

07-28-02

RECORDATION FORM COVER SHEET

PATENTS ONLY

07-16-2002

To the Honorable commissioner of Patents and Trademarks:

Please record the attached original documents or copy thereof.



1. Name of conveying party(ies):

Michael L. Federwisch
Shane S. Owara
Stephen L. Manley



Additional name(s) of conveying

party(ies) attached? Yes ☒ No

2. Name and address:

102158016

Name: Network Appliance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale,

State: CA Zip: 94089

Additional name(s) & address(es)

Attached? Yes ☒ No

3. Nature of conveyance:

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

Execution Date: 06/06/02; 06/06/02 and 07/02/02 respectively

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) 10/126,822

B. Patent No. (s)

Additional numbers attached? Yes ☒ No

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

Name: William A. Loginov

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)

07/15/2002 RANMED1 00000000 10126022

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40.00 OP

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.

William A. Loginov, Reg. No. 34,863

Signature

July 3, 2002

Date

Name of Person Signing

Total number of pages comprising cover sheet: 1

ASSIGNMENT

Whereas We, Michael L. Federwisch, whose residence address is 2742 Thrasher Lane, San Jose, CA 95125, Shane S. Owara, whose residence address is 1010 Golf Court, Mountain View, CA 94040, and Stephen L. Manley, whose residence address is 54 Eardley Crescent, Flat 4, London, SW59JZ, UNITED KINGDOM, 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 CHECKPOINTING AND RESTARTING AN ASYNCHRONOUS TRANSFER OF DATA BETWEEN A SOURCE AND DESTINATION SNAPSHOT, identified by Cesari and McKenna File No. 112056-0055, the specification of which was filed on April 19, 2002, and accorded Serial Number 10/126,822; 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.

6-6-2002

Date

Michael L. Federwisch

Michael L. Federwisch, Inventor

State of California)

)ss.

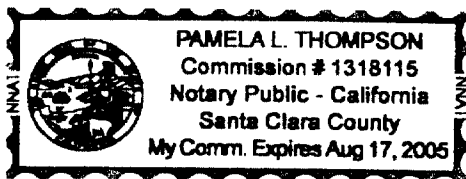
County of Santa Clara)

On June 6, 2002, before me, Pamela L. Thompson, Notary Public, personally

appeared Michael L. Federwisch,

☐ 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.



[seal]

WITNESS my hand and official seal

Pamela L. Thompson
Signature of Notary Public

6 JUN 2002
Date

Shane S. Owara
Shane S. Owara, Inventor

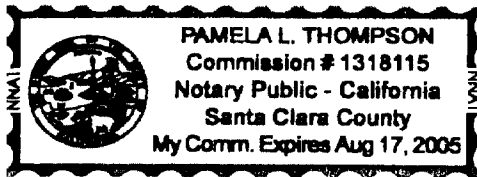
State of California)
County of Santa Clara)ss.

On June 6, 2002, before me, Pamela L. Thompson, Notary Public, personally
appeared Shane S. Owara,

☐ 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



[seal]

Pamela L. Thompson
Signature of Notary Public

July 2, 2002
Date

Stephen Manley
Stephen L. Manley, Inventor

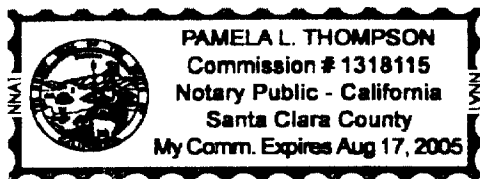
State of California)
County of Santa Clara)ss.
)

On July 2, 2002, before me, Pamela L. Thompson, personally
appeared Stephen L. Manley,

☐ 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



[seal]

Pamela L. Thompson
Signature of Notary Public