

SNELL & WILMER L.L.P.  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
Amy F. Sorenson (8947)  
15 West South Temple  
Gateway Tower West  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**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.

**IBM'S REPLY MEMORANDUM IN  
SUPPORT OF REQUEST FOR  
EXPEDITED BRIEFING AND  
HEARING**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”), through counsel, respectfully submits this reply memorandum in support of its request for expedited briefing and hearing on its motion to confine SCO’s claims to, and strike allegations in excess of, its December 22, 2005 Disclosure of Material Allegedly Misused by IBM (the “Final Disclosures”).

In its response to IBM’s request for expedited briefing and hearing, SCO does not object to IBM’s request for expedited treatment, but proposes that the Court enter an Order allowing SCO ten days from its receipt of IBM’s motion to file an opposition (June 19) and allowing IBM only three days file a reply (June 22). Although IBM does not object to SCO’s being allowed ten days to oppose IBM’s motion, IBM respectfully requests that it be allowed until June 27, 2006 to file its reply memorandum on the motion, in order to fully and adequately respond to the issues SCO may raise in its opposition. Alternatively, if such a proposed schedule will not allow the Court adequate preparation time in advance of the hearing, IBM respectfully requests that SCO be allowed to file an opposition to IBM’s motion within seven days after receipt of the motion, or on or before June 16, 2006, and that IBM be allowed to file a reply within five days thereafter, or on or before June 21, 2006.

DATED this 13th day of June, 2006.

SNELL & WILMER L.L.P.

By /s/ Amy F. Sorenson  
Alan L. Sullivan  
Todd M. Shaughnessy  
Amy F. Sorenson

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler  
David R. Marriott

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

Of Counsel:

INTERNATIONAL BUSINESS MACHINES CORPORATION

Jennifer M. Daniels

Alec S. Berman

1133 Westchester Avenue

White Plains, New York 10604

(914) 642-3000

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of June, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

Brent O. Hatch  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

Stephen N. Zack  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
Miami, Florida 33131

and by U.S. Mail, postage pre-paid to:

Robert Silver  
Edward Normand  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504

/s/ Amy F. Sorenson