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U.S. DISTRICT COURT  
DISTRICT OF UTAH

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*Attorneys for Defendant/Counterclaim-Plaintiff  
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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  
NICHOLAS S. BOWEN**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

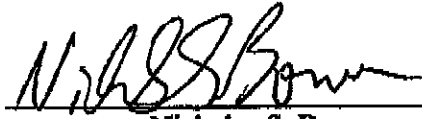
I, Nicholas S. Bowen, declare as follows:

1. I am currently employed by International Business Machines Corporation ("IBM") as Vice President, Software Development, IBM Systems & Technology Group.
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. On September 9, 2003, I met with counsel for IBM for the purpose of providing all documents in my possession that were responsive to SCO's document requests. The attorneys discussed with me in detail each of the categories of documents sought by SCO through its document requests.
4. During this meeting, I identified the documents in my possession (in hard copy and/or electronic form) that I believed might be responsive to the document requests. With help from IBM's counsel, I searched for, located and forwarded all of those documents to IBM's Corporate Litigation department in White Plains, New York.
5. Over the course of the next several months, I provided counsel for IBM with additional documents from my files, including documents related to IBM's Linux strategy. I understand those documents were also forwarded to IBM's Corporate Litigation department.
6. I understand that IBM's attorneys have determined that some of the documents I provided are responsive to some of SCO's document requests, and that the attorneys have produced those documents to SCO.

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

Executed: January 4, 2006.

Somers, New York



Nicholas S. Bowen

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of January, 2006, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

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