

11-06-2002

PATENT



10-25-12

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OCT 25 2002

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- ☒ New
- ☐ Resubmission (Non-Recordation)

Document ID#:

- ☐ Correction of PTO Error

Reel #: Frame #:

- ☐ Corrective Document

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- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other

U.S. Government

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- ☐ Departmental File ☐ Secret File

Conveying Party(ies)

- ☒ Mark if additional names of conveying parties attached

Name James LeongExecution Date
Month Day Year 07/10/02Name Stephen H. Strange 07/10/02Name Rajesh Sundaram 07/10/02Name Douglas P. Doucette 06/27/02Name Srinivasan Viswanathan / /

Receiving Party

- ☐ Mark if additional names of receiving parties attached

Name (line 1) Network Appliance, Inc.Name (line 2) Address (line 1) 495 East Java DriveAddress (line 2) Address (line 3) Sunnyvale

City

 CA

State/Country

 94089

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment)

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PATENT
REEL: 013449 FRAME: 0350

Correspondent Name and Address

Area Code and Telephone Number 617-248-7000

Name Patent Administrator

Address (line 1) Testa, Hurwitz & Thibault, LLP

Address (line 2) High Street Tower

Address (line 3) 125 High Street

Address (line 4) Boston, MA 02110

Pages Enter the total number of pages of the attached conveyance document including any attachments.

15

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

10/105,079

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

#

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

40.00

Method of Payment:

Enclosed ☒Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account)

Deposit Account Number

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20-0531

Authorization to charge additional fees:

Yes ☒No ☐

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. Charges to deposit account are authorized, as indicated herein.

Christopher J. Frerking
Name of Person SigningChristopher J. Frerking
SignatureOctober 19, 2002
Date

Conveying Party(ies)

Name	Scott Schoenthal
Name	
Name	
Name	
Name	

Execution Date		
Month	Day	Year
/ /		

ASSIGNMENT

WHEREAS, We, James Leong, Douglas P. Doucette, Scott Schoenthal, Stephen H. Strange, Rajesh Sundaram, and Srinivasan Viswanathan, have invented one or more improvements in:

Method and Apparatus for Resource Allocation in a RAID System

described in an application (or provisional application) for Letters Patent of the United States:

☐ identified by Attorney Docket No. NWK-001, and/or executed by us of even date herewith and about to be filed in the United States Patent Office;

☒ Serial No. 10/105,079 filed in the United States Patent Office on March 21, 2002; and

WHEREAS, Network Appliance, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, and having a usual place of business at 495 East Java Drive, Sunnyvale, California 94089, desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, our entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the inventions described in said application, together with our entire right, title and interest in and to said application and such Letters Patent as may issue thereon or claim priority under international convention, including but not limited to continuations, divisionals, reissues, and reexaminations of said application or such Letters Patent; said inventions, applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all of our rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said inventions, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE for its own name as assignee of our entire right, title and interest therein.

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and

we further hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on that date of our execution of this assignment;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: _____
James Leong

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named James Leong, this _____ day of _____, 2002.


Notary Public
My Commission Expires: _____

Inventor: _____
Douglas P. Doucette

State of Washington)
County of Island) ss

Subscribed and sworn to before me, by the above-named Douglas P. Doucette, this 27th day of June, 2002.

Notary Public
My Commission Expires: 12/19/05



Inventor:

Scott Schoenthal

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Scott Schoenthal, this _____ day of _____, 2002.

Notary Public

My Commission Expires: _____

Inventor:

Stephen H. Strange

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Stephen H. Strange, this _____ day of _____, 2002.

Notary Public

My Commission Expires: _____

Inventor:

Rajesh Sundaram

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Rajesh Sundaram, this _____ day of _____, 2002.

Notary Public

My Commission Expires: _____

Inventor:

Srinivasan Viswanathan

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Srinivasan Viswanathan, this
____ day of _____, 2002.

Notary Public

My Commission Expires: _____

2353248_1

ASSIGNMENT

WHEREAS, We, James Leong, Douglas P. Doucette, Scott Schoenthal, Stephen H. Strange, Rajesh Sundaram, and Srinivasan Viswanathan, have invented one or more improvements in:

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AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and

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IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: James Leong
James Leong

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named James Leong, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

Inventor: _____
Douglas P. Doucette

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Douglas P. Doucette, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara } SS.

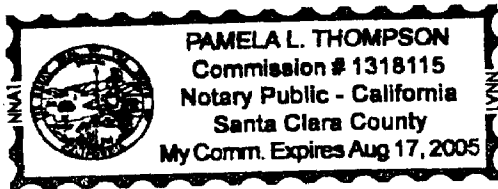
On July 10, 2002, before me, Pamela L. Thompson,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared James Leong,
Name(s) of Signer(s)

☐ 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.



Place Notary Seal Above

WITNESS my hand and official seal.

Pamela L. Thompson
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Inventor:

Scott Schoenthal

Scott Schoenthal

State of Washington)
County of) ss

Subscribed and sworn to before me, by the above-named Scott Schoenthal, this _____ day of _____, 2002.

Notary Public

My Commission Expires: _____

Inventor:

Stephen H. Strange

Stephen H. Strange

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Stephen H. Strange, this _____ day of _____, 2002.

Notary Public

My Commission Expires: _____

Inventor:

Rajesh Sundaram

Rajesh Sundaram

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Rajesh Sundaram, this _____ day of _____, 2002.

Notary Public

My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

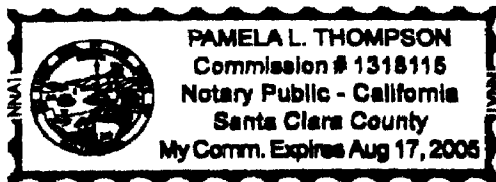
County of Santa Clara } ss.

On July 10, 2002, before me, Pamela L. Thompson, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Stephen H. Strange,
Name(s) of Signer(s)

☐ 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.



Place Notary Seal Above

WITNESS my hand and official seal.

Pamela L. Thompson
Signature of Notary Public

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Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Clara

SS.

On July 10, 2002, before me,

Date

PAMELA L. THOMPSON, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

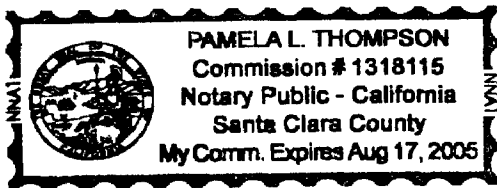
personally appeared

Rajesh Sunbaram

Name(s) of Signer(s)

- ☐ 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.



Place Notary Seal Above

WITNESS my hand and official seal.

Pamela L. Thompson
Signature of Notary Public

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☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Inventor: _____
Srinivasan Viswanathan

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Srinivasan Viswanathan, this
_____ day of _____, 2002.

Notary Public
My Commission Expires: _____

2353248_1

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AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and

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Inventor: _____
James Leong

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named James Leong, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

Inventor: _____
Douglas P. Doucette

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Douglas P. Doucette, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

Inventor: _____
Scott Schoenthal

State of Washington)
County of) ss

Subscribed and sworn to before me, by the above-named Scott Schoenthal, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

Inventor: _____
Stephen H. Strange

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Stephen H. Strange, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

Inventor: _____
Rajesh Sundaram

State of California)
County of) ss

Subscribed and sworn to before me, by the above-named Rajesh Sundaram, this _____ day of _____, 2002.

Notary Public
My Commission Expires: _____

Inventor:



Srinivasan Viswanathan

State of California)

County of) ss

Subscribed and sworn to before me, by the above-named Srinivasan Viswanathan, this
_____ day of _____, 2002.

Notary Public

My Commission Expires: _____

2353248_1