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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,

-against-

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

**DEFENDANT IBM'S SECOND SET  
OF INTERROGATORIES AND  
SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure,  
defendant International Business Machines Corporation ("IBM") submits this Second Set  
of Interrogatories and Second Request for the Production of Documents to plaintiff The  
SCO Group, Inc. ("plaintiff").

Plaintiff is directed to give answers to the written interrogatories separately, fully, in writing, under oath, and in accordance with the following definitions and instructions. Plaintiff is requested to produce the documents and things in its possession, custody or control pursuant to the document requests.

Answers to the interrogatories, and all documents and things responsive to the document requests must be served on the undersigned attorneys for IBM at the offices of Cravath, Swaine & Moore LLP, 825 Eighth Avenue, New York, NY 10019 within 30 days of service of these interrogatories and document requests.

**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.

**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).

**Document Requests**

**REQUEST NO. 74:**

All documents relating to SCO Forum 2003.

**REQUEST NO. 75:**

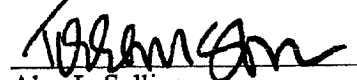
All documents relating to the information requested in Interrogatory Nos. 12-13.

**Instructions and Definitions**

Defendant IBM hereby incorporates by reference all instructions, definitions and rules contained in Rule 33 and Rule 34 of the Federal Rules of Civil Procedure and the local rules or individual practices of this Court and supplements them with the definitions and instructions set out in Defendant IBM's First Set of Interrogatories and First Request for the Production of Documents, which are incorporated herein by reference.

DATED this 16<sup>th</sup> day of September, 2003.

SNELL & WILMER LLP



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Evan R. Chesler

Thomas G. Rafferty

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INTERNATIONAL BUSINESS  
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Defendant.

**CERTIFICATE OF SERVICE OF  
DEFENDANT IBM'S SECOND SET  
OF INTERROGATORIES AND  
SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

I hereby certify that on the 16<sup>th</sup> day of September, 2003, a true and correct copy of

**DEFENDANT IBM'S SECOND SET OF INTERROGATORIES AND SECOND**

**REQUEST FOR THE PRODUCTION OF DOCUMENTS** was delivered to the following:

By Hand Delivery:

Brent O. Hatch  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
(801) 363-6363

By U.S. Mail, postage prepaid:

David Boies  
BOIES, SCHILLER & FLEXNER LLP  
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