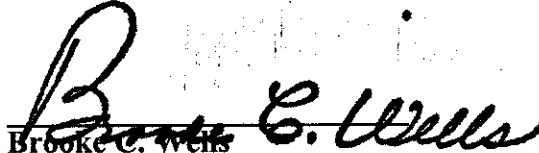
392

Based upon Defendant/Counterclaim-Plaintiff International Business Machines Corporation's ("IBM") Ex Parte Motion for Leave to File Sur-reply to SCO's Reply Memorandum in Support of Motion for Leave to File Third Amended Complaint, and for good cause appearing thereon,

IT IS HEREBY ORDERED that IBM may file a Sur-reply Memorandum in Response to SCO's Reply Memorandum in Support of Motion for Leave to File Third Amended Complaint, which shall be filed and served on or before February 18, 2005.

DATED this 1 day of ~~January~~^{February}, 2005.

BY THE COURT


Brooke C. Wells
U.S. Magistrate Judge

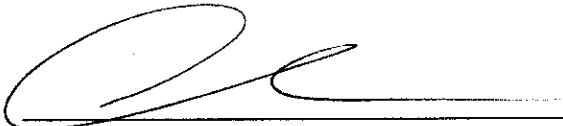
CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

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Amy F. Sorenson

United States District Court
for the
District of Utah
February 2, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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