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Homburger AG
P.O. Box 338
8035 Zürich

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HEADLINE: SCO files Dollars 1bn lawsuit against **IBM** INFORMATION TECHNOLOGY GROUP CLAIMS DAMAGES OVER PROPRIETARY CODE:

BYLINE: By TOM FOREMSKI

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BODY:

SCO Group has filed a Dollars 1bn trade secrets lawsuit against **IBM** that could derail the massive momentum built up around the free **Linux** operating system.

SCO, which owns intellectual property on **Unix,** a widely used operating system on which **Linux** is based, claims **IBM** took its proprietary code and transferred it to **Linux,** then released it into the global IT community.

It is seeking at least Dollars 1bn in damages from **IBM.** But it could potentially launch legal actions against other companies selling or using **Linux.**

But **SCO** is not commenting on potential legal action against others. "Our focus is on **IBM.** It has been taking our code wholesale and dumping it into **Linux,**" said Darl McBride, chief executive of **SCO.**

IBM was unavailable for comment.

But it is expected to use its large intellectual property portfolio, the largest in the computer industry, to protect itself from the claims of trade secret misappropriation.

A larger issue, however, is the effect on the global **Linux** developer community. There could be potentially other intellectual property claims that could freeze further development of **Linux** in its tracks. **Linux** has been gaining ground within businesses worldwide and **IBM,** the world's largest computer company, has been the lead promoter.

But other computer groups such as Hewlett-Packard, Sun Microsystems and Dell Computer have also been selling **Linux** systems.

SCO purchased the rights to **Unix** from AT&T in 1995. It has been selling its version of **Unix** and licensing **Unix** to thousands of companies. The licence specifies that licensees cannot take the software and use it in other software, which is what **IBM** is alleged to have done.

SCO claims that **IBM** has promoted **Linux** at the expense of AIX, **IBM's** version of **Unix,** which has led to unfair competition and "marketplace injury".

The lawsuit was filed by the law firm of Boies, Schiller and Flexner.

It is the law firm of David Boies, who was once the lead prosecutor for the Justice Department in its antitrust prosecution of Microsoft.

Mr McBride said **SCO** had contacted **IBM** about the matter. "But they told us to take a proverbial jump in the lake, which is why we filed the lawsuit," he said.

Other companies are in discussion with **SCO** about the legal ramifications surrounding their use of **Linux.**

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