

258

SNELL & WILMER L.L.P.  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
Amy F. Sorenson (8947)  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*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 DIPANKAR SARMA**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells



I, Dipankar Sarma, declare as follows:

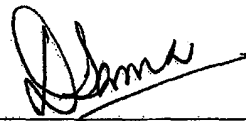
1. I am currently employed by IBM India Private Limited, a wholly owned subsidiary of International Business Machines Corporation ("IBM"), as a Senior Software Engineer. I have worked for IBM since 1999. Before it was acquired by IBM in 1999, I worked for Sequent Computer Systems, Inc. ("Sequent").
2. 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 2 of its Final Disclosures that I disclosed Dynix/ptx RCU (Read-Copy Update) to Linux. While at Sequent, I did not work on RCU.
4. In 2000 I joined IBM's Linux Technology Center, where I have personally made Linux contributions relating to RCU. In developing the Linux RCU, I never reviewed or used any non-public code, methods or concepts from the Unix System V operating system.
5. The RCU material that IBM has contributed to Linux was original IBM or Sequent work; it did not include Unix System V material; it was not a modification or derivative work of Unix System V; and it was not made with reference to Unix System V.



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

Executed: September 13, 2006.

Bangalore, India

A handwritten signature in black ink, appearing to read "Dipankar Sarma", written over a horizontal line.

Dipankar Sarma