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BY: _____
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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.

**UNSEALED DECLARATION OF
ANDREW BONZANI
[Docket 334]**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

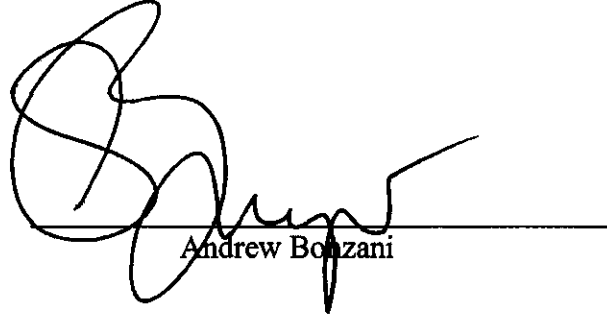
I, Andrew Bonzani, declare as follows:

1. I am currently employed by International Business Machines Corporation (“IBM”) as Assistant Secretary and Associate General Counsel.
2. This declaration is submitted in connection with the lawsuit brought by The SCO Group, Inc. (“SCO”) against IBM, titled 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. As Assistant Secretary, I am responsible for overseeing and maintaining the files with respect to the meetings of the IBM Board of Directors, including materials delivered or presented to the Board.
4. IBM maintains files for all such materials and members of the Board are not required to maintain or preserve their own copies of such materials. At the end of each meeting of the Board of Directors, the materials for that Board meeting are left behind for collection by members of the Secretary’s staff.
5. In March 2004, I and persons under my direction conducted a full and complete search of the Board’s files for documents responsive to SCO’s document requests. We turned over all such documents that we believed to be responsive to our outside counsel at Cravath, Swaine & Moore LLP for their review. I understand that all responsive, non-privileged documents from the Board files have been produced to SCO.

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

Executed: November __, 2004.

Armonk, New York



Andrew Bolzani

CERTIFICATE OF SERVICE


I hereby certify that on the 19th day of November, 2004, a true and correct copy of the foregoing was hand delivered to the following:

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101

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

Stephen N. Zack
Mark J. Heise
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Miami, Florida 33131

Robert Silver
Edward Normand
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Armonk, New York 10504




CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of May, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

Brent O. Hatch
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A handwritten signature in black ink, consisting of a large, stylized initial 'O' followed by a horizontal line extending to the right.