

03-19-2002

ER SHEET



102020607

To the Honorable commission

Please record the attached on

1. Name of conveying party(ies):

Samuel M. Cramer

Scott Schoenthal

2-4-02

Additional name(s) of conveying
party(ies) attached? _____ Yes ☒ No

3. Nature of conveyance:

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

Execution Date: January 17, 2002

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

Name: Network Appliance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale

State: California

Zip: 94586

Additional name(s) & address(es)

Attached? _____ Yes ☒ NoOFFICE OF PUBLIC RECORDS
2002 FEB -4 PM 2:46
FINANCE SECTION

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)

U.S. Patent Application Serial No.

09/933,883

B. Patent No. (s)

Additional numbers attached? _____ Yes ☒ No5. 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
Account8. 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 4, 2002

Name of Person Signing

Date

Total number of pages comprising cover sheet: 1

03/18/2002 6TON11 00000125 09933883

01 FC:581

40.00 DP

PATENT
REEL: 012675 FRAME: 0597

ASSIGNMENT

Whereas We, Samuel M. Cramer, whose residence address is 996 Warwick Court, Sunnyvale, CA 94087, and Scott Schoenthal, whose residence address is 23 Westside Court, San Ramon, CA 94583, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled NEGOTIATED GRACEFUL TAKEOVER IN A NODE CLUSTER, identified by Cesari and McKenna File No. 112056-0004P1, the specification of which was filed on August 20, 2001, and accorded Serial Number 09/933,883; 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.

P00-1036.01/112056-0004P1

Date _____

Samuel M. Cramer, Inventor

State of California)
)ss.
County of _____)

On _____, before me, _____, personally
appeared Samuel M. Cramer,

☐ 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

Signature of Notary Public

[seal]

Date _____

Scott Schoenthal, Inventor

State of California)
)ss.
County of _____)

On _____, before me, _____, personally
appeared Scott Schoenthal,

☐ 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

Signature of Notary Public

[seal]