

232

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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,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**DECLARATION OF
MARCUS MEISSNER**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

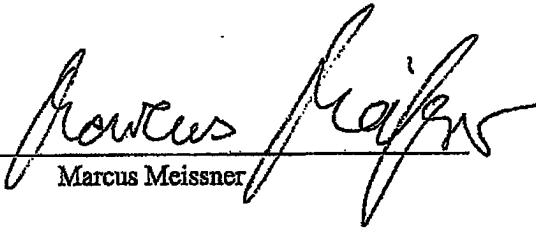
Magistrate Judge Brooke C. Wells

I, Marcus Meissner, declare as follows:

1. I was employed at Caldera, Inc. ("Caldera") from June 1999 until June 2002. I served as a Senior Software Developer for Caldera's Linux development team in Erlangen, Germany
2. I am currently employed as a Team Leader for SUSE Linux, a wholly owned subsidiary of Novell, Inc., in Nuremberg, Germany.
3. 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.
4. I understand that SCO is claiming that certain materials in Linux infringe SCO's alleged intellectual property, including specifically the header files required by the Open Group's Single Unix Specification (SUS).
5. I knew that these header files were available in Linux during my employment at Caldera. Furthermore, these header files are so basic that any developer would have (and should have) been aware of their existence in Linux.
6. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed: September 19, 2006.

Nuremberg, Germany



Marcus Meissner