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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

**MOTION FOR LEAVE TO FILE A  
THIRD AMENDED COMPLAINT  
PURSUANT TO FEDERAL RULES OF  
CIVIL PROCEDURE 15(a) AND 16(b)**

Case No. 2:03CV0294DAK  
Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

Pursuant to Rules 15(a) and 16(b) of the Federal Rules of Civil Procedure, The SCO Group, Inc. ("SCO"), hereby seeks leave of this Court to file an amended complaint in this action in substantially the same form as the proposed Third Amended Complaint attached as Exhibit 1 to the memorandum filed in support of this motion.

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SCO seeks to amend the complaint for the reasons described in the Memorandum in Support of SCO's Motion for Leave to File a Third Amended Complaint Pursuant to Federal Rules of Civil Procedure 15(a) and 16(b) filed herewith, and for the good cause shown therein.

DATED this 14th day of October, 2004.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.

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By  \_\_\_\_\_

*Counsel for Plaintiff/Counterclaim Defendant*

**CERTIFICATE OF SERVICE**

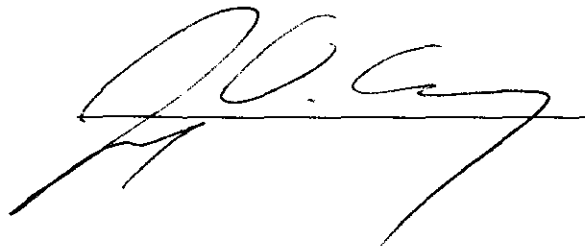
Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Motion for Leave to File Third Amended Complaint was served by mail on Defendant International Business Machines Corporation on the 14th day of October, 2004, by U.S. Mail to:

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and HAND-DELIVERED to:

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A handwritten signature in black ink, appearing to read 'T. Shaughnessy', with a long horizontal stroke extending to the right.