

MAR 24 2004 RECORDED

03-30-2004

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



102707284

1. Name of conveying party(ies):
Robert L. Fair and Eric Hamilton

3/24/04
Additional name(s) of conveying party(ies) attached? _____ Yes No

2. Name and address of receiving party(ies):
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: 03/10/04 and 03/12/04

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) 10/705,470
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 Date
March 24, 2004
Total number of pages comprising cover sheet:

03/26/2004 BABRAHA1 00000057 10705470
01 FC:8021 40.00 OP

PATENT
REEL: 015135 FRAME: 0857

ASSIGNMENT

Whereas We, Robert L. Fair, whose residence address is 101 Thresher Court, Cary, NC 27513, and Eric Hamilton, whose residence address is 1706 Rosedale Avenue, Durham, NC 27707, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled METHOD FOR DETECTING LEAKED BUFFER WRITES ACROSS WAFL CONSISTENCY POINTS, identified by Cesari and McKenna File No. P01-1572/112056-0123, the specification of which was filed on November 10, 2003, and accorded Serial Number 10/705,470; 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.

3/12/04
Date

Robert L. Fair
Robert L. Fair, Inventor

State of North Carolina)
County of WAKE)ss.
)

On this 12th day of MARCH, 2004, before me appeared Robert L. Fair, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Wanda M. Marcotte
Notary Public

[seal]

Date

Eric Hamilton, Inventor

State of North Carolina)
)ss.
County of _____)

On this _____ day of _____, 2004, before me appeared Eric Hamilton,
to me known and known to me to be the person described in and who executed the
foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public

[seal]

ASSIGNMENT

Whereas We, Robert L. Fair, whose residence address is 101 Threscher Court, Cary, NC 27513, and Eric Hamilton, whose residence address is 1706 Rosedale Avenue, Durham, NC 27707, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled METHOD FOR DETECTING LEAKED BUFFER WRITES ACROSS WAFL CONSISTENCY POINTS, identified by Cesari and McKenna File No. P01-1572/112056-0123, the specification of which was filed on November 10, 2003, and accorded Serial Number 10/705,470; and

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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.

10 Mar
Date

Robert L. Fair, Inventor

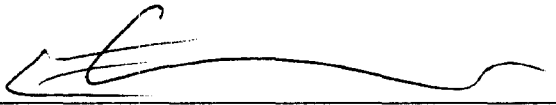
State of North Carolina)
)ss.
County of _____)

On this _____ day of _____, 2004, before me appeared Robert L. Fair, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public


[seal]

10 Mar 04
Date


Eric Hamilton, Inventor

State of North Carolina)
)ss.
County of WAKE)

On this 10th day of MARCH, 2004, before me appeared Eric Hamilton, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.


Notary Public

[seal]