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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.

**MOTION FOR SUMMARY
JUDGMENT ON IBM'S SECOND,
THIRD, FOURTH AND FIFTH
COUNTERCLAIMS**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. ("SCO"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and for the reasons set forth in SCO's Memorandum in Support of Motion For Summary Judgment on IBM's Second, Third, Fourth and Fifth

Counterclaims respectfully moves this Court to enter summary judgment for SCO on IBM's Second, Third, Fourth and Fifth counterclaims.

DATED this 25th day of September, 2006.

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By: /s/Brent O. Hatch

Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing SCO's Motion For Summary Judgment On IBM's Sixth, Seventh and Eighth Counterclaims was served on Defendant/Counterclaim-Plaintiff International Business Machines Corporation on the 25th day of September, 2006 by the Court's CM/ECF system or by U.S. Mail to:

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