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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.

**[proposed]
AMENDED SCHEDULING ORDER**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to Fed. R. Civ. P. 16(b), the Court hereby enters the following Amended Scheduling Order. The deadlines set forth herein shall not be modified absent extremely compelling circumstances.¹

EVENT	DEADLINE
Interim Deadline for Parties to Disclose with Specificity All Allegedly Misused Material Identified to Date and to Update Interrogatory Responses Accordingly	June 10, 2005
Final Deadline for Parties to Identify with Specificity All Allegedly Misused Material and to Update Interrogatory Responses ²	August 11, 2005
Close of All Fact Discovery Except as to Defenses to Claims Relating to Allegedly Misused Material	August 11, 2005
Close of All Remaining Discovery (i.e., Fact Discovery as to Defenses to Any Claim Relating to Allegedly Misused Material)	November 11, 2005
Deadline for Submitting Expert Reports on Issues as to Which a Party Bears the Burden of Proof	December 2, 2005

¹ When necessary to accommodate the court's schedule, the court may alter dates that involve the court.

² By this deadline, the parties must identify any and all allegedly misused material. No party may contend that another party misused material not identified by this deadline; no expert may opine as to the misuse of material not identified by this deadline. For this purpose, allegedly misused material must be identified by version, file, and line of code. For example, to the extent a party contends the other party has infringed its copyrights, the accusing party must identify and match up the allegedly infringing and allegedly infringed material by version, file, and line of code. To the extent a party contends that the other party has breached its contractual obligations by contributing code to Linux, the accusing party must identify the material alleged to have been contributed improperly by version, file and line of code and to the extent the allegedly contributed material is not Unix System V code, but is in any sense alleged to have been based on or resulted from Unix System V code, the version, file and line of Unix System V code from which the allegedly contributed material is alleged to derive or result.

Deadline for Submitting Responsive Expert Reports or Reports on Issues as to Which a Party Does Not Bear the Burden of Proof	January 13, 2006
Deadline for Submitting Expert Reports Responsive to Reports Submitted on Issues as to Which a Party Does Not Bear the Burden of Proof	February 10, 2006
Close of Expert Discovery	March 10, 2006
Deadline for Submitting Dispositive Motions	March 24, 2006
Deadline for Submitting Papers in Opposition to Dispositive Motions	April 21, 2006
Deadline for Submitting Reply Papers in Further Support of Dispositive Motions	May 12, 2006
Deadline for Submitting Rule 26(a)(3) Disclosures	June 12, 2006
Deadline for Exchanging Proposed Jury Instructions ³	June 12, 2006
Special Attorney Conference and Settlement Conference	June 13, 2006
Deadline for Submitting Proposed Final Pretrial Order	June 23, 2006
Final Pretrial Conference (June 26, 2006, or later)	_____, 2006, at _____
5-week Jury Trial Begins	_____, 2006

³ Approximately six weeks prior to trial, the court will send to the parties a Trial Order that sets forth deadlines regarding exchange of jury instructions between the parties, filing of stipulated instructions and proposed instructions to which the parties could not agree, objections to proposed instructions, and response to the objections. In the Trial Order, the court will also provide deadlines for proposed voir dire, proposed special verdict form, and motions in limine.

DATED this ____ day of March, 2005.

BY THE COURT

United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2005, a true and correct copy of the foregoing was served by U.S. Mail, postage prepaid, on the following:

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