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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,  
  
-against-  
  
INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
  
Defendant/Counterclaim-Plaintiff.

**DEFENDANT/COUNTERCLAIM-  
PLAINTIFF IBM'S FOURTH SET  
OF INTERROGATORIES AND  
FOURTH REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure,  
defendant/counterclaim-plaintiff International Business Machines Corporation ("IBM") submits

this Fourth Set of Interrogatories and Fourth 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. 15:**

For each line of code and other material identified in response to Interrogatory Nos.1-13, please state or identify (a) whether it constitutes an idea, procedure, process, system, method of operation, concept, principle or discovery and, if not, why not and what it constitutes; (b) whether it can be expressed in another way and, if so, how; (c) whether it is in or has ever been in the public domain and, if so, how, and if not, why not; and (d) whether and to what extent it is dictated by factors external to any operating system of which it is part (such as the mechanical specifications of the computer on which a particular program is intended to run, compatibility requirements of other programs with which a program is designed to operate in conjunction, computer manufacturers' design standards, demands of the industry being serviced,

and widely accepted programming practices within the computer industry) and, if so, how, and if not, why not.

**INTERROGATORY NO. 16:**

For each line of code and other material identified in response to Interrogatory Nos. 1-13, please state or identify (a) whether it constitutes expression protectable under copyright law and, if so, by what copyrights and in what specific respect; (b) the origin of the material, including its author(s) and the circumstances of its creation; (c) whether it has been published or distributed without a copyright notice and, if so, the circumstances of its publication or distribution, including when, to whom, to what extent, for what purpose, and with or without what rights.

**Document Requests**

**REQUEST NO. 77:**

All documents concerning SCO's responses to Interrogatory Nos. 15 and 16.

**Instructions and Definitions**

Defendant/counterclaim-plaintiff 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 29<sup>th</sup> day of March, 2004.

SNELL & WILMER LLP



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CRAVATH, SWAINE & MOORE LLP

Evan R. Chesler

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-against-  
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Defendant/Counterclaim-Plaintiff.

**CERTIFICATE OF SERVICE OF  
DEFENDANT/COUNTERCLAIM-  
PLAINTIFF IBM'S FOURTH SET  
OF INTERROGATORIES AND  
FOURTH REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I hereby certify that on the 29<sup>th</sup> day of March, 2004, a true and correct copy of

**DEFENDANT/COUNTERCLAIM-PLAINTIFF IBM'S FOURTH SET OF**

**INTERROGATORIES AND FOURTH REQUEST FOR 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

By U.S. Mail, postage prepaid:

Stephen N. Zack  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
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Kevin P. McBride  
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