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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP,)	PLAINTIFF'S SUPPLEMENTAL
)	RESPONSE TO DEFENDANT'S
Plaintiff,)	SECOND SET OF INTERROGATORIES
)	AND SECOND REQUEST FOR THE
v.)	PRODUCTION OF DOCUMENTS
)	
INTERNATIONAL BUSINESS)	Case No. 2:03CV0294DAK
MACHINES CORPORATION,)	
)	Judge: Dale A. Kimball
Defendant.)	Magistrate Brooke C. Wells
)	

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, and the Local Rules for the United States District Court for the District of Utah, Plaintiff, The SCO Group, Inc. ("SCO"), hereby responds and objects to Defendant, International Business Machine Corporation's ("IBM") Second Set of Interrogatories and Second Request for the Production of Documents, as follows:

GENERAL OBJECTIONS

Plaintiff SCO hereby incorporates by reference all of the General Objections set forth in Plaintiff's Response to Defendant's First Set of Interrogatories and First Request for the Production of Documents (the "General Objections"). Each of the General Objections is incorporated by reference into each of the responses set forth below, which responses SCO makes without waiver of the General Objections.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION

INTERROGATORIES

INTERROGATORY NO. 12:

Please identify, with specificity (by file and line of code), (a) all source code and other material in Linux (including but not limited to the Linux kernel, any Linux operating system and any Linux distribution) to which plaintiff has rights; and (b) the nature of plaintiff's rights, including but not limited to whether and how the code or other material derives from UNIX.

RESPONSE TO INTERROGATORY NO 12:

In addition to the General Objections, SCO notes that it has not received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM. In addition, SCO objects to this question as overly broad and unduly burdensome, and on the basis that it seeks information neither relevant nor calculated to reasonably lead to the discovery of admissible evidence insofar as it requests the identity of source code and other material in Linux contributed to Linux by parties other than IBM

or Sequent. Subject to and without waiving these objections, as it pertains to SCO's rights involving IBM's contributions, SCO incorporates its answers to its revised and supplemental answers to Interrogatory Nos. 1 and 2.

INTERROGATORY NO. 13:

For each line of code and other material identified in response to Interrogatory No. 12, please state whether (a) IBM has infringed plaintiff's rights, and for any rights IBM is alleged to have infringed, describe in detail how IBM is alleged to have infringed plaintiff's rights; and (b) whether plaintiff has ever distributed the code or other material or otherwise made it available to the public, as part of a Linux distribution or otherwise, and, if so, the circumstances under which it was distributed or otherwise made available, including but not limited to the product(s) in which it was distributed or made available, when it was distributed or made available, to whom it was distributed or made available, and the terms under which it was distributed or made available (such as under the GPL or any other license).

RESPONSE:

In addition to the General Objections, SCO notes that it has not received responsive discovery from IBM that would allow it to fully answer this question because part of this information is peculiarly within the knowledge of IBM. In addition, SCO objects to this question on the basis that it is overly broad and unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence insofar as it requests the identity of source code and other material in Linux contributed to Linux by parties other than IBM or Sequent. Subject to and without waiving these objections, as it pertains to SCO's rights

involving IBM's contributions, SCO incorporates its answers to its revised and supplemental answers to Interrogatory Nos. 1 and 4.

Insofar as this interrogatory seeks information as to whether plaintiff has ever distributed the code in question or otherwise made it available to the public, SCO has never authorized, approved or knowingly released any part of the subject code that contains or may contain its confidential and proprietary information and/or trade secrets for inclusion in any Linux kernel or as part of any Linux distribution.

DOCUMENT REQUESTS

REQUEST NO. 74:

All documents relating to SCO Forum 2003.

RESPONSE:

Subject to and without waiving the General Objections and Specific Objections in the interrogatories, Plaintiff objects to this Request No. 74 in that it is overly broad and unduly burdensome by requesting "all documents", which may include documents wholly irrelevant to any issue in this action and which are not calculated to lead to the discovery of any admissible information. Subject to and without waiving these objections, SCO directs IBM to www.sco.com where it may retrieve these documents, which IBM has already done as evidenced by the use of these documents in other filings with the court. If there are any other responsive documents, after a search of reasonable scope, SCO will make available for copying or inspection at a mutually convenient date and time, further documents responsive to this Request.

REQUEST NO. 75:

All documents relating to the information requested in Interrogatory Nos. 12-13.

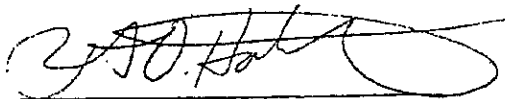
RESPONSE:

Subject to and without waiving the General Objections and Specific Objections in the interrogatories, and insofar as the request seeks relevant documents, plaintiff, after a search of reasonable scope, will make the requested documents available for copying or inspection at a mutually convenient date and time.

DATED this 23rd day of October, 20003.

As to Objections:

By:



Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE

As to Responses:

Christopher S. Sontag
Sr. Vice President
Operating Systems Division
The SCO Group, Inc.

STATE OF UTAH)
 : ss.
County of Utah _____)

The above signed Christopher S. Sontag, being duly sworn upon oath, deposes and says that he has read the above responses to discovery requests and that the responses contained therein are true to the best of his knowledge, information and belief.

Notary Public

(Seal)