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*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.

**REDACTED
DECLARATION OF TODD M.
SHAUGHNESSY**

[ORIGINALLY FILED UNDER SEAL

Civil No. 2:03CV-0294 DAK
Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

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**DECLARATION OF
TODD M. SHAUGHNESSY**

**FILED UNDER SEAL PURSUANT
TO 9/16/03 PROTECTIVE ORDER,
DOCKET #38**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I, Todd M. Shaughnessy, declare as follows:


1. I represent IBM in the lawsuit brought by SCO against IBM, titled The SCO Group, Inc. v. International Business Machines Corporation, Civil No. 2:03CV-0294 DAK (D. Utah 2003).
2. This declaration is submitted in support of Defendant/Counterclaim-Plaintiff IBM's various memoranda in opposition to SCO's motions for summary judgment.
3. Attached hereto are true and correct copies of the following documents:
 - a) Exhibit 601 is a copy of an article by Peter Galli, titled "SCO Group Slaps IBM with \$1B Suit", from eWeek.com, dated March 6, 2003.
 - b) Exhibit 602 is a copy of an article by Paula Rooney, titled "Update: CRN Interview: SCO CEO Defends \$1 Billion Lawsuit Against IBM", from CRN, dated April 24, 2003.
 - c) Exhibit 603 is a copy of an article by John Blau, titled "Q&A: SCO's Chris Sontag on how Unix plus Linux Equals Trouble", from Computerworld, dated May 13, 2003.
 - d) Exhibit 604 is a copy of an article by Graeme Burton, titled "McBride Blames IBM for 'Majority' of Linux Infringements", from Infoconomy, dated September 11, 2003.

- e) Exhibit 605 is a copy of an article by Andrew Orłowski, "SCO Sues IBM for \$1 Billion for 'Devaluing Unix'", from The Register, dated March 7, 2003.
- f) Exhibit 606 is a copy of an article by Brice Wallace, titled "Motion favors IBM in Unix dispute", from Deseret Morning News, dated December 6, 2003.
- g) Exhibit 607 is a copy of a document titled "Intellectual Property License Agreement for Linux", bearing Bates numbers SCO1303277-78.
- h) Exhibit 608 is a copy of an article by Egan Orion, titled "Groklaw Sends a Dear Darl Letter", from The Inquirer, dated September 20, 2003.
- i) Exhibit 609 is a copy of an article by Jay Wrolstad, titled "SCO Licensing Issue Riles Linux Users", from NewsFactor Network, dated July 28, 2003.
- j) Exhibit 610 is a copy of the transcript of the December 14, 2004 Deposition of Thomas Cronan.
- k) Exhibit 611 is a copy of the transcript of the March 3, 2006 Deposition of Edward Kennedy.
- l) Exhibit 612 is a copy of Hon. Brooke C. Wells' Order Granting Stipulation Regarding Certain Discovery Deadlines, dated May 15, 2006.
- m) Exhibit 613 is a copy of Hon. Brooke C. Wells' Order dated June 13, 2006.

- n) Exhibit 614 is a copy of the declaration of William Sandve, dated November 10, 2006.
 - o) Exhibit 615 is a copy of an article by Peter Galli, titled "SCO: IBM Suit Not About Linux", from eWeek, dated March 7, 2003.
 - p) Exhibit 616 is a copy of the transcript of the September 22, 2006 Deposition of Marc Rochkind.
 - q) Exhibit 617 is a copy of three CDs labeled SCO Linux 4.0, Powered by UnitedLinux, bearing bates numbers SCO1186815-817.
 - r) Exhibit 618 is a copy of a document titled "Contributing Member Registration Form", bearing Bates numbers OSDL 100398-402.
4. I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 10, 2006.

Salt Lake City, Utah




Todd M. Shaughnessy

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of November, 2006, a true and correct copy of the foregoing was hand delivered to the following:

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



CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system 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
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Miami, Florida 33131

/s/ Todd M. Shaughnessy

Index to Exhibits

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