

EXHIBIT C

In The Matter Of:

***THE SCO GROUP, INC., v.
INTERNATIONAL BUSINESS MACHINES CORPORATION***

DAVID FRASURE

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FRASURE, DAVID



03:45 PM

1 bosses while you were at AT&T working on Unix
 2 licensing?
 3 A. Otis Wilson was my direct boss and
 4 above him was a gentleman by the name of Dick
 5 Shapizan.
 6 Q. How do you spell Shapizan?
 7 MR. SZYMANSKI: Usual spelling.
 8 MR. GANT: S-dash.
 9 A. I can get it out of the Dollar Echos.
 10 S-h-a-p-i-z-a-n, I believe; and his boss was Thomas
 11 Crowley, c-r-o-w-l-e-y. 03:45 PM
 12 Q. Did you report directly to anyone other
 13 than Mr. Wilson during your tenure at AT&T license --
 14 Unix licensing?
 15 A. No. He was always my direct report. 03:46 PM
 16 Q. At various places in your Declaration
 17 you've used the term "derivative work." Can you
 18 explain what you mean by that?
 19 A. Derivative work means that it was based
 20 on Unix. It was, in other words it was derived from,
 21 from Unix. It also could be that it worked with
 22 Unix, but it may not have specific Unix code in it.
 23 But the software itself that would be
 24 written by a licensee could not have been written, if
 25 you will, without Unix existing. 03:47 PM

03:47 PM

1 (Interruption by reporter.)
 2 Unix existing.
 3 MR. GANT: You have the spelling of
 4 Unix. Fine time to ask.
 5 MR. KAO: Little late now. 03:47 PM
 6 MR. SZYMANSKI: U-n-e-x right?
 7 A. U-n-i-x.
 8 MR. GANT: That is your understanding
 9 of derivative work.
 10 A. Yes, that is correct. 03:47 PM
 11 Q. Can you explain what you mean by
 12 modification as that term is used in your
 13 Declaration?
 14 A. It is similar to a derivative work, it
 15 is just a, it can be a derivative work. The term
 16 modification was -- derivative work was a term that
 17 was used in the software community, and that language
 18 was there for included as part of the agreement, but
 19 it was essentially a modification that was made
 20 either to the Unix code, or they were a derivative
 21 work could include a modification, and also could be
 22 code that was written that would interface with Unix
 23 to make that new code work. 03:48 PM
 24 Q. You referred a moment ago to a software
 25 community. What do you mean by that? 03:48 PM

03:48 PM

1 A. People who write software for, for
 2 companies, as (indiscernible) programmers. There's,
 3 there's a vernacular if you will associated like
 4 there is with many professions, certain terms.
 5 Q. Is your understanding of derivative
 6 works that you just explained a few moments ago what
 7 you understood the definition to be in the software
 8 community? 03:48 PM
 9 A. Yes.
 10 Q. Is it your understanding that when the
 11 term derivative work was used in AT&T Unix License
 12 Agreements that the intent was to use the term in the
 13 same way that it was used in the software community
 14 at the time? 03:49 PM
 15 A. I believe that to be correct, yes. 03:49 PM
 16 Q. Is the same true with respect to
 17 modification, is that a term that had a meaning in
 18 the software community?
 19 A. No. Modification was -- currently that
 20 word, modification it was modifying something that
 21 was in -- 03:49 PM
 22 Q. -- and it's your understanding that
 23 the term modification was used in AT&T's Unix License
 24 Agreements in the sense that you just described a few
 25 moments ago? 03:49 PM

03:49 PM

1 A. Yes.
 2 Q. It was used to essentially mean add,
 3 change or delete?
 4 A. Unix code.
 5 Q. I didn't mean to cut you off. Are you
 6 finished? 03:49 PM
 7 A. Yes.
 8 Q. Why don't we take a break since we're
 9 out of videotape and we'll resume shortly.
 10 THE VIDEOGRAPHER: This marks the end
 11 of Tape #2 in the deposition of David Frasure. Going
 12 off the record, the time is 15:49. 03:50 PM
 13 (A recess was taken.) (Videotape #3)
 14 THE VIDEOGRAPHER: Back on the record.
 15 Here marks the beginning of Tape #3 in the deposition
 16 of David Frasure. The time is 16:06. 04:06 PM
 17 A. Before we start can I-- during the
 18 break I recalled the attorney who represented me in
 19 the insurance fraud, his name was Jeff Foster, and he
 20 practiced law in Greenville, North Carolina. 04:07 PM
 21 Q. Do you remember the name of his firm if
 22 any?
 23 A. He was in practice for himself. So
 24 probably under his name as far as I can recall.
 25 Q. When was the last time you spoke with 04:07 PM