SNELL & WILMER L.L.P. Alan L. Sullivan (3152) Todd M. Shaughnessy (6651) Peter H. Donaldson (9642) 15 West South Temple, Suite 1200 Salt Lake City, Utah 84101-1004 Telephone: (801) 257-1900 Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP Evan R. Chesler (admitted pro hac vice) David R. Marriott (7572) Worldwide Plaza 825 Eighth Avenue New York, NY 10019 Telephone: (212) 474-1000

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 NOTICE OF SERVICE OF SUBPOENA DUCES TECUM

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil

Procedure, and the definitions set forth in the Subpoenas attached to this Notice as Exhibit A as served on the party herein, the following entity,

Houlihan Valuation Advisors 675 E 2100 S, Ste 260 Salt Lake City, UT 84106

is required to produce for inspection and copying at the specified location, no later than March 9,

2006, the documents specified in Attachment A to the Subpoena attached hereto as Exhibit A.

DATED this 22nd day of February, 2006.

SNELL & WILMER L.L.P.

/s/ Peter H. Donaldson Alan L. Sullivan Todd M. Shaughnessy Peter H. Donaldson

CRAVATH, SWAINE & MOORE LLP Evan R. Chesler David R. Marriott

Attorneys for Defendant/Counterclaim-Plaintiff International Business Machines Corporation

Of Counsel:

INTERNATIONAL BUSINESS MACHINES CORPORATION Jennifer M. Daniels Alec S. Berman 1133 Westchester Avenue White Plains, New York 10604 (914) 642-3000

Attorneys for Defendant/Counterclaim-Plaintiff International Business Machines Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2006, a true and correct copy of the

foregoing DEFENDANT/COUNTERCLAIM PLAINTIFF IBM'S NOTICE OF SERVICE

OF SUBPOENA DUCES TECUM was served on the following by U.S. Mail, postage prepaid:

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

Stephen N. Zack Mark J. Heise BOIES, SCHILLER & FLEXNER LLP 100 Southeast Second Street, Suite 2800 Miami, Florida 33131

Robert Silver Edward Normand BOIES, SCHILLER & FLEXNER LLP 333 Main Street Armonk, NY 10504

/s/ Peter H. Donaldson