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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.

**EX PARTE MOTION FOR LEAVE TO
FILE OVERLENGTH MEMORANDUM
IN SUPPORT OF IBM'S MOTION FOR
SUMMARY JUDGMENT ON SCO'S
INTERFERENCE CLAIMS (SCO'S
SEVENTH, EIGHTH AND NINTH
CAUSES OF ACTION)**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Memorandum in Support of IBM’s Motion for Summary Judgment on SCO’s Interference Claims (SCO’s Seventh, Eighth and Ninth Causes of Action), consisting of approximately twenty-nine pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

In its Memorandum in Support of Motion for Summary Judgment, IBM shows that Plaintiff/Counterclaim Defendant The SCO Group, Inc.’s (“SCO”) Seventh, Eighth and Ninth Causes of Action fail as a matter of law for at least three independent reasons. These causes of action each relate to SCO’s allegations that IBM has interfered with SCO’s contracts and business relationships with customers, business partners and other entities. SCO has identified more than 150 companies with whose contracts or business with SCO IBM has allegedly “indirectly” interfered, and seven additional companies or entities for whom SCO alleges any direct contact or communication at all. To address SCO’s three interference causes of action adequately, including through legal argumentation and recitation of facts, IBM required approximately four additional pages of argument beyond the twenty-five pages allotted by DUCivR 56.

Accordingly, IBM respectfully requests that it be granted leave to file a Memorandum in Support of Motion for Summary Judgment on Motion for Summary Judgment on SCO’s Interference Claims (SCO’s Seventh, Eighth and Ninth Causes of Action) consisting of approximately twenty-nine pages of legal argument.

DATED this 25th day of September, 2006.

SNELL & WILMER L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 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:

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