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U.S. DISTRICT COURT
DISTRICT OF UTAH

Brent O. Hatch (5715)
Mark F. James (5295)
HATCH, JAMES & DODGE, PC
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Stephen N. Zack (admitted pro hac vice)
Mark J. Heise (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
Bank of America Tower – Suite 2800
100 Southeast Second Street
Miami, Florida 33131
Telephone: (305) 539-8400
Facsimile: (305) 539-1307

Robert Silver, Esq. (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

Frederick S. Frei (admitted pro hac vice)
Aldo Noto (admitted pro hac vice)
John K. Harrop (admitted pro hac vice)
ANDREWS KURTH LLP
1701 Pennsylvania Avenue, Ste. 300
Washington, DC 20006
Telephone: (202) 662-2700
Facsimile: (202) 662-2739

Attorneys for Plaintiff The SCO Group, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

THE SCO GROUP

Plaintiff/Counterclaim-Defendant

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff

**DECLARATION IN SUPPORT OF
SCO'S OPPOSITION TO IBM'S
MOTION TO STRIKE THE
DECLARATION OF CHRISTOPHER
SONTAG**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

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DECLARATION OF CHRISTOPHER SONTAG

1. My name is Christopher Sontag, and I am a Senior Vice President of SCO. My office is located at Lindon, Utah. Unless otherwise noted or evident from its context, this affidavit is based on my personal knowledge and information available to me from reliable sources. To the best of my knowledge, information and belief, the facts set forth herein are true and correct.

2. I submit this Declaration in support of SCO's Memorandum in Opposition to Defendant/Counterclaim-Plaintiff IBM's Motion to Strike the Declaration of Christopher Sontag, dated August 4, 2004.

3. I explain below why IBM's motion should not be granted.

4. On July 12, 2004, in support of its Rule 56(f) Motion, SCO submitted a Declaration of Christopher Sontag (the "Sontag Declaration").

5. The Sontag Declaration describes SCO's need for discovery related to IBM's Configuration Management Version Control (CMVC) system, how IBM's source files are likely stored in CMVC, and how those source files could be extracted.

6. The Sontag Declaration also disputes statements made by IBM's Joan Thomas, in a declaration executed on June 23, 2004 in support of IBM's Response to SCO's Memorandum Regarding Discovery (Thomas Declaration I) as to the level of effort that would be imposed on IBM were the court to require IBM to comply with SCO's discovery requests.

7. In a subsequent declaration (Thomas Declaration II), filed on August 4, 2004 in support of IBM's Motion to Strike the Declaration of Christopher Sontag, Ms. Thomas asserts

that “The Sontag Declaration contains numerous factual errors ... [and] Mr. Sontag does not have any personal knowledge of IBM’s CMVC system.”

8. In IBM’s Motion to Strike the Declaration of Christopher Sontag, IBM asserts that “The Sontag Declaration contains no testimony at all ... showing that Sontag has any personal knowledge of CMVC, or of revision control system tools generally ... no information whatsoever about Mr. Sontag’s responsibilities, training, education, or work history, much less information sufficient to qualify him as an expert in the fields of computer science, operating system development, revision control systems”

9. Much of the information as to my background and experience are matters of public record. I have attached as Exhibit A a true copy of my biographical statement from SCO’s website.

10. I have a Bachelor’s degree in Information Management from Brigham Young University. My computer science courses include IM 460 Advanced System Analysis and Design; IM 360 Systems Analysis; IM 437 Database and Information Systems; IM 433 Advanced Programming Language; IM 333 Microcomputer Programming; and IM 349 Information Systems Technology and Management.

11. I also took many other introductory CS and IM courses..

12. I have had experience in source control and source control management systems, similar to IBM’s CMVC system.

13. From 1988 to 1995, I was employed by Novell, Inc. One of the positions that I filled at Novell during this time was director of Program Management. In that position I had overall responsibility for the development and release of the NetWare 4.0 product - which

involved over 500 software developers, testers and documentation writers. I was familiar with the source control system utilized by Novell for the NetWare product release and was responsible for implementing stringent source lock-down procedures using the source control system.

14. From 1996 until 2000 I served as Chief Technology Officer (CTO) of a company that I co-founded. As CTO I had overall responsibility for software development, technical strategy, intellectual property and information systems as well as general executive management. Also as CTO, I led the evaluation and selection process of the source control and source management system that was used by the development team.

15. The statements made in the Sontag Declaration are based on my experience as outlined above, reliable sources, and the numerous, publicly available documents, published by IBM, and related to CMVC, including "Did You Say CMVC," a true copy of excerpts of which is attached hereto as Exhibit B. In fact, many of the statements in the Sontag Declaration cite to one or more published IBM documents.

16. The Sontag Declaration addresses rudimentary functions that any configuration management and version control should be capable of executing.


17. Any programmer would know that a configuration management and version control system could not function in a manner as described in the Thomas Declarations and still be a viable tool for managing a company's software. One key function of any version control system (*e.g.*, CMVC) is to easily be able to extract prior versions of a software system. A number of reasons dictate the need for quick and simple access to prior versions of a software system, including the need to provide customers with a replacement version of the software

should the customer's on-hand version become corrupted, and the need to efficiently make changes and revisions to the customer's software to correct "bugs" and to implement new features. In short, no company would tolerate a configuration management or version control system that was as difficult as Ms. Thomas asserts IBM's CMVC system is to use.

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

August 26, 2004

Lindon, Utah



Christopher Sontag

CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of the foregoing **DECLARATION IN SUPPORT OF SCO'S OPPOSITION TO IBM'S MOTION TO STRIKE THE DECLARATION OF CHRISTOPHER SONTAG** was served on Defendant International Business Machines Corporation on this 26th day of August, 2004, by U.S. mail, postage prepaid, addressed to:

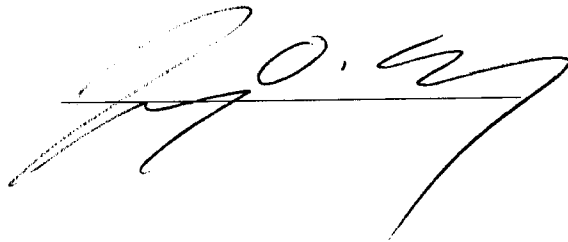
Alan L. Sullivan, Esq.
Todd M. Shaughnessy, Esq.
Snell & Wilmer L.L.P.
15 West South Temple, Ste. 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004

Copy to:

Evan R. Chesler, Esq.
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019

Donald J. Rosenberg, Esq.
1133 Westchester Avenue
White Plains, New York 10604

Attorneys for Defendant/Counterclaim Plaintiff IBM Corp.

A handwritten signature in black ink, appearing to read "D. J. Rosenberg", written over a horizontal line.