

293

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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
PATRICIA GAUGHEN**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I, Patricia Gaughen, 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").
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 94 of its Final Disclosures that I made a "[s]tatement as to the value to LTC of having worked at Sequent on NUMA and SMP".
4. As far as I am aware, all of IBM's contributions to Linux relating to NUMA and SMP were original IBM works. 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 UNIX System V. None of them was written with reference to UNIX System V. All of IBM's Linux contributions related to NUMA and SMP were based on IBM programmers' own creativity and general experience.
5. I declare under penalty of perjury that the foregoing is true and correct.

Executed: September 16, 2006.

Beaverton, Oregon


Patricia Gaughen