

Brent O. Hatch (5715)  
Mark F. James (5295)  
HATCH, JAMES & DODGE, PC  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
Facsimile: (801) 363-6666

Robert Silver (admitted pro hac vice)  
Edward Normand (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

Stuart H. Singer (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
401 East Las Olas Boulevard – Suite 1200  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 356-0011  
Facsimile: (954) 356-0022

Stephen N. Zack (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
Bank of America Tower – Suite 2800  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1307

*Attorneys for The SCO Group, Inc.*

---

**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.

**SCO'S MOTION FOR SUMMARY  
JUDGMENT ON IBM'S SIXTH,  
SEVENTH AND EIGHTH  
COUNTERCLAIMS**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

---

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. ("SCO"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and for the reasons set forth in SCO's Memorandum in Support of SCO's Motion For Summary Judgment on IBM's Sixth, Seventh and Eighth Counterclaims, respectfully moves this Court to enter summary judgment against

Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) on  
IBM’s Sixth, Seventh and Eighth Counterclaims.

DATED this 25th day of September, 2006.

HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch  
Mark F. James

BOIES, SCHILLER & FLEXNER LLP  
Robert Silver  
Stuart H. Singer  
Stephen N. Zack  
Edward Normand

By: /s/ Brent O. Hatch

*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing SCO's Motion For Summary Judgment On IBM's Sixth, Seventh and Eighth Counterclaims was served on Defendant/Counterclaim-Plaintiff International Business Machines Corporation on the 25th day of September, 2006 by the Court's CM/ECF system or by U.S. Mail to:

David Marriott, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019

Donald J. Rosenberg, Esq.  
1133 Westchester Avenue  
White Plains, New York 10604

Todd Shaughnessy, Esq.  
Snell & Wilmer LLP  
1200 Gateway Tower West  
15 West South Temple  
Salt Lake City, Utah 84101-1004

\_\_\_\_\_  
/s/ Brent O. Hatch