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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.

**DEFENDANT/COUNTERCLAIM-
PLAINTIFF IBM'S MOTION TO STRIKE
THE DECLARATION OF
CHRISTOPHER SONTAG**

(ORAL ARGUMENT REQUESTED)

Civil No. 2:03CV-0294 DAK
Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

FILED
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U.S. DISTRICT COURT
DISTRICT OF UTAH

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Pursuant to DUCivR 7-1(a) and Federal Rules of Evidence 602, 701, and 702, Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Motion to Strike the July 12, 2004 Declaration of Christopher Sontag (“Sontag Decl.”), submitted by Plaintiff/Counterclaim-Defendant The SCO Group, Inc. (“SCO”) in support of its Reply Memorandum Regarding Discovery. IBM respectfully submits that the Court should strike the Sontag Declaration for at least the following reasons:

1. The Sontag Declaration contains extensive testimony about an IBM-owned and IBM-operated tool, Configuration Management Version Control (“CMVC”), a software management and revision control system. In particular, the Sontag Declaration offers testimony about the operation of CMVC and sets forth opinions regarding how IBM should search in and compile information from CMVC.

2. The Sontag Declaration contains no testimony at all, however, showing that Sontag has any personal knowledge of CMVC, or of revision control system tools generally. (See Sontag Decl. ¶ 1.)

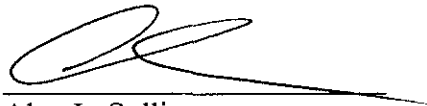
3. The Sontag Declaration also contains no information whatsoever about Mr. Sontag’s responsibilities, training, education, or work history, much less information sufficient to qualify him as an expert in the fields of computer science, operating system development, revision control systems, or discovery or litigation support in any of these areas. (*Id.*)

4. Because SCO has failed to show that Mr. Sontag either has personal knowledge of the matters in his declaration or is qualified as an expert witness by means of his experience or education, IBM respectfully requests that the Court strike his declaration and exclude it from consideration in ruling upon SCO’s Memorandum Regarding Discovery and its “Renewed” Motion to Compel.

IBM also respectfully requests oral argument on this motion, and that such argument be heard at the same time as argument on SCO's Memorandum Regarding Discovery and its Renewed Motion to Compel. This motion is further supported by the memorandum of points and authorities submitted herewith, by the June 23, 2004 and August 4, 2004 declarations of Joan Thomas, IBM's Program Director for AIX, HPC Program Management, and pSeries Software Development Operations, and by such argument as shall be presented at hearing.

DATED this 4th day of August, 2004.

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CERTIFICATE OF SERVICE

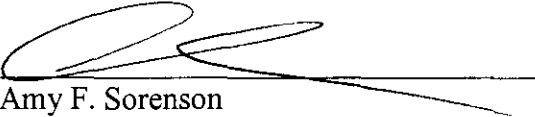
I hereby certify that on the 4th day of August, 2004, a true and correct copy of the foregoing was hand delivered to the following:

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