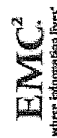


EXHIBIT 3L



When information comes together, your business works as one.

Click here for Today's Choices for Consolidation.



advertisement

idea that IBM did this maliciously, to destroy SCO, or for that matter that there's any link there, is ludicrous," Forrester analyst Galen Schreck told NewsFactor.

Instead, Schreck said, the difficulty in the Unix market is due to consolidation. "It's not that Linux is destroying the Unix market," he added, noting that the idea that Linux has contributed to US\$1 billion in damages is "silly and untrue."

Licensing Unix

In 1995, SCO, previously known as Caldera, purchased the ownership and rights to Unix, originally developed by AT&T. Those rights included source code, software development contracts and licenses pertaining to the OS. The purchase made SCO the successor in interest to the Unix software licenses of all distributors of the OS, including IBM, Hewlett-Packard and Sun Microsystems.

"The majority of those licensees have been honoring their contracts, which include confidentiality provisions," Chris Sontag, senior vice president of SCOSource, a division of SCO, told NewsFactor.

"The basis for the suit is that we are alleging that IBM has been inappropriately utilizing the trade secrets of Unix," he added, noting that IBM also is being accused of "unfair competition, breach of contract in terms of their AIX license and keeping the source code confidential, and tortious interference."

According to the SCO suit, IBM in 1985 entered into a Unix license agreement with AT&T to produce the AIX operating system. This agreement stipulated that IBM would hold the code in confidence, preventing its unauthorized distribution.

Advertisement

New research shows a large disparity between the level of support that consumers receive and what technology companies say they provide. As frustration mounts, 73% of customers who experience "average" customer service plan to defect. [Technology Decision Makers - Read More.](#)

1. VoIP Industry Considers Adoption Issues
2. Microsoft Launches Chinese Portal
3. IBM, Infineon Focus on Next-Gen Memory
4. Snocap Inks Agreement with EMI
5. Snocap Inks Agreement with EMI

advertisement

PerformanceEdge™

Contact Center Optimization from Aspect Software

- #1 Workforce Management
- #1 Performance Management
- #1 Campaign Management
- Next Gen Recording & Quality Mgmt
- Integrated Coaching & eLearning



Change Your Reality™

TOP-RATED BY READERS

advertisement

The World's Most Trusted CRM

35,300 Customers

salesforce.com
Success On Demand

[View Demos >>](#)

However, the suit alleges, IBM "misappropriated the confidential and proprietary information" from a project that SCO and IBM worked on together. Code-named Project Monterey, the alliance was intended to create a version of Unix for Intel's Itanium processor.

SCO, which had developed a technology that allowed Unix to run on Intel chips, shared this knowledge with IBM, the suit claims.

Ended Project

Project Monterey ended when IBM pulled out in 2001. But according to SCO, "in violation of its obligations to SCO, IBM chose to use and appropriate for its own business the proprietary information obtained from SCO." (continued...)

1 | 2 | [Next Page >](#)



YOUR DATA IS DOUBLING EVERY 18 MONTHS.

WHERE DO YOU STORE IT ALL?

Tame your data with the HP StorageWorks All-In-One Storage Systems.



BUYER'S GUIDE

Product Information and Resources for Technology You Can Use To Boost Your Business

Business Processes

Enterprise Hardware

Your potential. Our passion.
Microsoft
 Introducing the software-based VoIP solution from Microsoft.
YOUR AS YOU ARE
 LEARN MORE

FREE Analyst Report
 39-page review of InQuira 8 from
 the Patricia Seybold Group
 Download now

September 20, 2007



ARTICLE

Average Rating: ★★★★★



SCO Sues IBM Over Unix

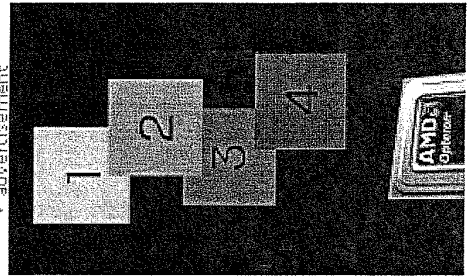
By James Maguire
 March 7, 2003 11:20AM

Asked whether other vendors that sell both Unix and Linux might be in danger of a lawsuit, SCO's Chris Sontag said: "Is there a possibility? Yes." However, he added, "we believe the majority of our licensees are appropriately upholding their licenses."

>> (Page 2 of 2)

"Monterey is one part, but it is significantly more than that," Sontag said.

SCO claims IBM used this misappropriated technology to benefit Linux, an operating system Big Blue promotes heavily. "You saw rapidly in the last year or two Linux gaining a lot of strength and capabilities of enterprise features that up to this point were only in Unix," Sontag said. "We allege that the hard work that we have maintained over the years of developing a world-class Unix operating system was being misappropriated by IBM and



Rate this article:
 ← WORSE → BETTER →

Digg It! Bookmark to delicious.us

advertisement

The Quad-Core
AMD Opteron[™]
Processor.

Roll over to
discover more.

AMD
Smarter Choice.

The Quad-Core
AMD Opteron[™]
Processor.

Roll over to
discover more.

AMD
Smarter Choice.

applied to Linux."

Is the Case Strong?

Indeed, SCO's suit claims that "IBM is affirmatively taking steps to destroy all value of Unix by improperly extracting and using the confidential and proprietary information it acquired from Unix and dumping that information into the open source community."

"We think we have a very strong case," Sontag said.

On the other hand, Forrester's Shreck said he is skeptical about SCO's ability to prove a link between IBM's Linux capabilities and the company's past work with SCO.

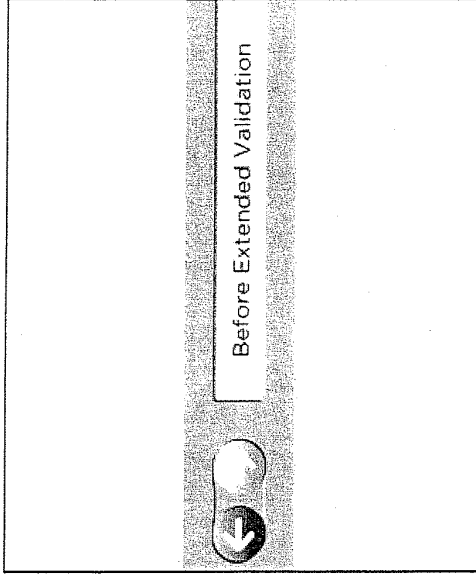
IBM representatives were not immediately available for comment.

Other Vendors

Asked whether other vendors that sell both Unix and Linux might be in danger of a lawsuit, Sontag said: "Is there a possibility? Yes." However, he added, "we believe the majority of our licensees are appropriately upholding their licenses, so we don't believe that's a problem."

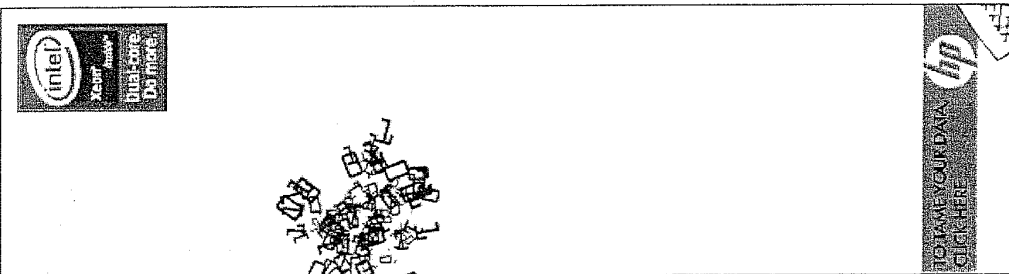
SCO is a member of UnitedLinux, an organization of Linux vendors dedicated to producing a single, standard version of the open source OS. But Sontag said the IBM suit is "totally separate from our Linux work. It's totally separate from UnitedLinux. This is an issue we have with IBM.

"We believe that there are major contributions to the Linux community that have been completely independently derived -- and we have no problem with that," he added.



Advertisement
Salesforce.com is the global leader in on-demand CRM, helping 35,300 companies worldwide automate their sales, services, and marketing processes. It's the most customizable, most integrated, and most global CRM solution on the market. *Period.* Experience CRM success—starting now. [Click here](#) for a FREE 30-day trial of Salesforce.

1. VoIP Industry Considers Adoption Issues
2. Microsoft Launches Chinese Portal
3. IBM, Infineon Focus on Next-Gen Memory
4. Snocap Inks Agreement with EMI
5. Snocap Inks Agreement with EMI



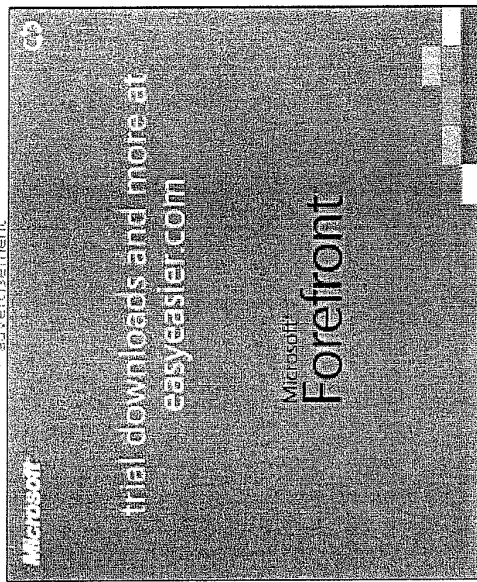
Forrester's Shreck said it seems "unlikely" that the case will have a great effect on the overall Linux market.

Big Legal Gun

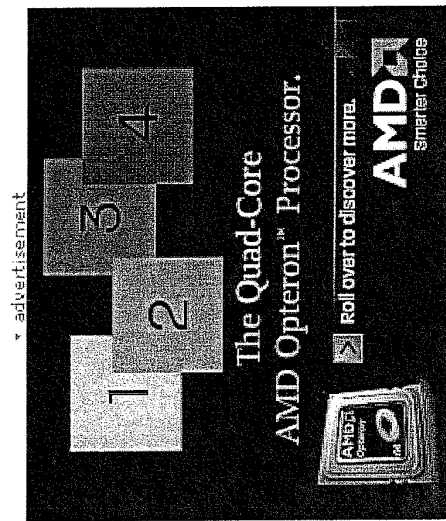
SCO, to more actively seek licensing revenue from its Unix copyright, has created a strategy it calls SCOSource. This strategy includes a method by which firms may license SCO Unix code libraries that enable applications coded for Unix to work on machines running Linux.

As part of the SCOSource effort, SCO has retained David Boies, the lawyer who prosecuted the U.S. government's case against Microsoft, defended Napster in its case against the RIAA and worked for Al Gore in the 2000 presidential election controversy.

< Previous Page | 1 | 2



TOP-RATED BY READERS



BUYER'S GUIDE