

04-28-2004

FORM PTO-1595 (Rev. 10/02) OMD No. 0651-0011 (exp. 6/30/2005)

Reco



DEPARTMENT OF COMMERCE Patent and Trademark Office

102731860

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Alexander D. Petruncola; Nareshkumar M. Patel; Grace Ho; Jeffrey S. Kimmel
4-21-04
Additional name(s) of conveying party(ies) attached? No Yes

2. Name and address of receiving party(ies):
Name: Network Appliance, Inc.
Internal Address:
Street Address: 495 East Java Drive

3. Nature of Conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other
Execution Date: 4/19/2004; 4/19/2004; 4/19/2004; 4/19/2004

City: Sunnyvale State: CA Zip: 94089
Country: USA
Additional name(s) & address(es) attached? No Yes

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: 4/19/2004
A. Patent Application No.(s)
10829718
Additional numbers attached? No Yes

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Blakely, Sokoloff, Taylor & Zafman LLP
Internal Address:
Street Address: 12400 Wilshire Boulevard 7th Floor
City: Los Angeles State: CA ZIP: 90025

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 Number: 02-2666
(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 is true and correct and any attached copy is a true copy of the original document.

04/27/2004 DBYRME 00000199 10029718
01 FC:0021 40.00 DP
Jordan M. Becker
Name of Person Signing

Signature

April 21, 2004
Date

Total number of pages including cover sheet, attachments, and document: 9

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No. 5693P065

PATENT REEL: 015254 FRAME: 0737

19587 U.S. PTO 10/829718 042104

ASSIGNMENT

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the undersigned:

Alexander D. Petruncola; Nareshkumar M. Patel; Grace Ho; Jeffrey S. Kimmel

hereby sell, assign, and transfer to:

Network Appliance, Inc.

a Corporation of Delaware, having a principal place of business at 495 East Java Drive, Sunnyvale, California 94089 USA ("Assignee"), and its successors, assigns, and legal representatives, the entire right, title, and interest for the United States and all foreign countries, in and to any and all inventions and improvements that are disclosed in the application for the United States patent that has been executed by the undersigned prior hereto or concurrently herewith on the dates indicated below and is entitled:


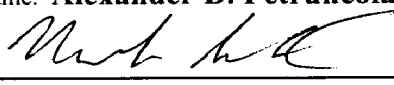
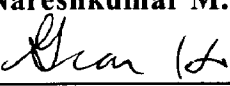
Method and Apparatus for Allocating Resources in a Shared Resource Processor

and in and to said application and all design, utility, divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications that have been or shall be filed in the United States and all foreign countries on any of said inventions and improvements; and in and to all original and reissued patents that have been or shall be issued in the United States and all foreign countries on said inventions and improvements; and in and to all rights of priority from the filing of said United States applications;

agree that said Assignee may apply for and receive a patent or patents for said inventions and improvements in its own name; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns, and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all design, utility, divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications on any and all said inventions and improvements; execute all rightful oaths, assignments, power of attorney, and other papers; communicate to said Assignee, its successors, assigns, and legal representatives all facts known to the undersigned relating to said inventions and improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or legal representatives in securing and maintaining proper patent protection for said inventions and improvements and for vesting title to said inventions and improvements, and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns, and legal representatives; and

covenant with said Assignee, its successors, assigns, and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Each Inventor: Please Sign and Date Below:

| | |
|----------------|--|
| <u>4/19/04</u> | <u></u> |
| Date | Name: Alexander D. Petruncola |
| <u>4-19-04</u> | <u></u> |
| Date | Name: Nareshkumar M. Patel |
| <u>4/19/04</u> | <u></u> |
| Date | Name: Grace Ho |
| _____ | _____ |
| Date | Name: Jeffrey S. Kimmel |
| _____ | _____ |
| Date | Name: |
| _____ | _____ |
| Date | Name: |
| _____ | _____ |
| Date | Name: |
| _____ | _____ |
| Date | Name: |
| _____ | _____ |
| Date | Name: |
| _____ | _____ |
| Date | Name: |

Assignment Document Return Address:
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025
Telephone: (408) 720-8300

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

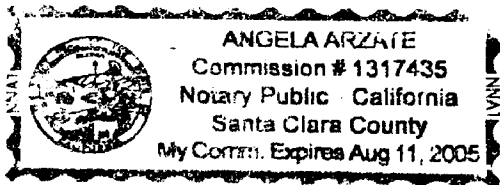
County of Santa Clara } ss.

On April 19, 2004, before me, Angela Arzate Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Alexander Daniel Petruncola,
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.



WITNESS my hand and official seal.

Angela Arzate
Signature of Notary Public

Place Notary Seal Above

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.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

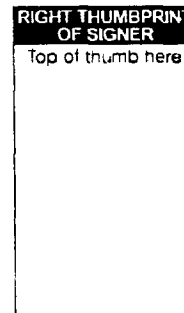
Signer(s) Other Than Named Above: _____

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: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

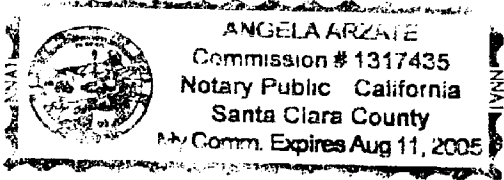
County of Santa Clara } ss.

On Apr. 19, 2004, before me, Angela Arzate, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Nareshkumar Maganlal Patel
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.



WITNESS my hand and official seal.

Angela Arzate
Signature of Notary Public

Place Notary Seal Above

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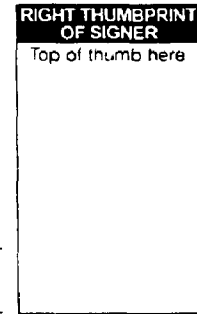
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- Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

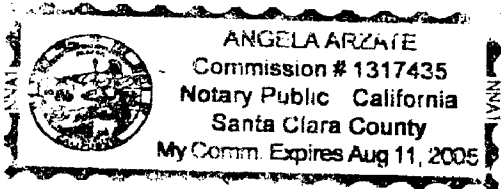
State of California

County of Santa Clara } ss.

On April 19, 2004, before me, Angela Arzate Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Grace H
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.

WITNESS my hand and official seal.

Angela Arzate
Signature of Notary Public

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- 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

ASSIGNMENT

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the undersigned:

Alexander D. Petruncola; Nareshkumar M. Patel; Grace Ho; Jeffrey S. Kimmel

hereby sell, assign, and transfer to:

Network Appliance, Inc.

a Corporation of Delaware, having a principal place of business at 495 East Java Drive, Sunnyvale, California 94089 USA ("Assignee"), and its successors, assigns, and legal representatives, the entire right, title, and interest for the United States and all foreign countries, in and to any and all inventions and improvements that are disclosed in the application for the United States patent that has been executed by the undersigned prior hereto or concurrently herewith on the dates indicated below and is entitled:

Method and Apparatus for Allocating Resources in a Shared Resource Processor

and in and to said application and all design, utility, divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications that have been or shall be filed in the United States and all foreign countries on any of said inventions and improvements; and in and to all original and reissued patents that have been or shall be issued in the United States and all foreign countries on said inventions and improvements; and in and to all rights of priority from the filing of said United States applications;

agree that said Assignee may apply for and receive a patent or patents for said inventions and improvements in its own name; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns, and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all design, utility, divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications on any and all said inventions and improvements; execute all rightful oaths, assignments, power of attorney, and other papers; communicate to said Assignee, its successors, assigns, and legal representatives all facts known to the undersigned relating to said inventions and improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or legal representatives in securing and maintaining proper patent protection for said inventions and improvements and for vesting title to said inventions and improvements, and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns, and legal representatives; and

covenant with said Assignee, its successors, assigns, and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Each Inventor: Please Sign and Date Below:

Date Name: **Alexander D. Petruncola**

Date Name: **Nareshkumar M. Patel**

Date Name: **Grace Ho**

4/19/2004 _____
Date Name: *Jeffrey S. Kimmel*
Name: **Jeffrey S. Kimmel**

Date Name:

Date Name:

Date Name:

Date Name:

Date Name:

Date Name:

Date Name:

Assignment Document Return Address:

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025
Telephone: (408) 720-8300**

State of: WAKE NORTH CAROLINA

County of: WAKE } SS.

On 19th of APR/2004, before me, DONNA M. MAIZCOTTE NOTARY Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared JEFFREY S. KIMMEL
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.

WITNESS my hand and official seal.

Donna M. Maizcotte
Signature of Notary Public

Attorney Docket No.: 5693P065

RECORDED: 04/21/2004

PATENT
REEL: 015254 FRAME: 0745