

Counsel Submitting and Utah State Bar Number - Tod M. Shaughnessy (6651)
Attorney For Defendant/Counterclaim Plaintiff International Business Machines Corporation
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2007 JAN 16 P 12:11

UNITED STATES DISTRICT COURT
District of Utah Central Division DISTRICT OF UTAH

BY:  DEPUTY CLERK

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|---|--|--|
| <p>THE SCO GROUP, INC., Plaintiff/Counterclaim-Defendant</p> <p style="text-align: center;">v.</p> <p>INTERNATIONAL BUSINESS MACHINES CORPORATION, Defendant/Counterclaim-Plaintiff</p> | <p>* * * * * * *</p> | <p>Motion for Pro Hac Vice Admission and Consent of Local Counsel</p> <p>Case No. 2:03CV0294 DAK Honorable Dale A. Kimball</p> |
|---|--|--|

Pursuant to D.U. Civ Rule 83-1.1(d), I move the admission of **Michael P. Burke** as pro hac vice counsel for International Business Machines Corporation (Defendant/Counterclaim-Plaintiff) and consent to serve as local counsel. The application for pro hac vice admission is attached as exhibit A to this motion, an Electronic Case Filing Registration Form as exhibit B, and the admission fee, if required, has been paid to the court with the submission of this motion.

Dated January 16, 2007


Signature of local counsel

FEE PAID

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

APPLICATION FOR ADMISSION PRO HAC VICE

Name of Attorney: Michael P. Burke
Firm Name: Cravath, Swaine & Moore LLP
Business Address: Worldwide Plaza
825 Eighth Avenue
New York, NY 10019

Telephone: 212-474-1000

Current bar memberships and date of admission:

New York Supreme Court,
Appellate Division, First Department
Southern District of New York

Admitted on 12/12/2004
Admitted on 01/25/2005

Have you ever been the subject of disciplinary action by any bar to which you have been admitted?
 No Yes (provide additional information)

Prior pro hac vice admissions in the District of Utah: none

Case Name: _____
Case Number: _____
Admission Date: _____

(Attach list of other cases separately if more space is needed.)


Signature

01/16/07
Date

Non resident United States attorneys and attorneys employed by agencies of the federal government are exempt from the pro hac vice fee. All other attorneys must pay a fee of \$15.00 concurrent with this application. This application must be filed as an attachment to a motion for admission and consent filed by local counsel.

If you have not previously registered for CM/ECF in the District of Utah, please attach a completed Electronic Case Registration Form with this application to receive your login and password.

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

ELECTRONIC CASE FILING REGISTRATION FORM

Attorneys who are active or current pro hac vice members of the District of Utah's Bar may register for the District of Utah Electronic Filing System by (i) completing the required training and (ii) signing and returning this form to the Court. Please review carefully the registration conditions set forth below before signing.

| | | | |
|---|-----------------------|---------------------|--|
| Michael | Patrick | Burke | Cravath, Swaine & Moore LLP |
| <small>Name - First</small> | <small>Middle</small> | <small>Last</small> | <small>Firm Name</small> |
| Worldwide Plaza, 825 Eighth Avenue | | | New York, NY 10019 |
| <small>Mailing Address</small> | | | <small>City, State, Zip</small> |
| | | | (212) 474-1000 |
| <small>Utah State Bar # (if applicable)</small> | | | <small>Telephone Number</small> |

- By signing this form, I understand and consent to the following:
- Pursuant to Fed. R. Civ. P. 5(b)(2)(D), I will receive all items required to be served under Fed.R.Civ.P. 5(a) and 77 (d) and Fed. R. Crim P. 49 by either (i) notice of electronic filing, or (ii) e-mail transmission;
 - Such electronic service will constitute service and notice of entry as required by those rules;
 - I waive my right to service by USPS mail;
 - I will abide by all Court rules, orders, and procedures governing the use of the electronic filing system;
 - The combination of user ID and password issued by this Court will serve as the equivalent of my signature when I file documents using the District of Utah's electronic filing system;
 - I will carefully examine all documents prior to filing them electronically with this Court to either (i) redact sensitive and private information pursuant to DUCiv R , or (ii) move that the filing be sealed;
 - I will secure and protect my Court-issued password against unauthorized use or compromise; and
 - I will notify the Clerk of this Court within 24 hours when I (i) have a change of name, firm, address, or e-mail address to ensure proper and timely service, or (ii) learn that my password has been compromised.

Email Address(es):
Primary E-mail address - mburke@cravath.com
 Up to two additional e-mail addresses 1) _____ ,
 2) _____

Notice Method: Separate Notice for each filing (1 email for each filing made) (default)
 (check one) Daily Summary Report (1 email notification showing summary of all daily filings)

To receive a login, you must complete one of these four options. Please check appropriate box.

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| <input type="checkbox"/> I have attended the CMECF Training for Attorneys given by the Court. |
| <input type="checkbox"/> I have completed the CMECF Training for Attorneys given by an in-house trainer in my firm. |
| <input checked="" type="checkbox"/> I have completed the CMECF Online Computer-Based Training modules on the court website. |
| <input type="checkbox"/> I have an ECF account in the Utah Bankruptcy Court or in another Federal District Court. District: Southern District of New York |

Date: 01/16/07 **Signature:** 

Please mail this completed form to: **United States District Court, Office of the Clerk, ATTN: CM/ECF Registration, 350 S. Main St., Suite 150, Salt Lake City, Utah 84101**
 After this Court processes this form, you will receive by email or US Mail your user ID and password that will enable you to access the system. The User Guide and administrative procedures for system use may be downloaded at: <http://www.utd.uscourts.gov/cmecf/documents/ecfpage.html>. Please call the Clerk's Office Help Desk at (801) 524-3248 if you have questions concerning registration, training, or use of the electronic filing system.