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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 JAY VOSBURGH

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

I, Jay Vosburgh, declare as follows:

1. I am currently employed by International Business Machines Corporation (“IBM”) as a [position] 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 190 of its Final Disclosures that I disclosed “Dynix/ptx device driver implementation [sic] techniques” to Linux. As I testified at my deposition in this case on November 17, 2005, I did not work on device driver implementation techniques in Dynix/ptx.
4. All of the contributions that I have made to Linux in the area of device drivers 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.

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

Executed: September __, 2006.

Lynnwood, Washington

Jay Vosburgh