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International Business Machines Corporation

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

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

I, Mark Peloquin, declare as follows:

1.   I am currently employed by International Business Machines Corporation ("IBM") as Senior Technical Staff Member for the Systems & Technology Group. I have worked for IBM since 1978.

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 1 of its Final Disclosures that I disclosed the "AIX JFS Journaling File System" to Linux. That is incorrect.

4.   In 2000, I joined the LTC working on the JFS team. I know that IBM has contributed certain JFS code to Linux from IBM's OS/2 operating system, but not from AIX. IBM has also made additional contributions to JFS for Linux that were not based on either OS/2 or AIX.

5.   The JFS code that IBM contributed to Linux was original IBM work. It did not include any System V code; it was not a modification or derivative work of System V or based on System V; and it was not written with reference to System V. IBM's contributions to JFS for Linux were based on the creativity and general programming experience of IBM's programmers, including myself.

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

Executed: September 19, 2006.

Austin, Texas

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Mark Peloquin