

IN THE UNITED STATES DISTRICT COURT  FOR THE DISTRICT OF UTAH  CENTRAL DIVISION  4	
CENTRAL DIVISION	
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6 THE SCO GROUP, INC., a ) Delaware corporation, )	
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Plaintiff, ) 8	
vs. ) Civil No. 2:03-CV-294	DAK
INTERNATIONAL BUSINESS )  10 MACHINES CORPORATION, a )	
New York corporation )	
Defendant. ) 12)	
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Status Conference	
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BEFORE THE HONORABLE BROOKE C. WELLS	
October 31, 2003	
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21 Transcript of Magnetically Recorded Hearin	g
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23 Coni Tandina	
Geri Jardine ALPHA COURT REPORTING SER 103103GJ P.O. BOX 510047	VICE
SALT LAKE CITY, UTAH Phone: (801) 532-5645 Fax: (801) 495-9333	

Appearances of Counsel: For the Plaintiff: HATCH, JAMES & DODGE BY: BRENT O. HATCH Attorney at Law 10 West Broadway, Suite 400 Salt Lake City, Utah 84101 For the Defendant: SNELL & WILMER BY: TODD M. SHAUGHNESSY Attorney at Law 15 West South Temple Gateway Tower West Salt Lake City, Utah 84101 

## Salt Lake City, Utah, October 31, 2003 PROCEEDINGS

THE COURT: Good morning, gentlemen.

Calling the case of the SCO Group, Inc. versus

International Business Machines Corporation. The

plaintiff in this matter is represented by Mr. Brent

Hatch, who is personally present in court. The

defendant, IBM, is represented by Mr. Shaughn -- or Todd

Shaughnessy.

We're before the Court today at the request of the Court for a status conference. I had received motions to compel or the defendant's motion to compel, and before setting that for formal hearing I wanted the opportunity to speak with counsel. I had the opportunity to do that and invited counsel to come into chambers where we held an informal discussion. As a result of that discussion, I am ordering that we have a status hearing, a formal status hearing, to determine whether a hearing on the motion or motions to compel, reciprocal motions to compel, should be held.

We will set a hearing, a status hearing, for Friday, November 21st at 10:00, and at that time we'll determine whether or not a formal hearing needs to be held. If it does, I am prepared to hold that hearing on Friday, December the 5th, also at 10:00.

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                 Counsel, do either of you wish to supplement
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    on the record anything that I have just said?
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                 MR. SHAUGHNESSY: No, Your Honor.
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                 MR. HATCH: Your Honor, I really apologize.
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    I just noticed that December 5th is actually
 6
    (inaudible). The best date right around that -- that's
 7
    probably -- does it have to be on a Friday?
                 THE COURT: Not necessarily. We could do it
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    either on the 4th or we could go as late as the 8th,
 9
10
    but --
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                MR. HATCH: If it's in that time frame, I
    think it's not going to matter, as long as it's just not
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13
    that (inaudible).
14
                THE COURT: Mr. Shaughnessy.
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                MR. SHAUGHNESSY: I was going to say, if
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    it's a choice, we prefer the 4th.
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                THE COURT: Let's keep it on the 5th and at
    10:00. All right, and in the meantime, good luck.
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                MR. HATCH: Thank you, Your Honor.
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    appreciate your time.
                MR. SHAUGHNESSY: Thank you, Your Honor.
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22
                THE COURT: Thank you.
23
             (Whereupon, this matter was concluded.)
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2	CERTIFICATE
3	
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5	STATE OF UTAH )
6	) ss.
7	COUNTY OF UTAH )
8	
9	
10	I, Geri Jardine, do hereby certify that the
11	foregoing transcript was taken down by me
12	stenographically from electronically recorded tapes and
13	thereafter transcribed under my direction.
14	That the foregoing pages contain a true and
15	accurate transcript of the electronically recorded
16	proceedings and was transcribed by me to the best of my
17	ability from the tapes furnished to me.
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21	Ġeri Jardine
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