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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,

-against-

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**DECLARATION OF
MAX B. WICKER**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

I, Max B. Wicker, declare as follows:

1. From 1982 through 1989, I was an account representative with AT&T Technologies, Inc. ("AT&T Technologies"). During this period, I had responsibilities for licensing, and contracts associated with licensing, UNIX software and related materials.

2. This declaration is submitted in connection with the lawsuit entitled The SCO Group, Inc. v. International Business Machines Corporation, Civil Action No. 2:03CV-0294 DAK (D. Utah 2003). This declaration is submitted to supplement the declaration I signed on October 31, 2003, which is incorporated herein. This declaration is based upon personal knowledge.

3. As an account representative, it was my job to talk with licensees on an almost day-to-day basis and to respond to their questions and concerns. One issue that frequently arose concerned the ownership of any code, methods and concepts that the licensees developed, that is, non-System V software. Licensees wanted to make sure that they owned and controlled their own creations.

4. In these instances, I gave the same answer every time: AT&T had no interest in controlling any non-System V material. AT&T was only concerned about the confidentiality of UNIX System V software. Licensees were told that they could use or disclose their own software, including the source code, methods and concepts, as they saw fit.

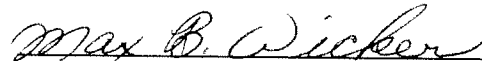
5. I also represented AT&T and USL at various computer shows attended by actual and potential UNIX System V licensees. My role was to explain how the licenses operated and to delineate the parties' rights under the licenses. I explained many times

that AT&T would never assert ownership or control over any code that the licensees wrote themselves or hired someone to write.

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

Executed: September 22, 2006.

Burlington, North Carolina



Max B. Wicker