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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 OPPOSITION  
TO SCO'S MOTION REGARDING  
SPOILIATION**

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 Opposition to SCO’s Motion Regarding Spoliation, consisting of approximately eleven (11) pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

In its Opposition to SCO’s Motion Regarding Spoliation, IBM demonstrates that SCO’s spoliation claim fails for at least four independent reasons. In order to fully address these important issues in its memorandum, IBM required approximately one additional page of argument beyond the ten pages allowed by DUCivR 7-1(3).

Accordingly, IBM respectfully requests that it be granted leave to file its Opposition to SCO’s Motion Regarding Spoliation consisting of approximately eleven (11) pages of argument.

DATED this 10th day of November, 2006.

SNELL & WILMER L.L.P.

/s/ Todd M. Shaughnessy

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of November, 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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