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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 DAVID KLEIKAMP**

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

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke C. Wells**

I, David Kleikamp, declare as follows:

1. I am currently employed by International Business Machines Corporation ("IBM") as an Advisory Software Engineer for the Linux Technology Center ("LTC"). I have worked for IBM since 1989.
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 1 of its Final Disclosures that I disclosed the "AIX JFS Journaling File System" to Linux. This is incorrect: I did not.
4. In 2000, I joined the LTC working on the JFS team. IBM has contributed certain JFS code to Linux from IBM's OS/2 operating system, not from AIX. IBM has also made additional contributions to JFS for Linux that were not based on either OS/2 or AIX.
5. The JFS code that IBM contributed to Linux was original IBM work. IBM's JFS contribution did not include any System V code; it was not a modification or derivative work of System V or based on System V; and it was not written with reference to System V. IBM's contributions to JFS for Linux were based on the creativity and general programming experience of IBM's programmers, including myself.

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

Executed: September 11, 2006.

Austin, Texas



David Kleikamp