SNELL & WILMER L.L.P. Alan L. Sullivan (3152) Todd M. Shaughnessy (6651) Amy F. Sorenson (8947) 15 West South Temple, Suite 1200 Salt Lake City, Utah 84101-1004 Telephone: (801) 257-1900

Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP Evan R. Chesler (admitted pro hac vice) David R. Marriott (7572) Worldwide Plaza 825 Eighth Avenue New York, New York 10019 Telephone: (212) 474-1000 Facsimile: (212) 474-3700

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 GREGORY PAGE**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

- I, Gregory Page, declare as follows:
- I was employed at Caldera, Inc. ("Caldera") from 1994 to 1998. I served as a
   Vice President of Engineering.
- Immediately prior to my employment at Caldera, I was employed at Novell, Inc.
   ("Novell") from 1992 to 1994.
- This declaration is submitted in connection with the lawsuit brought by The SCO
  Group, Inc. ("SCO") against IBM, titled <u>The SCO Group, Inc. v. International Business</u>
  <u>Machines Corporation</u>, Civil No. 2:03CV-0294 DAK (D. Utah 2003). I make this declaration based upon personal knowledge.

### Linux Experience at Novell

4. I began working on Linux in 1993 while working at Novell through the Corsair project, which sought to develop Linux for the desktop. The Corsair project was the origin for what would later become Caldera, and several of the Novell employees who worked on Corsair, including myself, left Novell to start Caldera.

# Caldera's Linux Business

- Caldera was founded as Linux company in 1994.
- 6. Caldera distributed a variety of Linux products, including Caldera Network

  Desktop and Caldera OpenLinux.
- 7. Caldera made various contributions to Linux and to the open source community generally, including being an early sponsor of the Redhat Package Manager (RPM), making early contributions to the development of various kernel drivers (including Ethernet and Frame

Relay), helping with the implentation and the support of the Linux IPX stack, and providing manpower and funding to vendor-neutral initiatives such as Linux Standard Base.

- 8. I was personally involved with several Linux programming projects while at Caldera, including the NetWare Client for Linux, NKFS, and IPX.
- 9. During my employment with Caldera, Caldera was actively trying to make Linux more UNIX-like and to assist Linux in achieving technological equality with UNIX.
- 10. Caldera hired an employee named Ian Nandhra to assist in making Caldera's Linux compliant with the UNIX-95 and XPG4 BASE 95 standards and the X/Open specifications. I was Mr. Nandhra's supervisor, and I understood that his purpose was to add UNIX features and capabilities to Linux.
- 11. Caldera participated in the Linux Standard Base (LSB). The purpose of LSB was to define the common core of components that can be expected to be found in any "Linux" system.
  - 12. I declare under penalty of perjury that the foregoing is true and correct.

Executed: September 20, 2006.

Sandy, Utah

Gregory Page