

To the Honorable commissioner of  
Please record the attached original



101989686

1. Name of conveying party(ies):  
Steven R. Klinkner

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

Name: Network Appliance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale

State: California

Zip: 94089

Additional name(s) of conveying party(ies) attached? \_\_\_\_\_ Yes \_\_\_\_\_ No

2.11.02

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other

Additional name(s) & address(es) Attached? \_\_\_\_\_ Yes  No

Execution Date: February 5, 2002

4. Application number(s) or patent number(s): 1

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

A. Patent Application No.(s)  
United States Patent Application Serial No. 10/027,909

B. Patent No. (s)

Additional numbers attached? \_\_\_\_\_ Yes  No

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

Name: Duane H. Dreger

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.

Duane H. Dreger, Reg. No. 48,836

February 11, 2002

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet: 1

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## ASSIGNMENT

Whereas I, Steven R. Klinkner, whose residence address is 1190 Litchfield Avenue, Fremont, CA 94536, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled **SYSTEM AND METHOD FOR PRE-SELECTING CANDIDATE DISKS BASED ON VALIDITY FOR VOLUME**, identified by Cesari and McKenna File No. 112056-0011, the specification of which was filed on December 21, 2001, and accorded Serial Number 10/027,909; 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 me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservation:

1. Assign, transfer, and convey to Assignee my 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 my name 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 I 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 I have good right to assign the same to Assignee without encumbrance;

5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me 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 me, my 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 me 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 my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which I have executed this Assignment as an instrument under seal on the date indicated next to my name.

Feb 05 2002 \_\_\_\_\_  
Date Steven R. Klinkner, Inventor

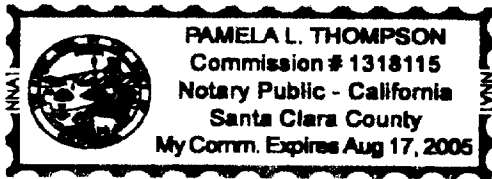
State of California )  
County of Santa Clara )ss.  
 )

On February 5, 2002, before me, Pamela L. Thompson (Notary Public), personally appeared Steven R. Klinkner,

at 2/5/02  
 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]