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

I, Jim Keniston, 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 186 of its Final Disclosures that I disclosed "Dynix/ptx event logging techniques" to Linux. However, I did not work on event logging in Dynix/ptx.

4.   I understand that SCO alleges that I made Linux contributions to the following files:

                fs/jfs/jfs_logmgr.c
                fs/xfs/xfs_log.c
                kernel/printk.c
                fs/ntfs/logfile.c

I have never made any contributions to fs/jfs/jfs_logmgr.c, fs/xfs/xfs_log.c, fs/ntfs/logfile.c. I have offered contributions related to kernel/printk.c, but those contributions were not based on my work on Dynix/ptx or ptx/EES and have not been accepted into the Linux kernel.

5.   All of the contributions that I have made to Linux in the area of event logging were original to IBM or Sequent. 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.

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

Executed: September 12, 2006.

Beaverton, Oregon

Jim Keniston