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Attorneys for The SCO Group, Inc.

**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.

**DECLARATION OF MARK F.
JAMES**

**FILED IN REDACTED FORM
[ORIGINAL FILED UNDER SEAL]**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I, Mark F. James, declare:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.
2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm of HATCH, JAMES & DODGE PC, counsel for Plaintiff, The SCO Group, Inc., in the pending action.
3. Attached hereto and filed herewith as Exhibit 1 is a true and correct copy of Item 146 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.
4. Attached hereto and filed herewith as Exhibit 2 is a true and correct copy of a document entitled "Declaration of Marc Rochkind", dated April 9, 2006.
5. Attached hereto and filed herewith as Exhibit 3 is a true and correct copy of a document entitled "Defendant IBM's First Set of Interrogatories and First Request for the Production of Documents" dated June 13, 2003.
6. Attached hereto and filed herewith as Exhibit 4 is a true and correct copy of a document entitled "Defendant IBM's Second Set of Interrogatories and Second Request for Production of Documents" dated September 16, 2003.
7. Attached hereto and filed herewith as Exhibit 5 is a true and correct copy of a document entitled "Defendant/Counterclaim Plaintiff IBM's Sixth Set of Interrogatories and Sixth Request for Production of Documents" dated January 11, 2005.
8. Attached hereto and filed herewith as Exhibit 6 is a true and correct copy of email from David Marriot to Ted Normand dated March 16, 2006.

9. Attached hereto and filed herewith as Exhibit 7 is a true and correct copy of a document entitled "Plaintiff's First Request for Production of Documents and First Set of Interrogatories" dated June 24, 2003.

10. Attached hereto and filed herewith as Exhibit 8 is a true and correct copy of a document entitled "Plaintiff's Second Set of Interrogatories and Second Request for Production of Documents" dated December 4, 2003.

11. Attached hereto and filed herewith as Exhibit 9 is a true and correct copy of a document entitled "IBM's Responses and Objections to SCO's Second Set of Interrogatories and Second Request for the Production of Documents" dated April 19, 2004.

12. Attached hereto and filed herewith as Exhibit 10 is a true and correct copy of a document entitled "SCO's Fifth Set of Interrogatories" dated November 11, 2005.

13. Attached hereto and filed herewith as Exhibit 11 is a true and correct copy of a document entitled "IBM's Responses and Objections to SCO's Fifth Set of Interrogatories" dated December 16, 2005.

14. Attached hereto and filed herewith as Exhibit 12 is a true and correct copy of a document entitled "Plaintiff's Third Set of Interrogatories and Third Request for Production of Documents" dated December 3, 2003.

15. Attached hereto and filed herewith as Exhibit 13 is a true and correct copy of Item 3 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

16. Attached hereto and filed herewith as Exhibit 14 is a true and correct copy of excerpts from the hearing transcript held on April 14, 2006 before Judge Brooke C. Wells.

17. Attached hereto and filed herewith as Exhibit 15 is a true and correct copy of excerpts from the deposition of Timothy J.R. Wright held on November 15, 2005.

18. Attached hereto and filed herewith as Exhibit 16 is a true and correct copy of Item 279 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

19. Attached hereto and filed herewith as Exhibit 17 is a true and correct copy of Item 280 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

20. Attached hereto and filed herewith as Exhibit 18 is a true and correct copy of Tab 349 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

21. Attached hereto and filed herewith as Exhibit 19 is a true and correct copy of Tab 351 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

22. Attached hereto and filed herewith as Exhibit 20 is a true and correct copy of Tab 345 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

23. Attached hereto and filed herewith as Exhibit 21 is a true and correct copy of Tab 3461 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

24. Attached hereto and filed herewith as Exhibit 22 is a true and correct copy of Tab 347 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

25. Attached hereto and filed herewith as Exhibit 23 is a true and correct copy of Tab 348 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

26. Attached hereto and filed herewith as Exhibit 24 is a true and correct copy of Item 46 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

27. Attached hereto and filed herewith as Exhibit 25 is a true and correct copy of Tab 56 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

28. Attached hereto and filed herewith as Exhibit 26 is a true and correct copy of excerpts from the deposition of Martin Bligh held on January 16, 2006.

29. Attached hereto and filed herewith as Exhibit 27 is a true and correct copy of item 236 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005

30. Attached hereto and filed herewith as Exhibit 28 is a true and correct copy of Deposition Exhibit 690.

31. Attached hereto and filed herewith as Exhibit 29 is a true and correct copy of an article that appeared in Computerworld on August 11, 2005.

32. Attached hereto and filed herewith as Exhibit 30 is a true and correct copy of Deposition Exhibit 435.

33. Attached hereto and filed herewith as Exhibit 31 is a true and correct copy of Item 252 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

34. Attached hereto and filed herewith as Exhibit 32 is a true and correct copy of Tab 276 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

35. Attached hereto and filed herewith as Exhibit 33 is a true and correct copy of Item 253 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

36. Attached hereto and filed herewith as Exhibit 34 is a true and correct copy of Item 254 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

37. Attached hereto and filed herewith as Exhibit 35 is a true and correct copy of Tab 277 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

38. Attached hereto and filed herewith as Exhibit 36 is a true and correct copy of Tab 278 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

39. Attached hereto and filed herewith as Exhibit 37 is a true and correct copy of Item 62 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

40. Attached hereto and filed herewith as Exhibit 38 is a true and correct copy of Item 63 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

41. Attached hereto and filed herewith as Exhibit 39 is a true and correct copy of Tab 71 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

42. Attached hereto and filed herewith as Exhibit 40 is a true and correct copy of Tab 72 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

43. Attached hereto and filed herewith as Exhibit 41 is a true and correct copy of Tab 260 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

44. Attached hereto and filed herewith as Exhibit 42 is a true and correct copy of Item 53 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

45. Attached hereto and filed herewith as Exhibit 43 is a true and correct copy of Tab 94 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

46. Attached hereto and filed herewith as Exhibit 44 is a true and correct copy of Tab 62 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

47. Attached hereto and filed herewith as Exhibit 45 is a true and correct copy of Tab 376 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

48. Attached hereto and filed herewith as Exhibit 46 is a true and correct copy of Item 55 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

49. Attached hereto and filed herewith as Exhibit 47 is a true and correct copy of Tab 64 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

50. Attached hereto and filed herewith as Exhibit 48 is a true and correct copy of Tab 377 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

51. Attached hereto and filed herewith as Exhibit 49 is a true and correct copy of Tab 156 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

52. Attached hereto and filed herewith as Exhibit 50 is a true and correct copy of Item 2 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

53. Attached hereto and filed herewith as Exhibit 51 is a true and correct copy of Tab 3 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

54. Attached hereto and filed herewith as Exhibit 52 is a true and correct copy of Tab 4 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

55. Attached hereto and filed herewith as Exhibit 53 is a true and correct copy of Tab 5 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

56. Attached hereto and filed herewith as Exhibit 54 is a true and correct copy of Tab 6 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

57. Attached hereto and filed herewith as Exhibit 55 is a true and correct copy of Tab 7 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

58. Attached hereto and filed herewith as Exhibit 56 is a true and correct copy of Tab 8 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

59. Attached hereto and filed herewith as Exhibit 57 is a true and correct copy of Item 83 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

60. Attached hereto and filed herewith as Exhibit 58 is a true and correct copy of Tab 92 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

61. Attached hereto and filed herewith as Exhibit 59 is a true and correct copy of Item 84 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

62. Attached hereto and filed herewith as Exhibit 60 is a true and correct copy of Tab 93 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

63. Attached hereto and filed herewith as Exhibit 61 is a true and correct copy of Item 241 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

64. Attached hereto and filed herewith as Exhibit 62 is a true and correct copy of Tab 265 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

65. Attached hereto and filed herewith as Exhibit 63 is a true and correct copy of Item 242 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

66. Attached hereto and filed herewith as Exhibit 64 is a true and correct copy of Tab 266 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

67. Attached hereto and filed herewith as Exhibit 65 is a true and correct copy of Item 243 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

68. Attached hereto and filed herewith as Exhibit 66 is a true and correct copy of Tab 267 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

69. Attached hereto and filed herewith as Exhibit 67 is a true and correct copy of Item 245 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

70. Attached hereto and filed herewith as Exhibit 68 is a true and correct copy of Tab 269 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

71. Attached hereto and filed herewith as Exhibit 69 is a true and correct copy of Item 6 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

72. Attached hereto and filed herewith as Exhibit 70 is a true and correct copy of Item 109 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

73. Attached hereto and filed herewith as Exhibit 71 is a true and correct copy of Tab 16 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

74. Attached hereto and filed herewith as Exhibit 72 is a true and correct copy of Tab 119 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

75. Attached hereto and filed herewith as Exhibit 73 is a true and correct copy of Item 14 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

76. Attached hereto and filed herewith as Exhibit 74 is a true and correct copy of Tab 24 of SCO's Disclosure of Material Misused by IBM filed December 22, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of July, 2006.

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

BOIES, SCHILLER & FLEXNER LLP
Robert Silver
Stuart H. Singer
Stephen N. Zack
Edward Normand

By:


Counsel for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July, 2006, I caused to be served a true and correct copy of the foregoing by U.S. Mail, first class postage prepaid, to the following:

David Marriott, Esq.
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019

Donald J. Rosenberg, Esq.
1133 Westchester Avenue
White Plains, New York 10604

Todd Shaughnessy, Esq.
Snell & Wilmer LLP
1200 Gateway Tower West
15 West South Temple
Salt Lake City, Utah 84101

A handwritten signature in black ink, appearing to read "Mark R. [unclear]", written over a horizontal line.