

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

Daniel Wallace,

Plaintiff,

v.

Civil Complaint No. 1:05-cv-0678-SEB-VSS

INTERNATIONAL BUSINESS MACHINES CORPORATION;

RED HAT INC.;

NOVELL, INC.,

Defendants.

DECLARATION OF PLAINTIFF DANIEL WALLACE

Plaintiff Daniel Wallace swears based upon personal knowledge and belief and under penalty of perjury that:

- 1.) I am over eighteen years of age and competent to testify to the matters set forth herein.
- 2.) I am a legal resident of Hancock County in the State of Indiana.
- 3.) I began authoring computer programs while studying in the School of Physics at Indiana University in the 1970's. I was awarded the degree Bachelor of Science in Physics from Indiana University in 1979.

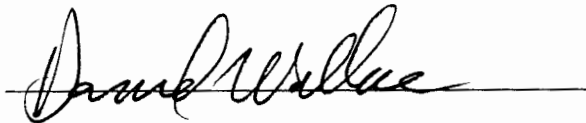
I was employed by General Motors Corporation for thirty-two years. Over twenty years of that employment experience was concerned with design, testing and manufacturing processes for entertainment, comfort and engine controls

utilizing integrated circuit and microprocessor computer technologies.

I have owned and operated a small business for computer sales and associated software services for the home and small businesses.

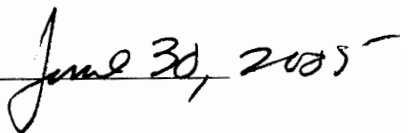
4) Since approximately the year 2002 through the present time I have worked on modification and development of source code licensed by The Regents of the University of California in order to prepare a compact computer operating system for test marketing. The command line operating system is intended for use with numerical analysis in scientific modeling and other computational physics and science applications.

5.) I presently have no business or employment relationship with any corporation or other individual engaged in the manufacture, sale or service of computer software or hardware products.

A handwritten signature in cursive script, appearing to read "Daniel Wallace", written over a horizontal line.

Daniel Wallace, affiant.
P.O. Box 572
New Palestine, IN.
317-861-6415

Dated:

A handwritten date "June 30, 2005" written in cursive script, with a horizontal line extending from the end of the date.