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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 DECLARATIONS IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON BREACH OF
CONTRACT CLAIMS

VOLUME I OF II

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 13 2004

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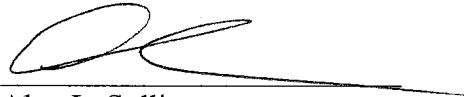
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Defendant/Counterclaim-Plaintiff International Business Machines Corporation ("IBM") respectfully submits the following declarations, attached hereto at Tabs A-E, in support of its Motion for Partial Summary Judgment on Plaintiff/Counterclaim Defendant The SCO Group, Inc.'s ("SCO") breach of contract claims (SCO's First, Second, Third, and Fourth Causes of Action):

- A. Declaration of Kathleen Bennett, executed August 5, 2004.
- B. Declaration of Thomas L. Cronan, III, executed July 29, 2004.
- C. Declaration of Randall Davis, executed August 13, 2004.
- D. Declaration of Michael J. Defazio, executed October 3, 2003.
- E. Declaration of David W. Frasure, executed March 28, 2004.

DATED this 13th day of August, 2004.

SNELL & WILMER L.L.P.



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CERTIFICATE OF SERVICE

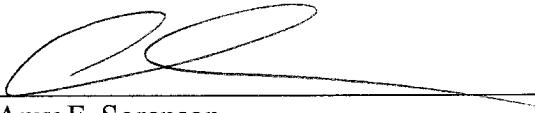
I hereby certify that on the 13th day of August, 2004, a true and correct copy of the foregoing was hand delivered to the following:

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

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