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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.

**[Proposed] ORDER GRANTING  
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

Based upon Defendant/Counterclaim-Plaintiff International Business Machines Corporation's ("IBM") Consolidated Ex Parte Motion for Leave to File Overlength Memorandum in Support of IBM's Motions for Summary Judgment, dated January 12, 2007, and for good cause appearing thereon,

IT IS HEREBY ORDERED that IBM is granted leave to file the following overlength memoranda:

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.

DATED this \_\_\_\_ day of January, 2007.

BY THE COURT

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Dale A. Kimball  
United States District Court Judge

**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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