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SNELL & WILMER L.L.P.
Alan L. Sullivan (3152)
Todd M. Shaughnessy (6651)
Amy F. Sorenson (8947)
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP
Evan R. Chesler (admitted pro hac vice)
David R. Marriott (7572)
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
Telephone: (212) 474-1000

*Attorneys for Defendant/Counterclaim-Plaintiff
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.

**STIPULATION REGARDING DISMISSAL
OF COUNTERCLAIMS**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

The parties, through their counsel of record, hereby stipulate and jointly move the Court for an Order dismissing with prejudice IBM's Eleventh Counterclaim (Patent Infringement), Twelfth Counterclaim (Patent Infringement), and Thirteenth Counterclaim (Patent Infringement) from IBM's Second Amended Counterclaims. The parties have agreed to dismiss the claims, without any admission as to the merits of the claims.

The parties submit herewith a proposed Order in conformity with the foregoing.

DATED this 6th day of October, 2005.

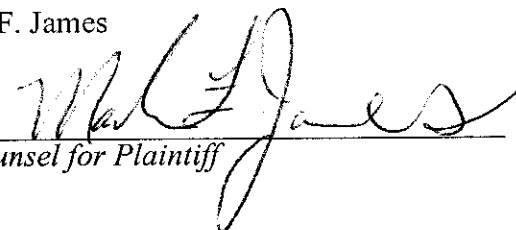
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Evan R. Chesler
David R. Marriott

By 
Counsel for Defendant International
Business Machines Corporation

DATED this 5 day of October, 2005.

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

By 
Counsel for Plaintiff


CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101

Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP
100 Southeast Second Street, Suite 2800
Miami, Florida 33131

Robert Silver
Edward Normand
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, NY 10504



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