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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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THE SCO GROUP, INC., by and through the  
Chapter 11 Trustee in Bankruptcy, Edward N.  
Cahn,

Plaintiff/Counterclaim-Defendant,  
vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**JOINT MOTION FOR CERTIFICATION  
UNDER FED. R. CIV. P. 54(b)**

Civil No.: 2:03CV0294

Honorable David Nuffer

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Pursuant to the Court's Order dated February 9, 2016 (Docket No. 1161), Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. ("SCO"), and Defendant/Counterclaim-Plaintiff, International Business Machines Corporation ("IBM"), jointly move for certification of the entry of final judgment on the Court's orders concerning all of SCO's claims, including the (a) Order filed on Feb. 5, 2016, granting IBM's Motion for Partial Summary Judgment (Docket No. 782), (b) Order filed on Feb. 8, 2016, granting IBM's Motion for Partial Summary Judgment (Docket No. 783), (c) Partial Judgment Dismissing SCO Claims filed on July 10, 2013, and (d) Order filed on July 1, 2005, denying SCO's Motion for Leave to File a Third Amended Complaint (Docket No. 466).

There is no just reason for delaying SCO's appeal from such Orders, as the final resolution of SCO's claims may make it unnecessary, as a practical matter, for the Court to decide the several pending motions concerning IBM's counterclaims, given SCO's bankruptcy and its explanation that it has de minimis financial resources beyond the value of the claims on which the Court has granted summary judgment for IBM. Accordingly, the disposition of SCO's appeal is the practical course most likely to conserve both judicial and private resources. See Wakefield Kennedy, LLC v. Baldwin, No. 11-cv-00604-DN-EJF, 2014 WL 910029, at \*9-10 (D. Utah, Mar. 7, 2014). In addition, SCO's claims at issue in the Orders are separable from IBM's counterclaims for purposes of appeal, and the nature of the claims are such that no appellate court would have to decide the same issues more than once if there were any subsequent appeals. See Wakefield Kennedy LLC v. Baldwin, No. 11-cv-00604-DN-EJF, 2014 WL 7178197, at \*2 (D. Utah Dec. 15, 2014).

DATED this 26th day of February, 2016.

By: /s/ Brent O. Hatch  
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**CERTIFICATE OF SERVICE**

I, Brent O. Hatch, hereby certify that on this 26th day of February, 2016, a true and correct copy of the foregoing **JOINT MOTION TO CERTIFICATION UNDER FED. R. CIV. P. 54(B)** was filed with the Court and served via electronic mail to the following recipients:

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