

UNITED STATES BANKRUPTCY COURT

Eastern District of Virginia

In re The SCO GROUP, INC., et al.,
Debtor

**SUBPOENA IN A CASE UNDER
THE BANKRUPTCY CODE**

Case No. * 07-11337 (District of Delaware)

To: Space and Naval Warfare Systems Center Norfolk
SPAWAR SSC Atlantic Norfolk
1837 Morris Street, Suite 3311,
Norfolk, VA 23511-3432

Chapter 11

YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): (See Schedule A hereto)

PLACE Tayloe & Assoc. 253 West Bute Street Norfolk, VA 23510	DATE AND TIME July 13, 2009 10:30 AM
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in bankruptcy cases and proceedings by Rules 1018, 7030, and 9014, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE <i>R. Stephen McNeill</i>	DATE 7/18/09
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ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER
Rufus Stephen McNeill, Esq., Potter Anderson & Corroon LLP, Hercules Plaza,
1313 North Market Street, Wilmington, DE 19801 (302) 984-6000 (counsel for International
Business Machines Corporation)

* If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

7/13/2009

AFFIDAVIT OF SERVICE

SERVICE OTHER THAN BY VIRGINIA SHERIFF

COMMONWEALTH OF VIRGINIA

In the: UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF VIRGINIA

STATE/Commonwealth of: VA

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CASE NO:

07-11337

In re / v.

THE SCO GROUP, INC., ET AL

PERSON FOUND IN CHARGE

SPACE AND NAVAL WARFARE SYSTEMS CENTER NORFOLK SPAWAR SSC ATLANTIC NORFOLK
1837 MORRIS STREET, SUITE 3311, NORFOLK, VA 23311

Is the name and address of the person upon whom service of the following is to be made.

Document(s)

Served:

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE

I, the undersigned swear/affirm that I am a private process server, I am not a party to, or otherwise interested in the subject matter in controversy in this case, I am 18 years of age or older, and I served as shown below, the above named person upon whom service of process was to be made with copies described above.

Date and time of service:

7/10/2009 @ 12:51 PM

METHOD OF SERVICE:

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to person found in charge of usual place of business or employment during business hours and giving information of its purport. Service accepted by:

G.A. TURNER

Approx	Skin	Hair	Age	Height	Weight
Debu	Male	White	Brown	30-40	6+
				200-250	

Dated: 7/13/2009

Name: JOHNNIE T. DAY

Signature

COMMONWEALTH OF VIRGINIA
CITY OF FOGUOSON

Subscribed and sworn to/affirmed before me this day by

JOHNNIE T. DAY

who is personally known to me.

Date: 7/13/2009

My commission expire 11/30/2012

Signature of Notary Public:

CARRIE IRENE SESMA, REG NO 7180997

CARRIE IRENE SESMA, REG NO 7180997
Notary Public
Commonwealth of Virginia
My Commission Expires: 11/30/2012

AETNA CENTRAL JUDICIAL SERVICES 225 BROADWAY, STE 1802 NEW YORK, NY 10007 (ph)800-446-1167

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Schedule A

Documents to be Produced

REQUEST NO. 1

All documents concerning the expected testimony of Chad Kemp in connection with debtors' bankruptcy proceedings.

REQUEST NO. 2

All documents concerning debtors and/or their products.

REQUEST NO. 3

All documents concerning communications between SPAWAR (or anyone representing or affiliated with SPAWAR) and debtors, unXis, Stephen Norris or Stephen Norris Capital Partners (or anyone representing or affiliated with them).

Definitions and Instructions

A. Definitions

1. The term "communication" shall mean any transmittal of information, whether oral or written, including correspondence, electronic mail and other internet transmissions, web pages, Internet Relay Chat logs, telex, facsimile transmissions, telecopies, recordings in any medium of oral communication, telephone and message logs, notes or memoranda relating to written or oral communications.
2. The term "concerning" shall mean relating to, referring to, reflecting, describing, evidencing, referencing, discussing or constituting.
3. The term "debtors" shall mean and include, collectively and/or individually, The SCO Group, Inc., and SCO Operations, Inc.

4. The term “document” shall be synonymous in meaning and usage to the broadest scope of the term used in Rule 34(a) of the Federal Rules of Civil Procedure. The term “document” shall include without limitation all written, phonic, graphic or recorded matter, including without limitation, information stored on computers, disks, tapes (i.e., magnetic or other storage media), World Wide Web pages, electronic mailing lists or automated fax support systems. The term “document” specifically includes electronic mail, electronic correspondence, or electronic peer-to-peer messages (“e-mail”) and any attachments and files created and maintained in electronic form in the normal course of business.

5. The term “include” or “including” shall mean including without limitation.

6. The term “person” refers to natural persons or all private or public entities.

7. The term “SPAWAR” shall mean and include, collectively and/or individually, Space and Naval Warfare Systems Command and SPAWAR Systems Center Atlantic Norfolk.

8. The term “unXis” shall mean unXis, Inc., and any affiliated entities.

B. Instructions

1. Each paragraph should herein be construed independently and, unless otherwise directed, without reference to any other paragraph for the purpose of limitation.

2. The use of any definition for the purposes of this request shall not be deemed to constitute an agreement or acknowledgment on the part of IBM that such definition is accurate, meaningful or appropriate for any other purpose in this action.

3. Unless otherwise specified, the documents requested are the responsive documents in the possession, control or custody of the producing party that were prepared, written, sent, dated, received, applicable or in effect at any time up to the date of the producing party's compliance with this demand.

4. Each requested document shall be produced in its entirety. If a document responsive to any request cannot be produced in full, it shall be produced to the extent possible with an explanation stating why production of the remainder is not possible.

5. Each page or sheet produced by the producing party is to be marked with a consecutive document control number.

6. All documents produced in response to these requests shall be produced in the same order as they are kept or maintained in the ordinary course of business and, where multiple pages or documents are assembled, collated, grouped, or otherwise attached, shall not be separated or disassembled.

7. With respect to any document responsive to this request that is withheld from production based upon a claim of privilege, please provide the information required pursuant to Rule 26(b)(5) of the Federal Rules of Civil Procedure.

8. If, for reasons other than a claim of privilege, you refuse to produce any document requested herein, state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal.

9. If there are no documents responsive to any paragraph or subparagraph set forth in the requests, please provide a written response so stating.

10. This request is a continuing one and, pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, requires further and supplemental production by the producing party as and whenever that producing party acquires, makes or locates additional documents between the time of the initial production hereunder and the time of the trial in this action.