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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.	**DECLARATION OF JOAN THOMAS IN SUPPORT OF IBM'S MOTION TO STRIKE THE DECLARATION OF CHRISTOPHER SONTAG** Civil No. 2:03CV-0294 DAK Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells

ORIGINAL

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I, Joan Thomas, declare as follows:

1.   I am employed by International Business Machines Corporation ("IBM"), as Program Director, AIX and HPC Program Management and pSeries Software Development Operations.

2.   This declaration is submitted in connection with the lawsuit brought by The SCO Group, Inc. ("SCO") against IBM, entitled The SCO Group, Inc. v. International Business Machines Corporation, Civil No. 2:03CV-0294 DAK (D. Utah 2003). I make this declaration based upon personal knowledge.

3.   I am familiar with IBM's CMVC system and with how source code and other materials related to the AIX operating system are stored and organized on CMVC. I have worked with AIX and CMVC for 2 years. Persons working under my direct supervision would be the ones burdened with the task of extracting from CMVC the AIX source code sought by SCO.

4.   I have read SCO's Declaration of Christopher Sontag in Support of SCO's Reply Memorandum Regarding Discovery (the "Sontag Declaration").

5.   The Sontag Declaration contains numerous factual errors. Since it is clear to me, from reading the Sontag Declaration, that Mr. Sontag does not have any personal knowledge of IBM's CMVC system, or of the time and effort involved in collecting and producing the information sought by SCO, I will not attempt to itemize and correct all of the errors made in the Sontag Declaration. I will, however, address and correct one flawed assumption that underlies Mr. Sontag's proposed method of collecting the SCCS source code files from CMVC.

6.   Mr. Sontag incorrectly claims that IBM's CMVC system is organized in a way that allows IBM to utilize a "top-down" approach of collecting source code for the AIX operating system. Paragraphs 15 through 30 of the Sontag Declaration are all based on Mr.

Sontag's erroneous assumption that CMVC is organized in a way similar to that depicted by Figure 1 of the Sontag Declaration. In fact, CMVC's directory hierarchy is completely different than that posited by Mr. Sontag, and a "top-down" approach to collecting information from CMVC would actually be more time-consuming than the process I outlined in my earlier declaration, dated June 23, 2004.

7. Figure 1 of the Sontag Declaration depicts the directory hierarchy of the AIX releases that have been produced in discovery by IBM. Figure 1 is not, however, an accurate depiction of any portion of the CMVC directory hierarchy.
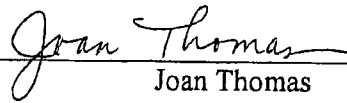
8. Contrary to Mr. Sontag's assumptions, there is no top-level directory in CMVC that contains the word "AIX", from which we could extract all AIX source, and only AIX source, from that directory and its subdirectories. The vast majority of the AIX-related directories and files on CMVC, in fact, do not even contain the word "AIX" in their names.

9. As stated in my June 23, 2004 declaration (at ¶¶ 7-9), determining which components in CMVC are part of the AIX operating system is a time-consuming process that requires that engineers intimately knowledgeable about the AIX operating system and about CMVC engage in a time-consuming, multi-step process to extract the source code files that are part of the AIX operating system from the tens of thousands of other source code files that are not part of the operating system. Moreover, because of the way those files are organized in CMVC, the "top-down" approach described by Mr. Sontag in his declaration would be of no use.

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

Executed: August 4, 2004

Austin, Texas

                                                    _____
                                                           Joan Thomas

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2004, a true and correct copy of the foregoing was hand delivered to the following:

Brent O. Hatch
Mark F. James
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and was sent by U.S. Mail, postage prepaid, to the following:

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