

10-21-2003

10.10.03

To the Honorable Commissioner of Patents and Trademarks
Please record the attached original.



102579973

Name of receiving party(ies):

1. Name of conveying party(ies):
Loellyn J. Cassell
Sunitha S. Sankar
Scott Schoenthal

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

Name: Network Appliance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale

State: California Zip: 94089

3. Nature of conveyance:
 Assignment
_____ Merger
_____ Security Agreement
_____ Change of Name
_____ Other

Execution Date: June 19, 2003, June 19, 2003 and October 9, 2003

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

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

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

A. Patent Application No.(s) 10/394,819

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
Name of Person Signing

Signature

October 10, 2003
Date

Total number of pages comprising cover sheet:

10/16/2003 GWORDF1 00000095 10394819
03 FC:8021 40.00 DP

PATENT
REEL: 014599 FRAME: 0495

ASSIGNMENT

Whereas We, Loellyn J. Cassell, whose residence address is 7809 Chestnut Way, Pleasanton, CA 94588, Sunitha S. Sankar, whose residence address is 1604 Mission Spring Cr., San Jose, CA 95131, 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 QUERY-BASED SPARES MANAGEMENT TECHNIQUE, identified by Cesari and McKenna File No. 112056-0133, the specification of which was filed on March 21, 2003, and accorded Serial Number 10/394,819; 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.

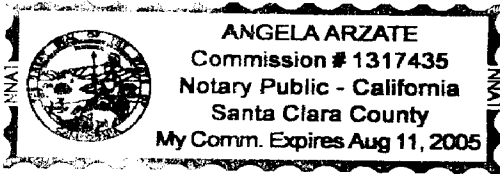
6-19-03
Date

Loellyn J. Cassell
Loellyn J. Cassell, Inventor

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

On June 19, 2003, before me, Angela Arzate, Notary Public, personally
appeared Loellyn J. Cassell,

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]

6/19/03

Date

Sunitha

Sunitha S. Sankar, Inventor

State of California)

)ss.

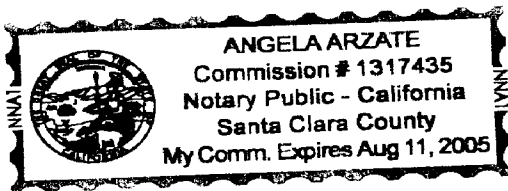
County of Santa Clara)

On June 19, 2003, before me, Angela Arzate Notary Public, personally

appeared Sunitha S. Sankar,

- 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]

10/9/03
Date

Scott Schoenthal
Scott Schoenthal, Inventor

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

On October 9, 2003, before me Angela Arzate, Notary Public, 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

Angela Arzate
Signature of Notary Public

[seal]