

7-23-04

RECORDATION FORM COVER SHEET  
PATENTS ONLY

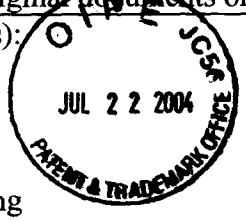
07-28-2004



102800415

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

1. Name of conveying party(ies):  
Shane S. Owara  
Sahn Lam  
  
Additional name(s) of conveying party(ies) attached? Yes  No



2. Name and address:  
Name: Network Appliance, Inc.  
Street Address: 495 East Java Drive  
City: Sunnyvale  
State: CA Zip: 94089  
Additional name(s) & address(es) Attached? Yes  No

7-22-04

3. Nature of conveyance:  
 Assignment  
 Merger  
 Security Agreement  
 Change of Name  
 Other  
Execution Date: June 21, 2004

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)  
10/796,249  
B. Patent No. (s)  
Additional numbers attached? Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: William A. Loginov  
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.*  
William A. Loginov, Reg. No. 34,863  
Name of Person Signing Signature Date July 22, 2004

*WAL*

07/27/2004 0000033-10796249  
01 FC:0021 40.00 DP

Total number of pages comprising cover sheet:

ASSIGNMENT

1063 Oleander Ct. Sunnyvale, CA

Whereas We, Shane S. Owara, whose residence address is ~~1010 Golf Court, Mountain View, CA 94040~~, and Sahn Lam, whose residence address is 44 Windsor Drive, Daly City, CA 94015, 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 INDEXING A BACKUP USING PERSISTENT CONSISTENCY POINT IMAGES, identified by Cesari and McKenna File No. 112056-0167, the specification of which was filed on March 9, 2004, and accorded Serial Number 10/796,249; 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.

21 JUN 2004

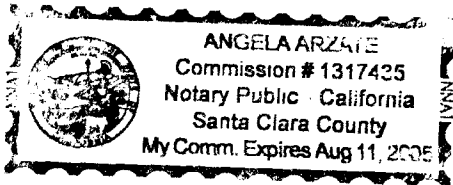
Date

Shane S. Owara  
Shane S. Owara, Inventor

State of California )  
County of Santa Clara )ss.

On June 21, 2004, before me, Angela Arzate, Notary Public, personally  
appeared Inventor #1,

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

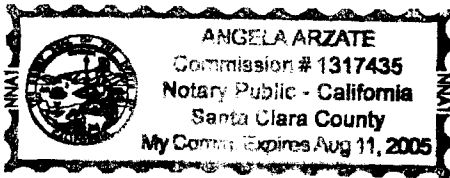
Angela Arzate  
Signature of Notary Public

[seal]

6/24/04                      Sahn  
Date                                      Sahn Lam, Inventor

State of California                      )  
County of Santa Clara                      )ss.

On June 24, 2004, before me Angela Arzate, Notary Public, personally  
appeared Inventor #1,



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]