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Attorneys for  
ORACLE CORP.

**FILED**

JAN 27 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**CV 06 80025-MISC.**

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*W*  
MHP

THE SCO GROUP, INC., a Michigan  
corporation,

Plaintiff,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION, a New  
York corporation,

Defendant.

)  
) **DECLARATION OF MONICA KUMAR IN**  
) **SUPPORT OF ORACLE CORP.'S**  
) **MOTION TO QUASH THIRD PARTY**  
) **SUBPOENA DUCES TECUM OR, IN THE**  
) **ALTERNATIVE, FOR A PROTECTIVE**  
) **ORDER**

) [CASE NO.: MISC., U.S. DISTRICT COURT FOR THE  
) DISTRICT OF UTAH, CASE NO. 2:03CV-0294]

I, Monica Kumar, declare as follows:

1. I am currently Director for Linux Program Office at Oracle Corporation  
("Oracle"). In this capacity, I oversee all aspects of Oracle's Linux strategy, product marketing,

1  
2 product management, business development, and programs with Linux partners. I am generally  
3 familiar with Oracle's practices and policies in developing products to interoperate with the  
4 hardware and software products of other technology vendors. I have worked at Oracle for the  
5 past 9 years.

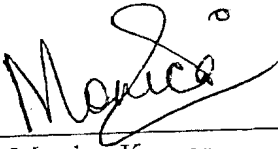
6           2. Oracle is primarily engaged in the business of creating, licensing, marketing, and  
7 distributing database software and business application software for financial, manufacturing,  
8 human resources, customer relationship management, and other business functions. The  
9 database software designed and licensed by Oracle enables the user to store, manage, and process  
10 very large amounts of data. The application software designed and licensed by Oracle allows  
11 users to perform a variety of business functions such as managing employee records, maintaining  
12 financial statements, and monitoring product inventories.

13  
14           3. Oracle designs its products to operate with the various products of many other  
15 computer software and hardware vendors, including IBM. For example, IBM designs and  
16 licenses operating system software widely used in corporate information technology  
17 departments, and Oracle designs versions of all of its products that will interoperate with IBM's  
18 operating system. Those specific versions of Oracle products may not work with any other  
19 operating system licensed by other software makers. Thus Oracle has many different "flavors"  
20 of its products, each of which is designed to interoperate with the hardware or software of  
21 another vendor.  
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4. Oracle has many dozens of different software products. Virtually all of those products have many different individual versions. There are likely literally hundreds of discrete product-version combinations.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on January 26, 2006 at Redwood Shores, California.

  
\_\_\_\_\_  
Monica Kumar

**PROOF OF SERVICE**  
**THE SCO GROUP, INC. v. INTERNATIONAL BUSINESS MACHINES CORP.**

I, Maya Beech, declare:

I am employed in the County of San Mateo, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to the within action. My business address is 500 Oracle Parkway, Mailstop 5op7, Redwood City, California, 94065. On the date set forth below I served the following:

**DECLARATION OF MONICA KUMAR IN SUPPORT OF ORACLE CORP.'S MOTION TO QUASH THIRD PARTY SUBPOENA *DUCES TECUM* OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER**

By placing such a copy enclosed in a sealed envelope postage thereon fully prepaid, in the United States Postal Service for collection and mailing this day.

By hand delivery on this date.

By consigning such a copy to an express mail service for guaranteed delivery on this date.

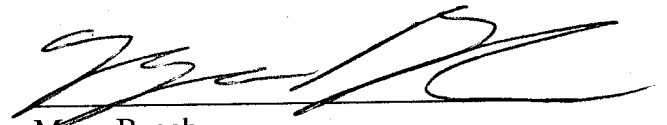
By consigning such a copy to a facsimile operator for transmittal on this date.

I served the above on:

Edward Normand, Esq.  
Boies, Schiller & Flexner LLP  
333 Main St.  
Armonk, NY 10504

Amy F. Sorenson, Esq.  
Snell & Wilmer LLP  
15 West South Temple, Suite 1200  
Salt Lake City, UT 84101

I declare under penalty of perjury that the foregoing is true and correct. Executed in Redwood City, California on January 26, 2006.

  
Maya Beech  
Legal Assistant