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U.S. DISTRICT COURT
DISTRICT OF UTAH

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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.

DECLARATION OF PAUL M. HORN

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells


I, Paul M. Horn, declare as follows:

1. I am currently employed by International Business Machines Corporation ("IBM") as Senior Vice President, IBM Research.
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 December 17, 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, including documents related to IBM's Linux strategy.
4. During this meeting, I, with help from my administrative assistant, identified the documents in my possession (in hard copy and/or electronic form) that I believed might be responsive to the document requests. My assistant and I, with help from IBM's counsel, searched for, located and forwarded all of those documents to IBM's Corporate Litigation department in White Plains, New York.
5. 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.

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

Executed: January 4, 2006.

Yorktown Heights, New York


Paul M. Horn

CERTIFICATE OF SERVICE

I hereby certify that on the 6th 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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