## FILED U.S. DISTRICT COURT

Brent O. Hatch (5715) Mark F. James (5295) HATCH, JAMES & DODGE 10 West Broadway, Suite 400 Salt Lake City, Utah 84101 Telephone: (801) 363-6363 Facsimile: (801) 363-6666

2005 DEC - Robert Silver (admitted pro hac vice) Edward Normand (admitted pro hac vice) CISTRIC BOIES, SCHILLER & FLEXNER LLP @ 333 Main Street protect Armonk, New York 10504

Telephone: (914) 749-8200 Facsimile: (914) 749-8300

Stuart H. Singer (admitted pro hac vice) BOIES, SCHILLER & FLEXNER LLP 401 East Las Olas Boulevard - Suite 1200 Ft. Lauderdale, Florida 33301 Telephone: (954) 356-0011 Facsimile: (954) 356-0022

Attorneys for The SCO Group, Inc.

Stephen N. Zack (admitted pro hac vice) BOIES, SCHILLER & FLEXNER LLP Bank of America Tower – Suite 2800 100 Southeast Second Street Miami, Florida 33131 Telephone: (305) 539-8400 Facsimile: (305) 539-1307

## 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.

MOTION TO SEAL REPLY MEMORANDUM IN FURTHER SUPPORT OF 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 to file under seal the Reply Memorandum in further support of its motion to compel IBM to produce certain documents in response to SCO's Request for the Production of Documents dated August 15, 2005 ("the Seventh Request").

On December 6, 2005 SCO filed its Reply Memorandum in further support of its motion to compel discovery and inadvertently attached a document that had been previously marked confidential without filing it under seal. SCO asks the Court to file this memorandum and the attached exhibit under seal.

DATED this 7th day of December, 2005.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C. Brent O. Hatch

Mark F. James

BOIES, SCHILLER & FLEXNER LLP

Robert Silver

Stuart H. Singer

Stephen N. Zack

**Edward Normand** 

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 Seal Reply Memorandum in Further Support of SCO's Motion to Compel Discovery, was served on Defendant International Business Machines Corporation on the 7th day of December, 2005:

By U.S. Mail and Facsimile:
David Marriott, Esq.
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019

Donald J. Rosenberg, Esq. 1133 Westchester Avenue White Plains, New York 10604

Todd Shaughnessy, Esq. Snell & Wilmer LLP 1200 Gateway Tower West 15 West South Temple Salt Lake City, Utah 84101-1004

Moral D