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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.**

**DECLARATION OF RUTH FORESTER**

**Civil No. 2:03CV-0294 DAK**

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke C. Wells**

I, Ruth Forester, declare as follows:

1. I was employed by International Business Machines Corporation ("IBM") as a Software Engineer in IBM's Linux Technology Center ("LTC") from 1999 to 2004.
2. This declaration is submitted in connection with the lawsuit brought by The SCO Group, Inc. ("SCO") against IBM, titled The SCO Group, Inc. v. International Business Machines Corporation, Civil No. 2:03CV-0294 DAK (D. Utah 2003). I make this declaration based upon personal knowledge.
3. I understand that SCO has alleged in Item 191 of its Final Disclosures that I disclosed "Dyrix/ptx performance measurement techniques" to Linux.
4. I understand that SCO alleges that I made Linux contributions to the following files:

```
include/linux/oprofile.h
include/linux/profile.h
kernel/profile.c
arch/i386/oprofile/backtrace.c
arch/i386/oprofile/mit.c
arch/i386/oprofile/K.config
arch/i386/oprofile/rmi_int.c
arch/i386/oprofile/rmi_timer_int.c
arch/i386/oprofile/op_counter.c
arch/i386/oprofile/op_model_p4.c
arch/i386/oprofile/op_x86_model.c
arch/ia64/kernel/perfmon.c
arch/ia64/kernel/perfmon_default_smpl.h
arch/ia64/kernel/perfmon_generic.h
arch/ia64/oprofile/perfmon.c
drivers/cpufreq/cpufreq_performance.c
```

I have never made any contributions to these files.

5. All of the contributions that I have made to Linux in the area of performance measurement were original to IBM. None of them included any Unix System V material. None of them was a modification or derivative work of Unix System V. None of them was based on System V. And none of them was written with reference to System V. All of my Linux contributions were based on my own creativity and general experience.

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

Executed: September 19, 2006.

Banks, Oregon

  
Ruth Forester