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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.

**DEFENDANT/COUNTERCLAIM-  
PLAINTIFF IBM'S RESPONSES  
AND OBJECTIONS TO SCO'S  
FIRST REQUEST FOR  
ADMISSIONS**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Defendant/Counterclaim-Plaintiff International Business Machines Corporation ("IBM"),  
by its undersigned attorneys, hereby responds and objects to Plaintiff/Counterclaim-Defendant  
SCO's First Request for Admissions as follows:

**OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO. 1:** AIX is a derivative work of Unix System V.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:** IBM objects to this request for admission on the grounds that it fails to define the terms "AIX", "derivative work" or "Unix System V". There is more than one potential meaning of these terms, at least in the context of this case, and IBM's response to this request may differ based upon the applicable definition. There is, for example, more than one version and/or release of both AIX and Unix System V. To the extent a response is required pending SCO's definition of these terms, IBM denies this request for admission.

**REQUEST FOR ADMISSION NO. 2:** Dynix is a derivative work of Unix System V.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:** IBM objects to this request for admission on the grounds that it fails to define the terms "Dynix", "derivative work" or "Unix System V". There is more than one potential meaning of these terms, at least in the context of this case, and IBM's response to this request may differ based upon the applicable definition. There is, for example, more than one version and/or release of both Dynix and Unix System V. To the extent a response is required pending SCO's definition of these terms, IBM denies this request for admission.

DATED this 3<sup>rd</sup> day of November, 2003.

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**CERTIFICATE OF SERVICE OF  
DEFENDANT/COUNTERCLAIM-  
PLAINTIFF IBM'S RESPONSES AND  
OBJECTIONS TO SCO'S FIRST  
REQUEST FOR ADMISSIONS**

Civil No. 2:03cv0294

Honorable Dale A. Kimball  
Magistrate Judge Brooke Wells

I hereby certify that on the 3rd day of November, 2003, a true and correct copy of  
DEFENDANT/COUNTERCLAIM-PLAINTIFF IBM'S RESPONSES AND OBJECTIONS TO  
SCO'S FIRST REQUEST FOR ADMISSIONS was hand delivered to the following:

Brent O. Hatch  
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