

FILED IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

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**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.

SCO'S NOTICE OF UNSEALING

Case No. 2:03CV0294DAK
Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

SCO respectfully submits this notice to identify documents that SCO originally filed with this Court under seal and that, pursuant to the Court's Order of April 28, 2005, the parties have to date agreed may be unsealed in their entirety or may be filed in redacted form.

1. The parties have agreed that the following documents may be unsealed in their entirety, and SCO respectfully requests that they be unsealed.

<u>Docket No.</u>	<u>Date Filed</u>	<u>Sealed Documents That May Be Unsealed</u>
203	July 12, 2004	Exhibits to the Declaration of Christopher Sontag in Support of SCO's Reply Memorandum Regarding Discovery (Exhibits 1-5)
245	August 19, 2004	Ex Parte Motion for Leave to File a Supplemental Memorandum Regarding Discovery
288	August 19, 2004	Declaration of Jeremy Evans and all exhibits thereto (Exhibits A-E)
289	August 19, 2004	Declaration of Barbara Howe
290	September 9, 2004	Memorandum in Support of Expedited Motion to Enforce the Court's Amended Scheduling Order
317	October 4, 2004	Declaration of Jeremy Evans
346	November 30, 2004	Memorandum in Opposition to IBM's Motion for Summary Judgment on SCO's Breach-of-Contract Claims
369	December 29, 2004	Reply Memorandum in Further Support of SCO's Motion for Leave to File a Third Amended Complaint, and all exhibits thereto (A1, A2, and A-E)
375	January 12, 2005	Memorandum in Support of SCO's Motion to Compel IBM to Produce Samuel J. Palmisano for Deposition, and all exhibits thereto (Exhibits A-Q)
425	March 23, 2005	Memorandum in Opposition to IBM's Motion for Entry of Order Limiting Scope of IBM's Ninth Counterclaim
432	April 11, 2005	Objections to IBM's Privilege Log and Memorandum in Support of SCO's Request to Compel IBM to Provide Proper Bases for Its Privilege Claims

2. The parties have also agreed that the following documents may be filed in redacted form. SCO is preparing redacted versions of these documents and intends to file them shortly with the Court.

<u>Docket No.</u>	<u>Date Filed</u>	<u>Sealed Documents to be Submitted in Redacted Form</u>
197	July 8, 2004	Declaration of Sandeep Gupta
198	July 8, 2004	Declaration of Christopher Sontag
203	July 12, 2004	Declaration of Christopher Sontag

206	July 9, 2004	Exhibit S-3 to SCO's Opposition to IBM's Cross-Motion for Summary Judgment on Tenth Counterclaim
269	September 3, 2004	Reply to IBM's Opposition to SCO's Ex Parte Motion for Leave to File a Supplemental Memorandum Regarding Discovery
287	August 19, 2004	Supplemental Memorandum Regarding Discovery
316	October 4, 2004	Reply in Further Support of SCO's Supplemental Memorandum Regarding Discovery
317	October 4, 2004	Exhibit 10 to the Declaration of Jeremy Evans
323	October 14, 2004	Memorandum in Support of SCO's Motion for Leave to File a Third Amended Complaint
350	December 1, 2004	Exhibit S8 to the Declaration of Jeremy Evans in Support of Memorandum in Opposition to IBM's Motion for Summary Judgment on SCO's Contract Claims
365	December 23, 2004	Memorandum in Support of Renewed Motion to Compel Discovery
409	February 25, 2005	Reply Memorandum in Further Support of Renewed Motion to Compel Discovery
419	March 11, 2005	Reply Memorandum in Support of Motion to Compel IBM to Produce Samuel J. Palmisano for Deposition

3. Finally, the parties have agreed that the following exhibits may be unsealed (the "Unsealed Exhibits"). SCO will resubmit the Unsealed Exhibits for filing together with all of the exhibits that were originally filed publicly in each of the submissions identified below, but will submit separately, for filing under seal, the remainder of the exhibits that originally accompanied each submission.

<u>Docket No.</u>	<u>Date Filed</u>	<u>Sealed Exhibits to be Submitted for Public Filing</u>	<u>Filed With</u>
191	07/06/04	Exhibits I and J	SCO's Memorandum in Support of Renewed Motion to Compel
197	07/08/04	Exhibits B-G, K, N, Q, T, Z, AA, and DD	Declaration of Sandeep Gupta in Support of SCO's Opposition to IBM's Cross-Motion for Summary on Tenth Counterclaim
198	07/08/04	Exhibits O and P	Declaration of Christopher Sontag in Support of SCO's Motion for Continuance Pursuant to Rule 56(f)
206	07/09/04	Exhibits S-2, S-4, S-5, and S-7	SCO's Opposition to IBM's Cross-Motion for Summary Judgment on Tenth Counterclaim
293	09/09/04	Exhibits 1-4, 6, 8-30, 32, 33, and A-D	SCO's Memorandum in Support of Expedited Motion to Enforce the Court's Amended Scheduling Order

317	10/04/04	Exhibits 1-9, 11, 12 and A-E	Declaration of Jeremy Evans in Support of SCO's Reply Supplemental Memorandum Regarding Discovery
323	10/14/04	Exhibits 1-6 and A-E	SCO's Memorandum in Support of Motion for Leave to File Third Amended Complaint
350	12/01/04	Exhibits S1, S2, S3, S5, and S7	Declaration of Jeremy Evans in Support of SCO's Memorandum in Opposition to IBM's Motion for Summary Judgment on SCO's Contract Claims
365	12/23/04	Exhibits A-E and G-N	SCO's Memorandum in Support of Renewed Motion to Compel
409	02/25/05	Exhibits 2, 3, and A-C	SCO's Reply Memorandum in Further Support of Renewed Motion to Compel
419	03/11/05	Exhibits A-F	SCO's Reply Memorandum in Support of Motion to Compel IBM to Produce Samuel J. Palmisano
425	03/23/05	Exhibits A and B	SCO's Memorandum in Opposition to IBM's Motion for Entry of Order Limiting Scope of Ninth Counterclaim
432	04/11/05	Exhibits A-C	Objections to IBM's Privilege Log and Memorandum in Support of SCO's Request to Compel IBM to Provide Proper Bases for Its Privilege Claims

DATED this 16th day of June, 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 SCO's Notice of Unsealing was served on Defendant IBM on the 16th day of June, 2005, by U.S. Mail to:

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A handwritten signature in cursive script, appearing to read "Mark Jones", is written over a horizontal line.