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Attorneys for The SCO Group, Inc.

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 MOTION TO COMPEL DISCOVERY** Case No. 2:03CV0294DAK Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells

Plaintiff, The SCO Group, Inc. ("SCO"), respectfully moves this Court for an Order compelling Defendant International Business Machines Corporation ("IBM") to produce documents in response to SCO's Seventh Request for the Production of Documents, dated August 12, 2005, as specified in and for the reasons set forth in SCO's memorandum in support of this Motion submitted concurrently herewith.

CERTIFICATION OF COMPLIANCE WITH MEET AND CONFER OBLIGATIONS

SCO's counsel has made a good-faith effort to reach an agreement with IBM's counsel on the matters set forth in this Motion. IBM's counsel stated on July 19, 2005, that IBM has produced all the "non-public Linux contribution information" it is obligated to produce. Letter dated July 19, 2005, from T. Shaughnessy to B. Hatch, at 1. SCO's counsel and IBM's counsel met and conferred by telephone on October 13, 2005, regarding the scope of the Court's Order dated October 12, 2005. IBM's lead attorney during the discussion stated that, in IBM's view, under the Court's October 12 Order IBM is not obligated to produce any non-public Linux contribution information that SCO seeks in its Seventh Requests.

On October 20, SCO's counsel confirmed his view that the parties were at an impasse with respect to Request Nos. 300-65 in the Seventh Request, informed IBM's counsel that the Seventh Requests concern several categories of document requests other than requests for Linux contribution information, and asked IBM's counsel to inform SCO's counsel whether the parties needed to discuss those other categories. In response, a different attorney for IBM, but one who had participated in the October 13 meet-and-confer, said that he did not believe the parties were at an impasse with respect to all of SCO's Seventh Requests.

SCO's counsel confirmed on October 21 that the parties were at an impasse with respect to Request Nos. 300-65, but proposed to meet and confer with respect to the other categories of documents at counsel's "earliest convenience." Having received no response, on October 25, SCO's counsel again informed IBM's counsel that the parties were at an impasse with respect to Request Nos. 300-65, but should meet and confer "this week" regarding the other categories of documents sought in the Seventh Request. IBM's counsel has not disputed that the parties are at an impasse with respect to Request Nos. 300-65, and has not responded to SCO's request to meet and confer regarding the other categories of documents sought in the Seventh Request.

DATED this 27th day of October, 2005.

Respectfully submitted,

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By _____
Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Motion to Compel Discovery was served on Defendant International Business Machines Corporation on the 27th day of October, 2005:

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