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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 STRIKE
PORTIONS OF THE REBUTTAL
DECLARATION OF RANDALL
DAVIS OR FOR LEAVE TO
RESPOND TO THE REBUTTAL
DECLARATION**

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

Plaintiff, The SCO Group, Inc. (“SCO”), respectfully moves the Court for an order Striking Portions of the Rebuttal Declaration of Randall Davis or for leave to file a response to the Rebuttal Declaration, regarding the motion of Defendant, IBM, to limit SCO’s claims relating to misused material.

On April 14, 2006, this Court allowed IBM to submit a supplemental declaration from Randall Davis in response to the Declaration of Marc Rochkind. The Court stated that the supplemental declaration should respond only to the Rochkind Declaration, and counsel for IBM confirmed. IBM now has submitted a supplemental, 22-page Davis declaration (much longer than the original Davis declaration and Rochkind Declaration combined) and included numerous new points not addressed in the Rochkind Declaration. These inappropriate arguments, which are identified in the accompanying supporting Memorandum, should be struck and disregarded, or else SCO should be permitted to respond to them.

DATED this 4th day of May, 2006.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.
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By /s/ Brent O. Hatch
Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, Inc., hereby certifies that on this 4th day of May, 2006, a true and correct copy of the foregoing memorandum was served on Defendant, IBM by serving its counsel of record through the CM/ECG system or otherwise by U.S. mail, on the 4th day of May, 2006, to:

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