

10-06-2003

To the Honorable commissioner of Patents and
Please record the attached original documents



1. Name of conveying party(ies):

Fang Wang
Herman Lee

9-26-03

102568047

ving party(ies):

Name: Network Applcance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale

State: California Zip: 94089

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

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

3. Nature of conveyance:

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

Execution Date: September 25, 2003

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

10672260

If this document is being filed together with a new application, the execution
date of the application is: September 25, 2003

A. Patent Application No.(s)

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

Duane H. Dreger

September 26, 2003

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet:

10/02/2003 EAREGAY1 00000020 10672260

04 FC:8021

40.00 DP

ASSIGNMENT

Whereas We, Fang Wang, whose residence address is 3301 Brittany Ct, San Jose, CA 95135, and Herman Lee, whose residence address is 600 Rainbow Drive #160, Mountain View, CA 94041, 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 FAILOVER USING VIRTUAL PORTS IN CLUSTERED SYSTEMS, identified by Cesari and McKenna File No. P01-1714/112056-0150, which application was executed by us herewith; 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.

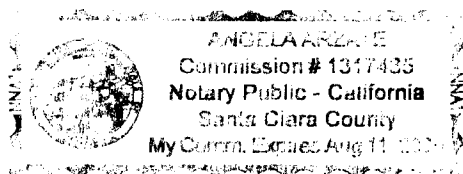
September 25, 2003
Date

Herman Lee
Herman Lee, Inventor

State of California)
County of Santa Clara)ss.

On September 25, 2003 before me Angela Arzate, Notary Public personally
appeared Herman Lee,

☒ 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

Angela Arzate
Signature of Notary Public

[seal]

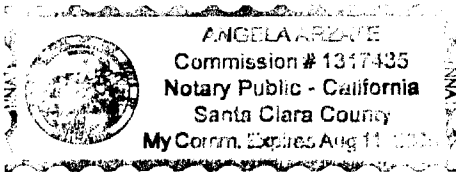
Sept. 25, 2003
Date

Fang Wang
Fang Wang, Inventor

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Signature of Notary Public

[seal]