

10-14-03



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

1. Name of conveying party(ies):
Jeffrey S. Kimmel



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

3. Nature of conveyance:

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

Execution Date: October 10, 2003

102582389

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

Name: Network Appliicance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale

State: California

Zip: 94089

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) 10/423,381

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

October 14, 2003

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet:

ASSIGNMENT

Whereas I, Jeffrey S. Kimmel, whose residence address is 293 Highview Drive, Chapel Hill, NC 27517, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled ZERO COPY WRITE DATAPATH, identified by Cesari and McKenna File No. 112056-0083, the specification of which was filed on April 25, 2003, and accorded Serial Number 10/423,381; 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 me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservation:

1. Assign, transfer, and convey to Assignee my 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 my name 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 I 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 I have good right to assign the same to Assignee without encumbrance;

5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me 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 me, my 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

