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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.

**CONSOLIDATED EX PARTE MOTION
FOR LEAVE TO FILE OVERLENGTH
REPLY MEMORANDA IN SUPPORT OF
IBM'S MOTIONS FOR SUMMARY
JUDGMENT**

Civil No. 2:03-CV-00294 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 Consolidated Ex Parte Motion for Leave to File the following overlength memoranda in further support of its motions for summary judgment:

1. IBM’s Reply Memorandum in Further Support of Its Motion for Summary Judgment on SCO’s Contract Claims (SCO’s First, Second, Third and Fourth Causes of Action), which consists of approximately 81 pages of legal argument, exclusive of face sheet, preliminary statement, statement of facts, declarations and exhibits.

2. IBM’s Reply Memorandum in Further Support of Its Motion for Summary Judgment on SCO’s Copyright Claim (SCO’s Fifth Cause of Action), which consists of approximately 43 pages of legal argument, exclusive of face sheet, preliminary statement, statement of facts, declarations and exhibits.

3. IBM’s Reply Memorandum in Further Support of Its Motion for Summary Judgment on SCO’s Unfair Competition Claim (SCO’s Sixth Cause of Action), which consists of approximately 21 pages of legal argument, exclusive of face sheet, preliminary statement, statement of facts, declarations and exhibits.

4. IBM’s Reply Memorandum in Further Support of Its Motion for Summary Judgment on SCO’s Interference Claims (SCO’s Seventh, Eighth and Ninth Causes of Action), which consists of approximately 34 pages of legal argument, exclusive of face sheet, preliminary statement, statement of facts, declarations and exhibits.

5. IBM’s Reply Memorandum in Further Support of Its Motion for Summary Judgment Regarding on Its Claim for Declaratory Judgment of Non-Infringement (IBM’s Tenth Counterclaim), which consists of approximately 57 pages of legal argument, exclusive of face sheet, preliminary statement, statement of facts, declarations and exhibits.

6. IBM's Reply Memorandum in Further Support of Its Motion for Summary Judgment on Its Claim for Copyright Infringement (IBM's Eighth Counterclaim), which consists of approximately 14 pages of legal argument, exclusive of face sheet, preliminary statement, statement of facts, declarations and exhibits.

In addressing SCO's responses to IBM's motions for summary judgment, IBM has endeavored to be as concise as possible. However, in opposition to the above-described motions, SCO has submitted briefs in excess of 830 total pages, including memoranda and appendices. In order to adequately address the issues and arguments raised by SCO in its opposition papers, IBM's reply briefs have required the foregoing requested additional pages of argument, exceeding the ten pages of argument allotted under DUCivR 7-1(3).

DATED this 12th day of January, 2007.

SNELL & WILMER L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2007, 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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