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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.,	**DECLARATION OF VIVEK KASHYAP**
Plaintiff/Counterclaim-Defendant,	Civil No. 2:03CV-0294 DAK
v.	Honorable Dale A. Kimball
INTERNATIONAL BUSINESS MACHINES CORPORATION,	Magistrate Judge Brooke C. Wells
Defendant/Counterclaim-Plaintiff.	

I, Vivek Kashyap, declare as follows:

1.   I am currently employed by International Business Machines Corporation
("IBM") as a Software Engineer in IBM's Linux Technology Center ("LTC"). 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 187 of its Final Disclosures that I
disclosed "Dynix/ptx networking technology" to Linux.

4.   After IBM acquired Sequent, I joined the IBM's xSeries group, and later began
working for the LTC. The group that I was involved with at the LTC made contributions to
Linux for the netfilter infrastructure and TCP connection control. As far as I am aware, these
technologies did not exist in Dynix/ptx or SystemV.

5.   I understand that SCO alleges that I made Linux contributions to the following
directories:

                net/ipv4/*
                net/ipv6/*
                net/sctp/*

While I have made contributions to files in these directories, they were contributions of original
code and not based on, influenced by, or done with reference to Dynix/ptx or System V.

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6.   All of the contributions that I have made to Linux in the area of networking technology were original to IBM. 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 System V. And none of them was written with reference to System V. All of my Linux contributions were based on my own creativity and general experience.

7.   The Dynix/ptx operating system did not implement either IPv6 or SCTP networking technology.

8.   I declare under penalty of perjury that the foregoing is true and correct.

Executed: September 19, 2006.

Beaverton, Oregon

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Vivek Kashyap

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