

EXHIBIT 1

COPY

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Attorneys for The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**PLAINTIFF'S FIFTH REQUEST
FOR PRODUCTION OF
DOCUMENTS**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

Defendant is requested to produce the documents and things in its possession, custody, or control pursuant to the document requests and in accordance with the following definitions and instructions.

All documents and things responsive to the document requests must be served on the undersigned attorneys for The SCO Group, Inc. at the offices of Boies, Schiller & Flexner LLP, 333 Main Street, Armonk, New York 10504, within 30 days of service of these document requests.

DEFINITIONS AND INSTRUCTIONS

Plaintiff hereby incorporates by reference all instructions, definitions, and rules contained in the Federal Rules of Civil Procedure and further incorporates the definitions and instructions that are contained in Plaintiff's previous sets of interrogatories and requests for production of documents, as if fully set forth herein. In addition, for purposes of these requests for production, the following supplemental definitions apply.

1. The phrase "transaction-level data" shall mean the line-item, invoice, or other raw data generated as part of each individual sale, licensing, or service transaction, including, but not limited to, the date of the transaction; customer's or licensee's name, address, and other identifying information; location of the transaction; list price; contract, license, or invoice number; identification or description of the products sold, licenses issued, or services rendered; unit sales volume pertaining to the transaction; and net revenue generated by the transaction. Such data also include all code files from relational databases necessary to translate codes used to represent transaction-level data.

2. The phrase "associated with" shall mean "related to," "a part of," "attendant to," "habitually or normally accompanying," "inherent in," "packaged with," "incidental to," or "concomitant with."
3. The phrase "in conjunction with" shall mean "associated with" as defined above.
4. The term "AIX" shall include, but not be limited to, all versions of the "AIX for Power PC" and "AIX for Itanium" operating systems.
5. The term "Dynix" shall include, but not be limited to, all versions of the "Dynix/ptx" operating system.
6. The terms "hardware" and "hardware products" shall include, but not be limited to, server products and data-storage products.
7. The term "software products" shall include, but not be limited to, applications and tools used in aiding customers and users to migrate to Linux from other operating systems. The term "software products" shall not include operating systems or middleware software.
8. The word "services" shall include, but not be limited to, "consulting services" and services provided in aiding customers or users to migrate to Linux from other operating systems.

REQUESTED DOCUMENTS

Hardware

142. All transaction-level data for all sales of hardware usable with Linux-based operating systems, AIX operating systems, or Dynix operating systems.

Software Sales and Licensing

143. All transaction-level data for all sales (including media fees) or licensing of Linux-based operating systems.
144. All transaction-level data for all sales and licensing of AIX operating systems.
145. All transaction-level data for all sales and licensing of Dynix operating systems.
146. All transaction-level data for all sales and licensing of middleware software usable in a Linux environment.
147. All transaction-level data for all sales and licensing of software products usable with a Linux operating system.
148. All documents summarizing, compiling, tracking, graphing, charting, or otherwise presenting in simplified form the data requested in Requests 142-47 above.
149. All licensing agreements, including any amendments thereto, for all sales (including media fees) and licensing of Linux-based operating systems.
150. All licensing agreements, including any amendments thereto, for all sales and licensing of AIX operating systems.
151. All licensing agreements, including any amendments thereto, for all sales and licensing of Dynix operating systems.
152. All licensing agreements, including any amendments thereto, for all sales and licensing of middleware software usable in a Linux environment.
153. All licensing agreements, including any amendments thereto, for the sale and licensing of software products usable with a Linux operating system.

Services

154. All transaction-level data for all systems installation, development, maintenance, consulting, migrating, or other services associated with Linux-based systems or software products, AIX systems or software products, and Dynix systems or software products.
155. All contracts, including any amendments thereto, for all systems installation, development, maintenance, consulting, or other services associated with Linux-based systems or software products, AIX systems or software products, and Dynix systems or software products.
156. All documents concerning customers or users who migrated from AIX to Linux.
157. All documents concerning customers or users who migrated from Dynix to Linux.
158. All documents concerning customers or users who migrated from UNIX-based operating systems (other than AIX or Dynix) to Linux.
159. All documents concerning customers or users who migrated to Linux from operating systems not included in Requests No. 156-58 above.

Management Plans

160. All management business plans, financial analyses, market analyses, strategic recommendations, memoranda, and correspondence concerning the sales, licensing, or marketing of hardware, software, or services in connection with Linux-based, AIX, and Dynix systems.
161. All agendas, minutes, summaries, and presentations concerning the sales, licensing, or marketing of hardware, software, or services in connection with Linux-based, AIX, and Dynix systems.

162. All documents concerning IBM's decision to undertake its strategic shift toward Linux.

Costs

163. All periodic (whether monthly, quarterly, annual, or other) product-level cost information, by cost category, for all sales of hardware usable with Linux-based operating systems, AIX operating systems, and Dynix operating systems.

164. All periodic (whether monthly, quarterly, annual, or other) product-level cost information, by cost category, for all sales and licensing of Linux-based operating systems and software products, AIX operating systems and software products, Dynix operating systems and software products, and middleware software usable in a Linux environment. Such information shall include the allocation or amortization of the software-development expenses associated with the sales or licensing transactions.

165. All periodic (whether monthly, quarterly, annual, or other) cost information, by cost category, for all systems installation, development, maintenance, and other services associated with Linux-based operating systems and software products, AIX operating systems and software products, and Dynix operating systems and software products. Such information shall be allocated to specific customers and projects.

Profits

166. All documents concerning the actual or projected profitability of hardware products sold for use with Linux-based operating systems and software products.

167. All documents concerning the actual or projected profitability of Linux-based operating systems and software products.

168. All documents concerning the actual or projected profitability of Linux-related services, including consulting engagements.
169. All documents concerning the actual or projected profitability of hardware products sold for use with AIX, Dynix, or other UNIX-based operating systems.
170. All documents concerning the actual or projected profitability of AIX, Dynix, and other UNIX-based operating systems.
171. All documents concerning the actual or projected profitability of services associated with AIX, Dynix, and other UNIX-based operating systems.

Market Analysis

172. All analyses, discussions, summaries, estimates, and projections of the market size (in units or revenue), including any subdivisions of that market, for hardware products using the Linux, AIX, Dynix, Windows, Novell Netware operating systems, or (other) UNIX-based operating systems.
173. All analyses, discussions, summaries, estimates, and projections of the sales or market share (in units or revenue) of suppliers of hardware products using the Linux, AIX, Dynix, Windows, or Novell Netware operating systems.
174. All analyses, discussions, summaries, estimates, and projections of the market size (in units or revenue), including any subdivisions of that market, for Linux-based, AIX, Dynix, and other UNIX-based operating systems and software products.
175. All analyses, discussions, summaries, estimates, and projections of the sales or market share (in units or revenue) of suppliers of Linux-based, AIX, Dynix, and other UNIX-based operating systems and software products.

176. All analyses, discussions, summaries, estimates, and projections of the market size, including any subdivisions of that market, for services associated with Linux-based operating systems, the Linux operating environment, AIX, Dynix, and other UNIX-based operating systems.
177. All analyses, discussions, summaries, estimates, and projections of the sales or market share, including any subdivisions of that market, of providers of services associated with Linux-based operating systems, the Linux operating environment, AIX, Dynix, and other UNIX-based operating systems.
178. All analyses, discussions, summaries, estimates, and projections of the actual, projected, or likely customers of:
 - a. Hardware products using Linux, Windows, Novell Netware, AIX, Dynix, or other UNIX-based operating systems;
 - b. Linux-based, AIX, or Dynix operating systems and software; and
 - c. Services in connection with Linux-based operating systems, the Linux operating environment, AIX, Dynix, or other UNIX-based operating systems.
179. All analyses, discussions, summaries, estimates, and projections of the size of the Fortune 1000 enterprise computing market, including any subdivisions of that market.
180. All analyses, discussions, summaries, estimates, and projections of the size of the Intel-based enterprise computing installed base versus the non-Intel-based enterprise computing installed base.
181. All analyses, discussions, summaries, estimates, and projections of the size of the market for Intel-based Linux software products, including any subdivisions of that market.

Marketing Efforts

182. All documents concerning IBM's plans or efforts to market, promote, or advertise AIX and Dynix.
183. All documents used in marketing, promoting, or advertising AIX and Dynix, including pamphlets, brochures, trade publications, and advertising copy.
184. All documents concerning IBM's public relations efforts in support of AIX and Dynix.

Project Monterey

185. All documents, including organizational charts, identifying personnel involved in Project Monterey.
186. All documents describing the assignments, roles, or responsibilities of personnel involved in Project Monterey.
187. All business plans, sales projections, financial analyses, and marketing analyses associated with Project Monterey.
188. All communications concerning Project Monterey, including e-mail, letters, memoranda, presentations, briefs, and notes.
189. All minutes, agendas, summaries, and notes concerning Project Monterey from meetings of IBM's Board of Directors and from the files of IBM's Directors.
190. Analyses, discussions, summaries, and projections of the market size, market share, or financial performance of all products that were expected to be developed as part of Project Monterey ("Monterey products").

191. Analyses, discussions, summaries, and projections of the market size, market share, or financial performance of products that were (or were expected to be) competitive with any Monterey products ("competitive products").
192. Analyses, discussions, summaries, and descriptions of any of the actual or likely suppliers of Monterey products or competitive products.
193. Analyses, discussions, summaries, and descriptions of any of the actual or likely purchasers of Monterey products or competitive products.
194. Analyses, discussions, summaries, and descriptions of any of the actual or likely suppliers of hardware or service products in connection with Monterey products or competitive products.
195. Analyses, discussions, summaries, and descriptions of any of the actual or likely purchasers of hardware or service products in connection with Monterey products or competitive products.
196. All documents concerning the decision to terminate Project Monterey.
197. All documents concerning Project Monterey not requested by Requests Nos. 185-96 above.

Copyrighted Computer Code

198. With respect to each of the following computer codes (collectively "the Works" and listed on TABLE 1 below) for which IBM has registered copyrights under the listed names and registration numbers on the listed dates, please produce all documents related to each of the Works, including, but not limited to:

- a. your applications for registration, correspondence, and other communications with the United States Copyright Office concerning each of the Works;
- b. programmer notes, version control information, and other documents showing the origin and history of each of the Works;
- c. any actual or proposed assignments, licenses, or other transfers of any of the Works to or from IBM, and all correspondence and other documents related to such transfers;
- d. any documents that tend to prove or disprove that IBM is the owner of the Works;
- e. any documents that tend to prove or disprove that the Works are original and copyrightable within the meaning of applicable copyright law; and
- f. any documents that tend to prove or disprove that IBM's copyrights on the Works are valid and enforceable.

TABLE 1 ("The Works")			
	<u>Name</u>	<u>Registration No.</u>	<u>Registration Date</u>
1.	Enterprise Volume Management System	TX 5-757-696	August 15, 2003
2.	Enterprise Class Event Logging	TX 5-757-697	August 15, 2003
3.	Dynamic Probes	TX 5-757-698	August 15, 2003
4.	Linux Support Power PC64	TX 5-757-699	August 15, 2003
5.	Omni Print Driver	TX 5-757-700	August 15, 2003
6.	Journalled File System	TX 5-757-701	August 15, 2003
7.	Next Generation Posix Threading	TX 5-757-702	August 15, 2003
8.	Linux Kernel Support for JFS	TX 5-856-466	February 2, 2004
9.	Linux Kernel S390 Support	TX 5-856-467	February 2, 2004

10.	Linux Kernel Support for Service Processor	TX 5-856-468	February 2, 2004
11.	Linux Kernel Support for Memory Expansion Technology	TX 5-856-469	February 2, 2004
12.	Linux Kernel Support for IBM eServer iSeries Devices	TX 5-856-470	February 2, 2004
13.	Linux Kernel Support for PCI Hotplug	TX 5-856-471	February 2, 2004
14.	Linux Kernel Support for pSeries Hypervisor Terminal	TX 5-856-472	February 2, 2004
15.	Linux Kernel PPC64 Support	TX 5-856-473	February 2, 2004
16.	Linux Kernel Support for Mwave Modem	TX 5-856-474	February 2, 2004

DATED this 20th day of December, 2004.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.

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By:

A handwritten signature in black ink, appearing to be "Brent O. Hatch", written over a horizontal line. The signature is stylized and cursive.

Attorneys for The SCO Group, Inc.