32

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP,	)))	**PLAINTIFF'S SUPPLEMENTAL**
Plaintiff,	))	**RESPONSE TO DEFENDANT'S** **FIRST SET OF INTERROGATORIES**
v.	))	
INTERNATIONAL BUSINESS MACHINES CORPORATION,	)))	Case No. 2:03CV0294DAK
Defendant.	)))	Judge: Dale A. Kimball Magistrate Brooke C. Wells

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and the Local Rules for the

United States District Court for the District of Utah, Plaintiff, The SCO Group, Inc. ("SCO"),

hereby files this Supplemental Response to Interrogatories No. 1 through 8 of Defendant's First

Set of Interrogatories and states as follows:

Based upon the discussions with IBM, which clarified the information sought by IBM, SCO hereby files its revised and supplemental answers to interrogatories.

GENERAL OBJECTIONS

SCO hereby incorporates by reference all of its General Objections set out in Plaintiff's Responses to Defendant's First Set of Interrogatories and First Request for the Production of Documents (the "Plaintiff's Responses"). All of SCO's original General Objections are incorporated into the following Specific Objections and Responses as if fully set forth therein. Pursuant to the Federal Rules of Civil Procedure, SCO's revised and supplemental responses to IBM's First Set of Interrogatories are made to the best of SCO's present knowledge, information and belief. As such, SCO reserves the right to further supplement or amend its answers as discovery or further investigation may reveal.

SPECIFIC OBJECTIONS AND REVISED RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Please identify, with specificity (by product, file and line of code, where appropriate) all of the alleged trade secrets and any confidential or proprietary information that plaintiff alleges or contends IBM misappropriated or misused, including but not limited to as alleged in ¶ 105 of the Complaint.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that it still has not received responsive discovery from IBM that would allow it to fully answer this

2

question because part of this information is peculiarly within the knowledge of IBM. Subject to and without waiving these objections, Plaintiff supplements and revises its response to this Interrogatory No.1 and states that the information IBM (and separately, Sequent) agreed to maintain as confidential or proprietary for SCO and/or trade secrets includes, without limitation, UNIX software design methods for creation and modification of software based on UNIX System V, including those developed in AIX and Dynix. These UNIX methods include ways to modify IBM's version of UNIX known as AIX and Sequent's version of UNIX known as Dynix/ptx. The UNIX methods include those inherent in and learned through access to the System V source code licensed to IBM and/or Sequent and those developed by IBM and/or Sequent in creating derivative works and modifications based on UNIX System V pursuant to licensing agreements with SCO's predecessors and SCO and those that IBM and/or Sequent agreed to maintain in confidence for SCO's predecessors and SCO, in addition to UnixWare code and methods provided to IBM separately. Without limitation, the methods include technical UNIX categories, such as multi-processor locking and unlocking methods, methods for avoiding locking requirements, methods for implementing filing systems, de-bugging methods, methods for implementing and improving processor scalability, methods for implementing and improving processor reliability, methods for implementing and improving processor accessibility, methods for implementing and improving scheduling systems, methods for implementing and improving memory management, methods for implementing and improving threading and multi-threading, and methods for implementing and improving general system functionality based on UNIX technology. Source code files identified by SCO thus far which are responsive to Interrogatory No. 1 and part of which include information (including methods) that IBM was required to maintain as confidential or proprietary pursuant to

3

contract with SCO and/or which constitute trade secrets misused by IBM are found within Linux

2.4 and/or Linux 2.5 kernels under the following source file headings[1]:

arch.i386.kernel.i8259.c
arch.i386.kernel.timers.timer_tsc.c
arch.i386.mach-default.topology.c
arch.i386.mach-pc9800.topology.c
arch.i386.mm.discontig.c
arch.ia64.kernel.perfmon.c
arch.ppc64.kernel.htab.c
arch.ppc64.kernel.ioctl32.c
arch.ppc64.kernel.iSeries_irq.c
arch.ppc64.kernel.iSeries_setup.c
arch.ppc64.kernel.ppc_ksyms.c
arch.ppc64.kernel.prom.c
arch.ppc64.kernel.pSeries_htab.c
arch.ppc64.kernel.setup.c
arch.ppc64.kernel.signal32.c
arch.ppc64.kernel.smp.c
arch.ppc64.kernel.sys_ppc32.c
arch.ppc64.kernel.time.c
arch.ppc64.kernel.xics.c
arch.ppc64.mm.init.c
arch.ppc64.mm.numa.c
arch.ppc.platforms.4xx.oak_setup.c
arch.ppc.platforms.4xx.sycamore.c
arch.ppc.platforms.4xx.walnut.c
arch.ppc.platforms.ev64260_setup.c
arch.ppc.platforms.pmac_pic.c
arch.ppc.platforms.sandpoint_setup.c
arch.ppc.syslib.prom_init.c
arch.s390.kernel.compat_linux.c
arch.s390.kernel.compat_signal.c
arch.x86_64.kernel.e820.c
arch.x86_64.kernel.traps.c

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[1] Please note that the "flattened" file listings identified below use periods (.) instead of slashes (/) to define sub-directories. Therefore, a listing such as net.socket.c translates into net/socket.c wherever the source for Linux resides. Note also that the last ".c" or ".h" is not replaced by a slash.

4

fs.cifs.cifssmb.c
fs.compat.c
fs.jfs.acl.c
fs.jfs.endian24.h
fs.jfs.file.c
fs.jfs.inode.c
fs.jfs.jfs_acl.h
fs.jfs.jfs_btree.h
fs.jfs.jfs_debug.c
fs.jfs.jfs_debug.h
fs.jfs.jfs_defragfs.h
fs.jfs.jfs_dinode.h
fs.jfs.jfs_dmap.c
fs.jfs.jfs_dmap.h
fs.jfs.jfs_dtree.c
fs.jfs.jfs_dtree.h
fs.jfs.jfs_extent.c
fs.jfs.jfs_extent.h
fs.jfs.jfs_filsys.h
fs.jfs.jfs_imap.c
fs.jfs.jfs_imap.h
fs.jfs.jfs_incore.h
fs.jfs.jfs_inode.c
fs.jfs.jfs_inode.h
fs.jfs.jfs_lock.h
fs.jfs.jfs_logmgr.c
fs.jfs.jfs_logmgr.h
fs.jfs.jfs_metapage.c
fs.jfs.jfs_metapage.h
fs.jfs.jfs_mount.c
fs.jfs.jfs_superblock.h
fs.jfs.jfs_txnmgr.c
fs.jfs.jfs_txnmgr.h
fs.jfs.jfs_types.h
fs.jfs.jfs_umount.c
fs.jfs.jfs_unicode.c
fs.jfs.jfs_unicode.h
fs.jfs.jfs_uniupr.c
fs.jfs.jfs_xattr.h
fs.jfs.jfs_xtree.c
fs.jfs.jfs_xtree.h

5

fs.jfs.namei.c
fs.jfs.resize.c
fs.jfs.super.c
fs.jfs.xattr.c
include.asm-i386.mach-numaq.mach_mpparse.h
include.asm-i386.mach-summit.mach_mpparse.h
include.asm-i386.mmzone.h
include.asm-i386.mpspec.h
include.asm-ppc64.mmu.h
include.asm-ppc64.mmzone.h
include.asm-ppc64.paca.h
include.asm-ppc64.ppcdebug.h
include.asm-s390.thread_info.h
include.linux.ibmtr.h
include.linux.rcupdate.h
ipc.util.h
kernel.compat.c
kernel.pid.c
kernel.rcupdate.c
arch.i386.kernel.dmi_scan.c
arch.i386.kernel.mca.c
arch.i386.kernel.setup.c
arch.i386.kernel.traps.c
arch.s390.kernel.process.c
arch.s390.kernel.ptrace.c
arch.s390.kernel.setup.c
arch.s390.kernel.signal.c
arch.s390.kernel.smp.c
arch.s390.kernel.sys_s390.c
arch.s390.kernel.time.c
arch.s390.kernel.traps.c
arch.s390.lib.delay.c
arch.s390.mm.fault.c
arch.s390.mm.init.c
fs.namei.c
include.asm-s390.atomic.h
include.asm-s390.bitops.h
include.asm-s390.lowcore.h
include.asm-s390.sigp.h
include.asm-s390.smp.h
ipc.util.c
kernel.module.c

6

SCO does not contend that the entire source code in all files identified above contains proprietary and confidential information and/or trade secrets. Rather, information (including code and methods) that IBM agreed to maintain as confidential is interspersed through parts of each identified file. Discovery is required to identify the ways and extent to which IBM improperly used confidential and proprietary information and/or trade secrets in creating the source code that is contained in each of the above files. In addition, source code files identified by SCO thus far which may be further responsive to Interrogatory No. 1 and which may, on information and belief, include information (including methods) that IBM was required to maintain as confidential or proprietary pursuant to contract with SCO and/or which constitute trade secrets misused by IBM are found within Linux 2.4 and/or Linux 2.5 kernels under the following source file headings:

arch.arm.mach-arc.small_page.c
arch.arm.mach-integrator.cpu.c
arch.cris.kernel.irq.c
arch.cris.kernel.process.c
arch.cris.kernel.ptrace.c
arch.cris.kernel.setup.c
arch.cris.kernel.signal.c
arch.cris.kernel.sys_cris.c
arch.cris.mm.init.c
arch.h8300.kernel.process.c
arch.h8300.kernel.ptrace.c
arch.h8300.kernel.sys_h8300.c
arch.i386.kernel.acpi.boot.c
arch.i386.kernel.acpi.sleep.c
arch.i386.kernel.apic.c
arch.i386.kernel.cpu.common.c
arch.i386.kernel.cpu.cpufreq.gx-suspmod.c
arch.i386.kernel.cpu.cpufreq.p4-clockmod.c
arch.i386.kernel.cpu.intel.c
arch.i386.kernel.cpu.mcheck.k7.c

arch.i386.kernel.cpu.mcheck.mce.c
arch.i386.kernel.cpu.mcheck.non-fatal.c
arch.i386.kernel.cpu.mcheck.p4.c
arch.i386.kernel.cpu.mcheck.p5.c
arch.i386.kernel.cpu.mcheck.p6.c
arch.i386.kernel.cpu.mtrr.main.c
arch.i386.kernel.cpu.proc.c
arch.i386.kernel.mpparse.c
arch.i386.kernel.nmi.c
arch.i386.kernel.reboot.c
arch.i386.kernel.smpboot.c
arch.i386.kernel.sysenter.c
arch.i386.kernel.timers.timer_pit.c
arch.i386.mach-default.setup.c
arch.i386.mach-pc9800.setup.c
arch.i386.mach-visws.mpparse.c
arch.i386.mach-visws.reboot.c
arch.i386.mach-visws.setup.c
arch.i386.mach-visws.traps.c
arch.i386.mach-voyager.voyager_basic.c
arch.i386.mach-voyager.voyager_cat.c
arch.i386.mach-voyager.voyager_smp.c
arch.i386.mm.pgtable.c
arch.i386.oprofile.nmi_int.c
arch.i386.oprofile.op_model_p4.c
arch.i386.pci.common.c
arch.i386.pci.numa.c
arch.i386.pci.irq.c
arch.ia64.ia32.ia32_ldt.c
arch.ia64.ia32.ia32_signal.c
arch.ia64.ia32.sys_ia32.c
arch.ia64.kernel.acpi.c
arch.ia64.kernel.efivars.c
arch.ia64.kernel.ia64_ksyms.c
arch.ia64.kernel.iosapic.c
arch.ia64.kernel.irq.c
arch.ia64.kernel.irq_ia64.c
arch.ia64.kernel.mca.c
arch.ia64.kernel.palinfo.c

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arch.ia64.kernel.process.c
arch.ia64.kernel.sal.c
arch.ia64.kernel.setup.c
arch.ia64.kernel.signal.c
arch.ia64.kernel.smpboot.c
arch.ia64.kernel.smp.c
arch.ia64.kernel.sys_ia64.c
arch.ia64.kernel.time.c
arch.ia64.kernel.unwind.c
arch.ia64.mm.numa.c
arch.ia64.mm.tlb.c
arch.ia64.pci.pci.c
arch.ia64.sn.io.alienlist.c
arch.ia64.sn.io.sgi_io_init.c
arch.ia64.sn.io.sn1.huberror.c
arch.ia64.sn.io.sn1.ml_SN_intr.c
arch.ia64.sn.io.sn2.bte_error.c
arch.ia64.sn.io.sn2.geo_op.c
arch.ia64.sn.io.sn2.ml_SN_intr.c
arch.ia64.sn.io.sn2.sgi_io_init.c
arch.ia64.sn.io.sn2.shub.c
arch.ia64.sn.io.sn2.shuberror.c
arch.ia64.sn.io.sn2.shubio.c
arch.ia64.sn.kernel.llsc4.c
arch.ia64.sn.kernel.mca.c
arch.ia64.sn.kernel.sn1.error.c
arch.ia64.sn.kernel.sn1.sn1_smp.c
arch.ia64.sn.kernel.sn1.synergy.c
arch.ia64.sn.kernel.sn2.sn2_smp.c
arch.m68knommu.kernel.process.c
arch.m68knommu.kernel.ptrace.c
arch.m68knommu.kernel.sys_m68k.c
arch.mips64.kernel.proc.c
arch.mips64.kernel.ptrace.c
arch.mips64.kernel.signal32.c
arch.mips64.kernel.signal.c
arch.mips64.kernel.smp.c
arch.mips64.kernel.syscall.c
arch.mips64.kernel.traps.c
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9

arch.mips64.kernel.unaligned.c
arch.mips64.math-emu.cp1emu.c
arch.mips64.mips-boards.generic.printf.c
arch.mips64.mm.fault.c
arch.mips64.mm.umap.c
arch.mips64.sgi-ip22.ip22-int.c
arch.mips64.sgi-ip27.ip27-init.c
arch.mips64.sgi-ip27.ip27-irq.c
arch.mips64.sgi-ip27.ip27-klnuma.c
arch.mips64.sgi-ip27.ip27-memory.c
arch.mips64.sgi-ip27.ip27-nmi.c
arch.mips64.sgi-ip27.ip27-reset.c
arch.mips64.sgi-ip27.ip27-setup.c
arch.mips.kernel.old-irq.c
arch.mips.kernel.smp.c
arch.mips.math-emu.cp1emu.c
arch.mips.mips-boards.generic.printf.c
arch.ppc64.kernel.idle.c
arch.ppc64.kernel.irq.c
arch.ppc64.kernel.open_pic.c
arch.ppc64.kernel.process.c
arch.ppc64.kernel.ptrace32.c
arch.ppc64.kernel.ptrace.c
arch.ppc64.kernel.semaphore.c
arch.ppc64.kernel.signal.c
arch.ppc64.kernel.syscalls.c
arch.ppc64.kernel.XmPciLpEvent.c
arch.ppc64.xmon.xmon.c
arch.ppc.kernel.semaphore.c
arch.ppc.kernel.temp.c
arch.ppc.mm.4xx_mmu.c
arch.ppc.mm.cachemap.c
arch.ppc.mm.mmu_context.c
arch.ppc.mm.tlb.c
arch.ppc.platforms.4xx.ibmnp4051.c
arch.ppc.platforms.chrp_smp.c
arch.ppc.platforms.gemini_setup.c
arch.ppc.platforms.mcpn765_setup.c
arch.ppc.platforms.mvme5100_setup.c

10

arch.ppc.platforms.pmac_feature.c
arch.ppc.platforms.pmac_setup.c
arch.ppc.platforms.pmac_smp.c
arch.ppc.syslib.gt64260_common.c
arch.ppc.syslib.open_pic.c
arch.ppc.syslib.ppc4xx_setup.c
arch.ppc.syslib.prom.c
arch.sh.kernel.irq.c
arch.sh.kernel.pci_st40.c
arch.sh.kernel.ptrace.c
arch.sh.kernel.setup.c
arch.sh.kernel.sh_ksyms.c
arch.sh.kernel.signal.c
arch.sh.kernel.sys_sh.c
arch.sh.kernel.time.c
arch.sh.kernel.traps.c
arch.sh.mm.fault.c
arch.sh.mm.init.c
arch.um.kernel.irq.c
arch.um.kernel.ksyms.c
arch.um.kernel.smp.c
arch.um.kernel.tt.process_kern.c
arch.um.kernel.tt.tracer.c
arch.um.kernel.um_arch.c
arch.um.kernel.user_util.c
arch.um.sys-i386.sysrq.c
arch.um.sys-ppc.sysrq.c
arch.v850.kernel.irq.c
arch.v850.kernel.process.c
arch.v850.kernel.signal.c
arch.v850.kernel.syscalls.c
arch.x86_64.ia32.ia32_ioctl.c
arch.x86_64.ia32.ia32_signal.c
arch.x86_64.ia32.sys_ia32.c
arch.x86_64.kernel.acpi.boot.c
arch.x86_64.kernel.acpi.c
arch.x86_64.kernel.apic.c
arch.x86_64.kernel.bluesmoke.c
arch.x86_64.kernel.cpuid.c

11

arch.x86_64.kernel.head64.c
arch.x86_64.kernel.i8259.c
arch.x86_64.kernel.io_apic.c
arch.x86_64.kernel.ioport.c
arch.x86_64.kernel.irq.c
arch.x86_64.kernel.ldt.c
arch.x86_64.kernel.mpparse.c
arch.x86_64.kernel.msr.c
arch.x86_64.kernel.nmi.c
arch.x86_64.kernel.process.c
arch.x86_64.kernel.ptrace.c
arch.x86_64.kernel.reboot.c
arch.x86_64.kernel.setup64.c
arch.x86_64.kernel.setup.c
arch.x86_64.kernel.signal.c
arch.x86_64.kernel.smpboot.c
arch.x86_64.kernel.smp.c
arch.x86_64.kernel.sys_x86_64.c
arch.x86_64.kernel.time.c
arch.x86_64.kernel.x8664_ksyms.c
arch.x86_64.lib.delay.c
arch.x86_64.mm.fault.c
arch.x86_64.mm.init.c
arch.x86_64.mm.k8topology.c
arch.x86_64.mm.numa.c
arch.x86_64.pci.common.c
arch.x86_64.pci.irq.c
fs.autofs4.root.c
fs.devfs.base.c
fs.hugetlbfs.inode.c
fs.intermezzo.intermezzo_fs.h
fs.jbd.journal.c
fs.jfs.symlink.c
fs.mbcache.c
fs.nfsd.nfs4xdr.c
fs.ntfs.ntfs.h
fs.proc.proc_misc.c
fs.ramfs.inode.c
fs.reiserfs.do_balan.c

fs.reiserfs.fix_node.c
fs.xfs.support.spin.h
include.asm-arm.thread_info.h
include.asm-arm.arch-clps711x.memory.h
include.asm-arm.arch-sa1100.memory.h
include.asm-cris.delay.h
include.asm-cris.hardirq.h
include.asm-cris.pgtable.h
include.asm-cris.semaphore-helper.h
include.asm-cris.smp_lock.h
include.asm-cris.timex.h
include.asm-generic.percpu.h
include.asm-generic.tlb.h
include.asm-h8300.hardirq.h
include.asm-h8300.semaphore-helper.h
include.asm-h8300.spinlock.h
include.asm-i386.hw_irq.h
include.asm-i386.io_apic.h
include.asm-i386.mach-default.do_timer.h
include.asm-i386.mach-default.entry_arch.h
include.asm-i386.mach-default.irq_vectors.h
include.asm-i386.mach-numaq.mach_apic.h
include.asm-i386.mach-pc9800.do_timer.h
include.asm-i386.mach-pc9800.irq_vectors.h
include.asm-i386.mach-visws.do_timer.h
include.asm-i386.mach-visws.entry_arch.h
include.asm-i386.mach-visws.irq_vectors.h
include.asm-i386.thread_info.h
include.asm-i386.tlbflush.h
include.asm-ia64.acpi.h
include.asm-ia64.hw_irq.h
include.asm-ia64.mmzone.h
include.asm-ia64.nodedata.h
include.asm-ia64.numa.h
include.asm-ia64.smp.h
include.asm-ia64.sn.leds.h
include.asm-ia64.sn.nodepda.h
include.asm-ia64.sn.pda.h
include.asm-ia64.sn.sn_cpuid.h

13

include.asm-ia64.sn.types.h
include.asm-ia64.spinlock.h
include.asm-ia64.system.h
include.asm-ia64.topology.h
include.asm-m68knommu.atomic.h
include.asm-m68knommu.hardirq.h
include.asm-m68knommu.semaphore-helper.h
include.asm-mips64.hardirq.h
include.asm-mips64.mmzone.h
include.asm-mips64.processor.h
include.asm-mips64.semaphore-helper.h
include.asm-mips64.sgiarcs.h
include.asm-mips64.sn.sn0.arch.h
include.asm-mips64.sn.types.h
include.asm-mips64.spinlock.h
include.asm-mips64.timex.h
include.asm-ppc64.memory.h
include.asm-ppc64.pgtable.h
include.asm-ppc64.smp.h
include.asm-ppc.cacheflush.h
include.asm-ppc.gt64260.h
include.asm-ppc.pmac_feature.h
include.asm-s390.tlbflush.h
include.asm-sh.hardirq.h
include.asm-sh.pgtable.h
include.asm-sh.semaphore-helper.h
include.asm-sh.semaphore.h
include.asm-sh.spinlock.h
include.asm-sh.system.h
include.asm-v850.atomic.h
include.asm-v850.hardirq.h
include.asm-v850.percpu.h
include.asm-x86_64.e820.h
include.asm-x86_64.fixmap.h
include.asm-x86_64.hw_irq.h
include.asm-x86_64.io_apic.h
include.asm-x86_64.irq.h
include.asm-x86_64.mmzone.h
include.asm-x86_64.mpspec.h

include.asm-x86_64.semaphore.h
include.asm-x86_64.smp.h
include.asm-x86_64.spinlock.h
include.asm-x86_64.system.h
include.asm-x86_64.thread_info.h
include.asm-x86_64.tlbflush.h
include.linux.jbd.h
include.linux.mmzoneh
include.linux.netfilter_ipv4.lockhelp.h
include.linux.percpu_counter.h
include.linux.ppp_channel.h
include.linux.reiserfs_fs.h
include.linux.seqlock.h
include.linux.threads.h
include.linux.vermagic.h
include.net.atmclip.h
kernel.cpu.c
kernel.cpufreq.c
kernel.pm.c
kernel.posix-timers.c
kernel.suspend.c
kernel.timer.c
lib.idr.c
mm.page-writeback.c
net.atm.clip.c
net.atm.pppoatm.c
net.bridge.br_if.c
net.bridge.br_private.h
net.bridge.netfilter.ebtables.c
net.decnet.dn_fib.c
net.decnet.dn_route.c
net.ipv4.netfilter.ipchains_core.c
net.ipv4.netfilter.ip_conntrack_proto_icmp.c
net.ipv4.netfilter.ip_tables.c
net.ipv4.netfilter.ipt_limit.c
net.ipv6.netfilter.ip6_tables.c
net.ipv6.netfilter.ip6t_limit.c
net.sched.sch_ingress.c

15

arch.arm.kernel.irq.c
arch.arm.kernel.ptrace.c
arch.arm.kernel.signal.c
arch.arm.kernel.time.c
arch.arm.mm.init.c
arch.i386.kernel.apm.c
arch.i386.kernel.cpuid.c
arch.i386.kernel.i386_ksyms.c
arch.i386.kernel.io_apic.c
arch.i386.kernel.ioport.c
arch.i386.kernel.irq.c
arch.i386.kernel.ldt.c
arch.i386.kernel.msr.c
arch.i386.kernel.process.c
arch.i386.kernel.ptrace.c
arch.i386.kernel.signal.c
arch.i386.kernel.smp.c
arch.i386.kernel.sys_i386.c
arch.i386.kernel.time.c
arch.i386.kernel.vm86.c
arch.i386.lib.delay.c
arch.i386.mm.fault.c
arch.i386.mm.init.c
arch.m68k.kernel.process.c
arch.m68k.kernel.ptrace.c
arch.m68k.kernel.sys_m68k.c
arch.mips.kernel.ipc.c
arch.mips.kernel.irixioctl.c
arch.mips.kernel.irixsig.c
arch.mips.kernel.irq.c
arch.mips.kernel.ptrace.c
arch.mips.kernel.signal.c
arch.mips.kernel.syscall.c
arch.mips.kernel.sysirix.c
arch.mips.kernel.sysmips.c
arch.mips.kernel.time.c
arch.mips.kernel.traps.c
arch.mips.kernel.unaligned.c
arch.mips.mm.fault.c

arch.mips.mm.umap.c
arch.mips.sgi.kernel.indy_int.c
arch.mips.sni.io.c
arch.ppc.kernel.idle.c
arch.ppc.kernel.irq.c
arch.ppc.kernel.ppc_ksyms.c
arch.ppc.kernel.ppc-stub.c
arch.ppc.kernel.process.c
arch.ppc.kernel.ptrace.c
arch.ppc.kernel.setup.c
arch.ppc.kernel.signal.c
arch.ppc.kernel.smp.c
arch.ppc.kernel.syscalls.c
arch.ppc.kernel.time.c
arch.ppc.lib.locks.c
arch.ppc.mm.init.c
arch.ppc.xmon.xmon.c
arch.s390.kernel.s390_ksyms.c
fs.binfmt_elf.c
fs.buffer.c
fs.dcache.c
fs.dquot.c
fs.inode.c
fs.lockd.svc.c
fs.ncpfs.ioctl.c
fs.nfsd.nfssvc.c
fs.proc.array.c
fs.proc.base.c
include.asm-arm.atomic.h
include.asm-arm.smp.h
include.asm-arm.spinlock.h
include.asm-arm.system.h
include.asm-i386.bugs.h
include.asm-i386.desc.h
include.asm-i386.fixmap.h
include.asm-i386.semaphore.h
include.asm-i386.smp.h
include.asm-i386.spinlock.h
include.asm-i386.system.h

17

include.asm-i386.timex.h
include.asm-m68k.atomic.h
include.asm-m68k.semaphore-helper.h
include.asm-m68k.spinlock.h
include.asm-mips.atomic.h
include.asm-mips.bitops.h
include.asm-mips.hardirq.h
include.asm-mips.semaphore.h
include.asm-mips.semaphore-helper.h
include.asm-mips.sgiarcs.h
include.asm-mips.spinlock.h
include.asm-mips.system.h
include.asm-mips.timex.h
include.asm-ppc.bitops.h
include.asm-ppc.hardirq.h
include.asm-ppc.mmu_context.h
include.asm-ppc.pgtable.h
include.asm-ppc.smp.h
include.asm-ppc.timex.h
include.linux.fs.h
include.linux.genhd.h
include.linux.interrupt.h
include.linux.kernel_stat.h
include.linux.list.h
include.linux.sched.h
include.linux.smp.h
include.linux.spinlock.h
include.linux.timer.h
include.linux.wanpipe.h
include.linux.wanrouter.h
include.net.sock.h
init.main.c
ipc.sem.c
ipc.shm.c
kernel.acct.c
kernel.exit.c
kernel.itimer.c
kernel.panic.c
kernel.printk.c

```
kernel.sched.c
kernel.signal.c
kernel.sys.c
kernel.time.c
mm.filemap.c
mm.memory.c
mm.mprotect.c
mm.slab.c
mm.swap_state.c
mm.vmalloc.c
net.core.neighbour.c
net.ipv4.devinet.c
net.ipv4.icmp.c
net.ipv4.ip_fragment.c
net.ipv4.route.c
net.ipv4.tcp_ipv4.c
net.ipv6.reassembly.c
net.ipv6.tcp_ipv6.c
net.irda.af_irda.c
net.irda.irqueue.c
net.netlink.af_netlink.c
net.sched.cls_api.c
net.sched.sch_api.c
net.socket.c
net.sunrpc.sched.c
net.sunrpc.svcsock.c
net.unix.af_unix.c
net.x25.af_x25.c
```

Again, plaintiff does not contend that all of the source code contained in all of the identified files constitutes information that IBM was required to maintain as confidential or proprietary and/or constitutes trade secrets. Plaintiff contends that information IBM should have kept confidential was or may have been improperly used or incorporated in the above files. Plaintiff needs to complete discovery of IBM to determine with particularity the specific ways in which the above-

19

referenced files were created by IBM and its agents, contractors and partners, the methods used in creating such files, and the relationship of such methods to UNIX technology protected under confidentiality agreement with SCO. SCO will therefore provide additional supplements to this interrogatory answer as discovery progresses.

INTERROGATORY NO. 2:

For each alleged trade secret of any confidential or proprietary information identified in response to interrogatory No. 1, please identify: (a) all persons who have or have had rights to the alleged trade secret or confidential or proprietary information; (b) the nature and source of the rights; and (c) all efforts by any person to maintain the secrecy or confidentiality of the alleged trade secrets and any confidential or proprietary information.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that it still has not received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM. Subject to and without waiving these objections, Plaintiff supplements its response to this Interrogatory No.2 and states that persons who have or have had rights to the information that IBM was required to maintain as confidential or proprietary and/or constitutes trade secrets, as contained in the above source files, include IBM and Sequent and their respective employees, contractors and agents and some customers. SCO required that such information be maintained in confidence pursuant to the Software Agreements and Sublicensing Agreements with IBM and Sequent, together with related agreements.

INTERROGATORY NO. 3:

20

For each alleged trade secret and any confidential or proprietary information identified in response to Interrogatory No. 1, please identify all persons to whom the alleged trade secret or confidential or proprietary information is known or has been disclosed and describe, in detail, the circumstances under which it became known or was disclosed, including but not limited to: (a) the date on which the alleged trade secret or confidential or proprietary information was disclosed or became known to such persons; (b) the specific terms on which the information was disclosed or became known, such as pursuant to a confidentiality agreement; (c) all documents or agreements relating to the disclosure; and (d) all places or locations where the alleged trade secret or confidential or proprietary information may be found or accessed.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that discovery is in preliminary stages and it has not yet received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM. Subject to and without waiving these objections, Plaintiff supplements its response to this Interrogatory No. 3 and states that because IBM posted the protected materials publicly, including in the Linux 2.4 kernel and above, it is impossible to identify all persons to whom the protected materials have been disclosed. Nonetheless, in addition to the information provided in SCO's revised and supplemental response to Interrogatory No. 2, employees of SCO and its predecessors have had access to part of the trade secrets, confidential and/or proprietary information. This would include but not be limited to engineers, persons who were involved in Project Gemini and persons who were involved in Project Monterey, which are more specifically identified in SCO's revised and supplemental response to Interrogatory No. 10 served on IBM on

21

October 10, 2003. IBM and other personnel involved in Project Monterey, who were not employees of SCO or its predecessors, also would have had access to part of the trade secrets, confidential and/or proprietary information.

Despite IBM's failure to provide the necessary discovery, SCO is currently aware of the following persons at IBM in which part of the confidential or proprietary and/or trade secrets was known or had been disclosed:

IBM – US Authors
Steve French (sfrench@us.ibm.com)
Janet Morgan (janetinc@us.ibm.com) or (janetinc@beaverton.ibm.com)
Badari Pulavarty (pbadari@us.ibm.com)
David C. Hansen <haveblue@us.ibm.com>
<jshah@us.ibm.com>
Greg Kroah-Hartman <gregkh@us.ibm.com>
Takayoshi Kochi <t-kouchi@cq.jp.nec.com>
Burt Silverman (burts@us.ibm.com)
Kent Yoder yoder1@us.ibm.com or (key@austin.ibm.com)
Mike Sullivan <sullivam@us.ibm.com>
Burt Silverman <burts@us.ibm.com>
Janice Girouard <girouard at us.ibm.com>
Alan Altmark (Alan_Altmark@us.ibm.com)
Xenia Tkatschow (xenia@us.ibm.com)
Paul B Schroeder (paulsch@us.ibm.com)
Mike Anderson (andmike@us.ibm.com)
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Daisy Chang <daisyc@us.ibm.com>
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Mingming Cao <cmm@us.ibm.com>

22

IBM -- German Authors
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Ingo Adlung (adlung@de.ibm.com)
Utz Bacher <utz.bacher@de.ibm.com>
Carsten Otte <cotte@de.ibm.com>
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IBM – Australian Authors
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Anton Blanchard <anton@au.ibm.com>, IBM

IBM – Other
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Masoodur Rahman <rmasoodu@in.ibm.com>
(bash@vnet.ibm.com)
(uri@watson.ibm.com)
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Jon Grimm <jgrimm@austin.ibm.com>
Dipankar Sarma dipankar@in.ibm.com
Dirk Husemann <hud@zurich.ibm.com>
Alfredo (apena@vnet.ibm.com)
Yudong Yang <yangyud@cn.ibm.com>
Yi Ge <geyi@cn.ibm.com>

Todd Inglett <tinglett@vnet.ibm.com>
Dave Engebretsen (engebret@ibm.com)

IBM – Austin Office (JFS)
Steve Best
Dave Kleikamp <shaggy@austin.ibm.com>
Barry Arndt

IBM – Corporation Copyrights (May be some repetition from above)

Stephen Rothwell, IBM Corporation
Irene Zubarev, IBM Corporation
Tong Yu, IBM Corporation
Jyoti Shah, IBM Corporation
Chuck Cole, IBM Corporation
Mike Sullivan, IBM Corporation
Dan Morrison, IBM Corporation (dmorriso@cse.buffalo.edu)
Fritz Elfert (felfert@millenux.com)
Keith Mitchell, IBM Corporation (ipslinux@us.ibm.com)
Matthew Dobson, IBM Corporation
Mike Corrigan IBM Corporation
Allan H Trautman, IBM Corporation
Kyle A. Lucke IBM Corporation
Troy D. Armstrong IBM Corporation
Dave Boutcher IBM Corporation
<Wayne G Holm> <IBM Corporation>
Rusty Russell <rusty@rustcorp.com.au> IBM Corporation
Patricia Gaughen, IBM Corporation
Paul Dorwin, IBM Corporation
Dave Engebretsen IBM Corporation
Todd Inglett, IBM Corporation
Stephen Rothwell, IBM Corporation

The following persons likely have knowledge, although their names do not
appear in the Linux code base. Upon receipt of discovery from IBM, SCO
will be better able to definitively state whether these individuals have the
requisite knowledge

Bill Abt (babt@us.ibm.com) or (abt@us.ibm.com)
Bill Hartner (hartner@austin.ibm.com)
David F Barrera (dbarrera@us.ibm.com)
Helen Pang (hpang@us.ibm.com)
Hollis Blanchard (hollis@austin.ibm.com)
Hubertus Franke (frankeh@watson.ibm.com)

24

Hanna Linder (hannal@us.ibm.com)
James Cleverdon (jamesclv@us.ibm.com)
(khoa@us.ibm.com)
Kevin Corry (corryk@us.ibm.com)
Krishna Kumar (kumarkr@us.ibm.com)
Mala Anand (manand@us.ibm.com)
(mike@us.ibm.com)
Suparna Bhattacharya (suparna@in.ibm.com)
Shailabh Nagar (nagar@watson.ibm.com)
Shirley Ma (xma@us.ibm.com)
Stephanie Glass (sglass@us.ibm.com)
Vamsi Krishna S . (vamsi@in.ibm.com)
Wes (wsb@VNET.IBM.COM)
Alex Q Chen (aqchen@us.ibm.com)
Andreas Herrmann (AHERRMAN@de.ibm.com)
Andrew Theurer (habanero@us.ibm.com)
(aprasad@in.ibm.com)
Amos Waterland (apw@us.ibm.com)
Ben Rafanello (benr@us.ibm.com)
(bsuparna@in.ibm.com)
Bruce Allan (bruce.allan@us.ibm.com)
Carl D. Speare (cspeare@us.ibm.com)
Dave McCracken (dmccr@us.ibm.com)
(DRHAGER@de.ibm.com)
Douglas M Freimuth (dmfreim@us.ibm.com)
Duc Vianney (dvianney@us.ibm.com)
Elizabeth Holland Kern (elizab@US.IBM.COM)
(fubar@us.ibm.com)
Gerrit Huizenga (gh@us.ibm.com)
Heiko Carstens (Heiko.Carstens@de.ibm.com)
Jeff Martin (ffej@us.ibm.com) also (ffej_AT_us.ibm.com)
Jeff Renicker (jrenicker@vnet.ibm.com)
James Manning (jmm@raleigh.ibm.com)
Janet Morgan (janetmor@us.ibm.com)
Jim Sibley (jlsibley@us.ibm.com)
Joerg Pommnitz (joerg@raleigh.ibm.com)
Juan Gomez (juang@us.ibm.com) also (gomez@cs.sjsu.edu)
Keith Mitchell
Larry Kessler (kessler@us.ibm.com)
Maneesh Soni (maneesh@in.ibm.com)
Matt (fleming@austin.ibm.com)
Martin J. Bligh (Martin.Bligh@us.ibm.com)
Mark Peloquin (peloquin@us.ibm.com)
Melvin Smith (melvins@us.ibm.com)
Michael Holzheu (HOLZHEU@de.ibm.com)

25

Michael Hohnbaum (hohnbaum@us.ibm.com)
Mike Kravetz (kravetz@us.ibm.com)
Mike Spreitzer (mspreitz@us.ibm.com)
Michael W Wortman (wortman@us.ibm.com)
Niels Christiansen (nchr@us.ibm.com)
Niki Rahimi (narahimi@us.ibm.com)
Nivedita Singhvi (niv@us.ibm.com) also (nivedita@sequent.com)
(pcg@raleigh.ibm.com)
Peter Wong (wpeter@us.ibm.com)
Wai Yee
Richard J Moore (richardj_moore@uk.ibm.com)

Finally, Plaintiff cannot know the extent of all such disclosures because they were made by virtue of IBM's improper contributions into Linux. At such time as IBM responds to SCO's discovery requests with respect to source code and identifies those persons to whom IBM has delivered source code, SCO will be better able to supplement this response, if needed

INTERROGATORY NO. 4:

For each alleged trade secret and any confidential or proprietary information identified in response to Interrogatory No.1, please describe, in detail, each instance in which plaintiff alleges or contends that IBM misappropriated or misused the alleged trade secret or confidential or proprietary information, including but not limited to: (a) the date of the alleged misuse or misappropriation; (b) all persons involved in any way in the alleged misuse or misappropriation; (c) the specific manner in which IBM is alleged to have engaged in misuse or misappropriation; and (d) with respect to any code or method plaintiff alleges or contends that IBM misappropriated or misused, the location of each portion of such code or method in any product, such as AIX, in Linux, in open source, or in the public domain.

26

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that discovery is in its preliminary stages and it has not yet received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM, and or its agents, partners, contractors and others, including Linus Torvalds and/or the Open Source Development Laboratory ("OSDL"). Subject to and without waiving these objections, Plaintiff supplements its response to this Interrogatory No.4 and states that IBM misappropriated and misused the trade secrets and/or confidential and proprietary information of Plaintiff each time it made contributions to Linux of source code or methods based on, derived from or developed in UNIX System V, AIX and/or Dynix. Plaintiff does not have specific dates, persons contributing or the manner in which contributions were made and will not have this information until IBM produces such information. At this time, however, the persons identified in the revised and supplemental response to Interrogatory No. 3 likely would have been involved in the public dissemination of this confidential material.

IBM additionally misappropriated and misused the trade secrets and/or confidential and proprietary information of Plaintiff through Project Monterey. Many of those involved are listed in the relevant category on the list of witnesses provided to IBM by SCO in its supplemental and revised response to Interrogatory No. 10 served on October 10, 2003. The roles those individuals and others played and the manner and dates of their involvement will be determined once IBM provides the necessary information in discovery.

INTERROGATORY NO. 5:

For each alleged trade secret and any confidential or proprietary information identified in response to Interrogatory No.1, please identify: (a) all agreements relating to the alleged trade secret or confidential or proprietary information including but not limited to the parties to and the terms of the agreements; and (b) all copyrights and patents relating to the alleged trade secret or confidential or proprietary information including but not limited to the owners, licensors, licensees, assignors or assignees of those copyrights or patents.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5

In addition to the General Objections set forth in Plaintiff's Responses, Plaintiff supplements its response to this Interrogatory No.5 by reference to response to Interrogatories No. 2 and 3. Additionally, reference is also made to all agreements between IBM and Sequent and Plaintiff or its predecessors. Additionally, pursuant to Rule 33(d), copyrights to UNIX System V and UnixWare and related copyrights will be produced by Plaintiff in the ordinary course of the rolling production under the pending First Request for Production of Documents propounded by IBM to Plaintiff. Additionally, copyrights related to the confidential and proprietary information and/or trade secret information identified in Interrogatory No. 1 are in the possession of IBM and Sequent, in that the authority of IBM and Sequent to obtain copyrights in AIX, Dynix and other software products that are based on, or are modifications of UNIX System V, was constrained by the scope of license granted by Plaintiff.

INTERROGATORY NO. 6:

For each line of source or object code and each method identified in response to Interrogatory No. 1, please identify: (a) the origin of the code or method, including when, where

28

and by whom the code or method was created; and (b) all products in which, in whole or in part, the code or method is included or on which, in whole or in part, the code or method is based.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that discovery is in preliminary stages and SCO has not yet received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM, such as the modifications and derivative works created by IBM that were to be treated as the original Software Product as that term is defined in the Software Agreement or Sublicensing Agreement. Subject to and without waiving these objections, Plaintiff supplements its response to this Interrogatory No. 6 and states that the origin of the code and/or method identified in response to Interrogatory No. 1 above is one of UNIX System V, UnixWare, AIX, Dynix or related code or code developed therein or modifications thereof.

INTERROGATORY NO. 7:

Please describe, in detail, each instance in which plaintiff alleges that IBM engaged in unfair competition, including but not limited to: (a) the dates on which IBM allegedly engaged in any unfair competition; (b) all persons involved in the alleged unfair competition; and (c) the specific manner in which IBM is alleged to have engaged in unfair competition including but not limited to as alleged in ¶ 118 of the Complaint.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that discovery is in preliminary stages and SCO has not yet received responsive discovery from IBM

that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM. Subject to and without waiving these objections, Plaintiff supplements its response to this Interrogatory No. 7 and states that:

Plaintiff wrongfully and with the intent of improperly competing with and influencing competition in the market for UNIX software on Intel-based processors induced Plaintiff to postpone final steps of development and marketing of 32-bit UNIX software for Intel processors. This was done at a time when Plaintiff held dominant market power for UNIX-based software on Intel processors. IBM made and continued to make investments in development of Linux, and secretly advanced and promoted development of Linux without disclosing such activities to SCO, during and at a time when IBM was under a duty to deal fairly with and disclose such competing activities to SCO pursuant to its contractual obligations to SCO under Project Monterey and otherwise.

In addition, IBM, through Karen Smith and others has induced or attempted to induce others in the software industry, including but not limited to Hewlett Packard and Intel, from doing business with SCO from and after the LinuxWorld trade show held during January 2003.

In addition, IBM has unfairly competed with SCO by acts that include, but are not limited to, improper use of the Software Products and modifications and derivative works of the Software Products in a manner exceeding the scope of the license. Such acts include, but are not limited to, contributions of the modifications and derivative works to Linus Torvalds and/or others in the open source community.

In addition, IBM has unfairly competed with SCO by acts that include, but are not limited to, entering a conspiracy and combination in restraint of trade with others in the Linux development and distribution business, pursuant to the GPL, to artificially restrain prices below

30

natural levels for the purposes of destroying competition in the operating systems market for UNIX software on Intel machines, and to improperly gain advantage and extract profits from customers through inducing customers to unnecessarily switch operating systems from UNIX to Linux, without any technological benefit for customers, solely to gain additional services work for IBM and license middleware to customers in lieu of operating system software. In other words, Linux adds no technology advantage to customers—its only advantage is that it is purportedly "free" for customers. If Linux is not distributed at a zero price point, customers will not switch to Linux and therefore will not purchase related IBM services or middleware. By artificially restraining the price of Linux to zero, which price is very substantially below the actual development cost contributed by IBM and others, IBM induces customers to switch to Linux. This is, among other things, unfair competition.

INTERROGATORY NO. 8:

Please identify all agreements with which plaintiff alleges IBM interfered and describe, in detail, each instance in which plaintiff alleges or contends that IBM interfered with those agreements, including but not limited to: (a) the date of the alleged interference; (b) all persons involved in the alleged interference; (c) the specific manner in which IBM is alleged to have interfered with the agreement; (d) the specific actions, if any, that IBM induced or encouraged plaintiff's customers or licensees to take; (e) the specific action, if any, that plaintiff's customer or licensee took as a result of the actions allegedly induced or encouraged by IBM; and (f) the specific trade secret or confidential or proprietary information, if any, involved in the alleged interference.
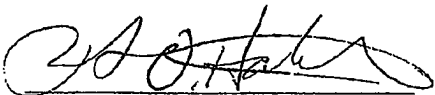
31

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

In addition to the General Objections set forth in Plaintiff's Responses, SCO notes that discovery is in preliminary stages and SCO has not yet received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM. Subject to and without waiving these objections, Plaintiff supplements and revises its response to this Interrogatory No. 8 and states, on information and belief, at various times from 2000 to the present, IBM has induced or attempted to induce breach of agreements between SCO and some of its customers by assisting and/or performing services in switch from UnixWare to Linux that involved or would involve breach of SCO's software agreements through improper use of shared libraries for use on Linux of various applications designed for UnixWare. Customers that IBM has contacted for such improper purposes include Sherwin Williams, Auto Zone, Target, Krogers, Advanced Auto, Shaw's Supermarkets, State of Maine (Department of Labor), Eckerds, and Safeway.

In addition, IBM, through Karen Smith and Daniel Frye and possibly others, approached certain of SCO's partners during LinuxWorld in January 2003 to induce such partners to stop doing business with SCO, including Hewlett Packard, Intel and Computer Associates. SCO's own investigation into this matter is continuing, and additional information will be provided as it becomes available, including upon receiving such information from IBM.

32

DATED this 23rd day of October, 20003.

As to Objections:

By: _____
Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP

Brent O. Hatch
Mark F. James
HATCH. JAMES & DODGE

As to Responses:

_____
Christopher S. Sontag
Sr. Vice President
 Operating Systems Division
The SCO Group, Inc.

STATE OF UTAH   )
                  : ss.
County of Utah_____)

The above signed Christopher S. Sontag, being duly sworn upon oath, deposes and says that he has read the above responses to discovery requests and that the responses contained therein are true to the best of his knowledge, information and belief.

_____
Notary Public

(Seal)

33