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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 LARRY KESSLER

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I, Larry Kessler, declare as follows:

1. I am currently employed by International Business Machines Corporation ("IBM") as a Software Engineering Manager in IBM's Linux Technology Center ("LTC"). I have worked for IBM since November 1983. I transferred to Beaverton, Oregon in 1999, where I became the team lead for a systems group in Dynix/ptx.

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 186 of its Final Disclosures that I disclosed "Dynix/ptx event logging techniques" to Linux. I did not have any experience in event logging in System V, AIX or Dynix/ptx.

4. I understand that SCO alleges that I made Linux contributions to the following files:

fs/jfs/jfs_logmgr.c
fs/xfs/xfs_log.c
kernel/printk.c
fs/ntfs/logfile.c

I have never made any contributions to those files, with the exception of the addition of two function calls to kernel/printk.c which did not change the existing behavior of the printk function.

5. All of the contributions that I have made to Linux in the area of event logging 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 13, 2006.

Beaverton, Oregon



Larry Kessler