

The SCO Group
 v.
 International Business Machines Corp.

Civil Docket Case No. 03-CV-0294
 The Honorable Dale A. Kimball
 Magistrate Brooke C. Wells

U.S. District Court - District of Utah
 350 South Main Street, Room 150
 Salt Lake City, UT 84101

Hearing on all Pending Motions

No.	SCO's Document Request	IBM's Production
First Request for Production		
1	All documents concerning or relating to any agreements entered into with AT&T relating to UNIX, including but not limited to the agreements attached to the First Amended Complaint.	Partial
2	All versions or iterations of AIX source code, modifications, methods and/or derivative works since May 1999, including but not limited to version 4.3 and above.	Copy of CD label only
3	All versions or iterations of Sequent Dynix source code, derivative works, modifications and/or methods since January 1, 1999 to date.	
4	All documents concerning IBM's efforts, if any, to maintain the confidentiality of UNIX source code, derivative works, modifications, and/or methods.	Partial
5	All documents concerning IBM's efforts, if any, to maintain the confidentiality of AIX source code, derivative works, modifications, and/or methods.	Partial
6	All documents concerning IBM's efforts, if any, to maintain the confidentiality of Sequent Dynix source code, derivative works, modifications, and/or methods.	Partial
7	All documents concerning IBM's efforts, if any, to restrict distribution of Unix source code, derivative works, modifications, and/or methods.	Partial
8	All documents concerning IBM's efforts, if any, to restrict distribution of AIX source code, derivative works, modifications, and/or methods.	Partial
9	All documents concerning IBM's efforts, if any, to restrict distribution of Sequent Dynix source code, derivative works, modifications, and/or methods.	Partial

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No.	SCO's Document Request	IBM's Production
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10	All documents concerning Prerequisite Source Licenses, including but not limited to all instances in which IBM required persons or entities to obtain a Prerequisite Source License under paragraph 2.2(a) of its contract with its customers.	
11	All contributions including but not limited to source code, binary code, derivative works, methods, and modifications by IBM to Open Source Development Lab, Linus Torvalds, Red Hat or any other entity without confidentiality restrictions.	
12	All documents that identify all persons or entities to whom IBM has provided UNIX source code, derivative works, modifications and/or methods.	Partial
13	All documents that identify all persons or entities to whom IBM has provided AIX source code, derivative works, modifications and/or methods.	Partial
14	All documents that identify all persons or entities to whom IBM has provided Sequent Dynix source code, derivative works, modifications and/or methods.	
15	All documents that identify all persons at IBM and Sequent who had access to UNIX source code, derivative works, modifications and/or methods.	
16	All documents that identify all persons at IBM and Sequent who had access to AIX source code, derivative works, modifications and/or methods.	
17	All documents that identify all persons at IBM and Sequent who had access to Sequent Dynix source code, derivative works, modifications and/or methods.	

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No.	SCO's Document Request	IBM's Production
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18	All documents, agreements and correspondence between IBM or any person or entity under IBM's control and Linus Torvalds including, but not limited to, those with or copied by Sam Palmisano.	
19	All documents, agreements and correspondence with Open Source Development Lab.	
20	All documents, agreements and correspondence with Red Hat.	Partial
21	All documents, agreements and correspondence with SuSe.	Partial
22	All documents, agreements and correspondence between IBM and Novell regarding UNIX, including but not limited to all correspondence with Jack Messman, Chris Stone and/or Novell's counsel.	Partial
23	All documents, agreements and correspondence between IBM and Santa Cruz Operation regarding UNIX.	Partial
24	All documents, agreements and correspondence between IBM and Caldera.	Partial
25	All documents, agreements and correspondence between IBM and The SCO Group.	
26	All documents identifying all IBM personnel who are or were employed or working at the Linux Technology Center.	
27	All documents identifying all IBM personnel who are or were employed or working at the Linux Center of Competency.	
28	All documents concerning Project Monterey	Partial

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No.	SCO's Document Request	IBM's Production
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29	All documents concerning any UNIX source code, derivative works, modifications or methods disclosed by IBM to any third party or to the public.	Partial
30	All documents concerning any AIX source code, derivative works, modifications or methods disclosed by IBM to any third party or to the public	Partial
31	All documents concerning any Sequent Dynix source code, derivative works, modifications or methods disclosed by IBM to any third party or to the public.	
32	All documents concerning any UNIX source code, derivative works, modifications or methods found in Linux, open source, or the public domain.	Partial
33	All documents concerning any AIX source code, derivative works, modifications or methods found in Linux, open source, or the public domain.	Partial
34	All documents concerning any Sequent Dynix source code, derivative works, modifications or methods found in Linux, open source, or the public domain.	Partial
35	All documents concerning any contributions to Linux or to open source made by IBM and/or Sequent.	Partial
36	All documents sufficient to show IBM's organizational and personnel structure, including but not limited to organizational charts, flow charts and personnel directories.	

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37	All documents concerning any statement, affidavit, declaration, or opinion in IBM's possession relating to contributions by IBM to open source, including but not limited to those statements identified in the Complaint made by Messers. Mills, LeBlanc and Strassmeyer.	
38	All documents concerning the Open Source Developer's Class, including any guidelines relating thereto.	
39	All documents concerning export controls for all UNIX source code, derivative works, modifications or methods contributed to open source, including all portions of AIX, and Dynix and their derivative works, modifications or methods.	Partial
40	All documents concerning IBM's use of Intel processors prior to January 1, 1998.	
41	All documents concerning IBM's use of Intel processors after January 1, 1998.	
42	All documents concerning IBM's contributions to development of the 2.4 and 2.5 Linux Kernel.	
43	All documents concerning IBM's First Affirmative Defense that the Complaint fails to state a claim upon which relief can be granted.	
44	All documents concerning IBM's Second Defense that Plaintiff's claims are barred because IBM has not engaged in any unlawful or unfair business practices, and IBM's conduct was privileged, performing the exercise of an absolute right, proper and/or justified.	

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No.	SCO's Document Request	IBM's Production
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45	All documents concerning IBM's Third Affirmative Defense that Plaintiff lacks standing to pursue its claims against IBM.	
46	All documents concerning IBM's Fourth Affirmative Defense that Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.	
47	All documents concerning IBM's Fifth Affirmative Defense that Plaintiff's claims are barred, in whole or in part, by the economic loss doctrine or the independent duty doctrine.	
48	All documents concerning IBM's Sixth Affirmative Defense that Plaintiff's claims are barred by the doctrines of laches and delay.	
49	All documents concerning IBM's Seventh Affirmative Defense that Plaintiff's claims are barred by the doctrines of waiver, estoppel and unclear hands.	
50	All documents concerning IBM's Eighth Affirmative Defense that Plaintiff's claims are, in whole or in part, preempted by federal law.	
51	All documents concerning IBM's Ninth Affirmative Defense that Plaintiff's claims are improperly venued in this district.	
52	All documents used, referred to, identified, or relied upon in responding to Plaintiff's First Set of Interrogatories.	