

01-07-2002

COVER SHEET

NLY

To the Honorable commi

Please record the attac



101935178

of.

1. Name of conveying party(ies):

John K. Edwards

Jeffrey Heller

2. Name and address of receiving party(ies):

Name: Network Appliances, Inc.

Street Address: 495 E. Java Drive

City: Sunnyvale

State: CA

Zip: 94089

Additional name(s) of conveying

party(ies) attached? Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: December 20, 2001

Additional name(s) & address(es)

Attached? Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: December 20, 2001

A. Patent Application No.(s)

10027634

B. Patent No. (s)

Additional numbers attached? Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Charles J. Barbas

Street Address: Cesari and McKenna, LLP

88 Black Falcon Avenue

City: Boston State: MA Zip: 02210

6. Total number of applications and patents involved:..... 1

7. Total fee (37 CFR 3.41).....\$40.00

☒ Enclosed☐ Authorized to be charged to deposit Account

8. Deposit account no. 03-1237 (Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles J. Barbas, Reg. No. 32,959

December 21, 2001

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet:

12/31/2001 EFLORES 00000015 10027634

04 FC:581

40.00 OP

PATENT
REEL: 012415 FRAME: 0256

ASSIGNMENT

Whereas We, John K. Edwards, whose residence address is 1173 Crandano Court, Sunnyvale, CA 94087, and Jeffrey Heller, whose residence address is 904 Theresa Ct., Menlo Park, CA 94025, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled FILE SYSTEM DEFRAGMENTATION TECHNIQUE VIA WRITE ALLOCATION, identified by Cesari and McKenna File No. 112056-0002, which application was executed by us on Dec 20, 2001; and

Whereas Network Appliance, Inc., whose address is 495 East Java Drive, Sunnyvale, CA 94089, and which, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited;

Now, Therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign, transfer, and convey to Assignee our entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, reexaminations, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent;
2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct;
4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;
5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful

affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which we have executed this Assignment as an instrument under seal on the dates indicated next to our names.

Dec 20, 2001
Date

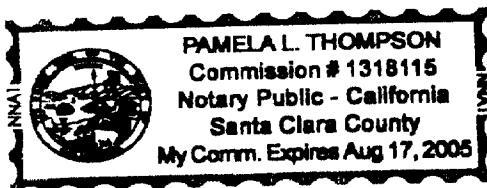
John K Edwards
John K. Edwards, Inventor

State of California)
County of Santa Clara)ss.

On December 20, 2001, before me, Pamela L. Thompson, ^{Notary Public}, personally
appeared John K. Edwards,

☐ personally known to me
☒ proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are
subscribed to the within instrument and
acknowledged to me that he/she/they
executed the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s),
or the entity upon behalf of which the
person(s) acted, executed the instrument.



WITNESS my hand and official seal

Pamela L. Thompson
Signature of Notary Public

[seal]

Dec 20, 2001
Date

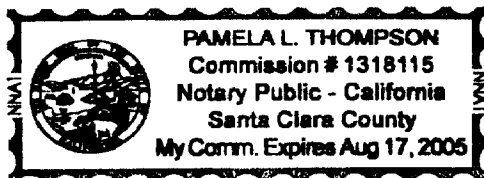
Jeffrey Heller
Jeffrey Heller, Inventor

State of California)
County of Santa Clara)ss.

On December 20, 2001, before me, Pamela L. Thompson, *Notary Public*, personally
appeared Jeffrey Heller,

☐ personally known to me
☒ proved to me on the basis of satisfactory
evidence

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subscribed to the within instrument and
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executed the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s),
or the entity upon behalf of which the
person(s) acted, executed the instrument.



[seal]

WITNESS my hand and official seal

Pamela L. Thompson
Signature of Notary Public