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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.

**EX PARTE MOTION FOR LEAVE TO
FILE OVERLENGTH MEMORANDUM
IN OPPOSITION TO SCO'S
OBJECTIONS TO THE MAGISTRATE
JUDGE'S ORDER ON IBM'S MOTION
TO CONFINE AND SCO'S MOTION TO
AMEND ITS DECEMBER 2005
SUBMISSION**

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 Memorandum in Opposition to SCO’s Objections to the Magistrate Judge’s Order on IBM’s Motion to Confine and SCO’s Motion to Amend its December 2005 Submission, consisting of approximately 22 pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

With its objections, SCO has submitted an overlength memorandum nearly 34 pages in length which raises a variety of complaints spanning nearly the entire history of this case. In addition, SCO has submitted a separate motion to amend its December 22, 2005 Final Disclosures. Because both memoranda raise similar issues, IBM responds to both memoranda in a single opposition brief. While IBM has endeavored to respond to the issues raised in both briefs in succinct fashion, doing so fully and fairly in just one brief has necessitated approximately 12 additional pages of legal argument.

Based on the foregoing, IBM respectfully requests that it be granted leave to file its overlength Memorandum in Opposition to SCO’s Objections to the Magistrate Judge’s Order on IBM’s Motion to Confine and SCO’s Motion to Amend its December 2005 Submission, consisting of approximately 22 pages of argument.

DATED this 16th day of February, 2007.

Snell & Wilmer L.L.P.

/s/ Amy F. Sorenson

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 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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