

FILED
U.S. DISTRICT COURT

2005 APR 28 P 4: 51

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

BY: _____
DEPUTY CLERK

THE SCO GROUP, INC.,

**Plaintiff/Counterclaim-
Defendant,**

vs.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION,**

**Defendant/Counterclaim-
Plaintiff.**

ORDER

Case No. 2:03CV294 DAK

This matter is before the court on G2 Computer Intelligence, Inc.'s ("G2's") Motion to Intervene and Motion to Unseal Court's File. CNET Networks, Inc. ("CNET") and Forbes Inc. ("Forbes") have also joined in the motion. A hearing on the motion was held on April 26, 2005. At the hearing, G2, CNET, and Forbes were represented by Andrew H. Stone. International Business Machines Corp. was represented by Amy Sorenson, and The SCO Group was represented by Brent O. Hatch. Before the hearing, the court considered carefully the memoranda and other materials submitted by the parties. Since taking the motions under advisement, the court has further considered the law and facts relating to the motion. Now being fully advised, the court renders the following Order.

The court declines to allow G2, CNET, and/or Forbes to intervene in this case. The court, however, sets forth the following requirements and admonitions to minimize the risk of

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overdesignating confidential documents, thereby maximizing the public's accessibility to the documents filed in this case:

- (1) Counsel for both IBM and SCO shall review the documents filed thus far in this action to determine whether any such documents may be unsealed. Counsel shall notify the court on or before May 27, 2005 as to which documents the parties agree may be unsealed.
- (2) All future dispositive motions and memoranda that are filed under seal shall be publicly filed with all confidential information redacted. Additionally, all non-confidential supporting exhibits shall be publicly filed;
- (3) After May 27, 2005, the court will award reasonable attorneys' fees to any party that successfully challenges the opposing party's designation of a document as confidential after such document has been filed with the court and after having provided the party seeking confidentiality at least ten days to remove the confidential designation;
- (4) Although the court does not have the resources to monitor whether each sealed document is appropriately sealed, the court hereby notifies the parties that if the court, in its regular consideration of future motions, becomes aware that material documents are improperly filed under seal, the court may issue an order to show cause why a particular document was filed under seal and may impose monetary sanctions for improper sealing of a document.

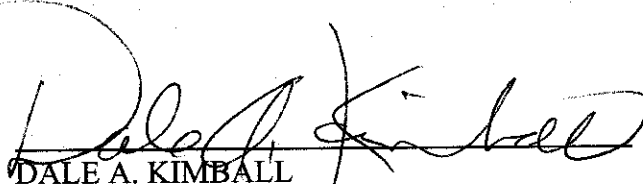
CONCLUSION

Accordingly, IT IS HEREBY ORDERED that G2, CNET, and Forbes' Motion to

Intervene and Unseal Court's Files is DENIED. The court has set forth several requirements and admonitions to minimize the risk of the parties improperly filing documents under seal.

DATED this 28th day of April, 2005.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

United States District Court
for the
District of Utah
April 29, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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