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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.

**ORDER GRANTING IBM'S MOTION TO  
CONFINE SCO'S CLAIMS TO, AND  
STRIKE ALLEGATIONS IN EXCESS OF,  
THE FINAL DISCLOSURES**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

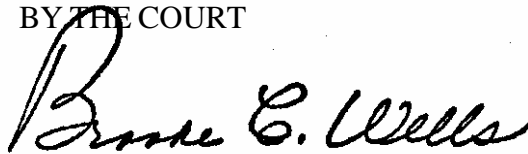
Defendant and Counterclaim-Plaintiff International Business Machines Corporation's ("IBM's") Motion to Confine SCO's Claims to, and Strike Allegations in Excess of, The Final Disclosures came before the Court for hearing on November 30, 2006. David Marriott appeared for IBM. Brent Hatch appeared for Plaintiff and Counterclaim-Defendant The SCO Group, Inc. ("SCO"). The Court, having considered both parties' papers, having heard argument of counsel, and for good cause appearing,

IT IS HEREBY ORDERED as follows:

1. IBM's motion is granted in full;
2. As provided in the Court's order dated July 1, 2005, the parties' Stipulation re Scheduling Order dated December 7, 2005, this Court's order dated June 28, 2006, and Judge Kimball's order dated November 29, 2006, SCO may not challenge as misused, by expert testimony or otherwise, any material that SCO has not specifically identified in its Final Disclosures of Material Allegedly Misused by IBM (Docket No. 591); and
3. As to what SCO has not specified as misused, it is the Court's intent that this order shall apply to any and all allegedly misused material, including structures and sequences.

DATED this 21st day of December, 2006.

BY THE COURT



Brooke C. Wells  
Magistrate Judge

APPROVED AS TO FORM:

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

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Edward Normand

\_\_\_\_\_/s/ Brent O. Hatch  
Counsel for Plaintiff  
*(e-filed with authorization from counsel)*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of December, 2006, a true and correct copy of the foregoing was delivered by email to the following:

Brent O. Hatch  
Mark F. James  
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\_\_\_\_\_/s/ Todd M. Shaughnessy\_\_\_\_\_