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Attorney Docket No. 200402728-1

1. Name of conveying party(ies):

Bernardo Huberman

Scott H. Clearwater

09-29-2004



102846540

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

HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.

20555 SH 249

Houston, TX 77070

17497 U.S. PTO
10/944966Additional name(s) of conveying party(ies) attached ___ Yes X NoAdditional name(s) & address(es) attached? ___ Yes X No

3. Nature of Conveyance:

X Assignment

___ Merger

___ Change of Name

___ Security Agreement

___ Other

Execution Date(s): 09/20/2004; 09/20/2004

9-20-04

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

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

A. Patent Application No.(s)

B. Patent No.(s)

Application No.:

Date Filed:

Confirmation No.:

Additional numbers attached? NO

10944966

5. Name and address of party to whom correspondence concerning document should be mailed:

Records Manager

Intellectual Property Administration

HEWLETT-PACKARD COMPANY

P.O. Box 272400

Fort Collins, Colorado 80527-2400

6. Total number of applications and patents involved: 1

7. Total Fee (37 CFR 3.41): \$40.00

___ Enclosed

X Authorization to be charged to deposit account.

8. Deposit Account Number: 08-2025

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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.

Barry D. Blount

Name of Person Signing

Signature

September 20, 2004

Date

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PATENT

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PATENT APPLICATION

ATTORNEY DOCKET NO. 200402728-1

ASSIGNMENT OF PATENT APPLICATION

I/We, the undersigned (each) have agreed and hereby agree to assign to HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P., a Texas Limited Partnership having its principal place of business in Houston, Texas, (hereinafter HPDC), in furtherance of my/our obligations to the Hewlett-Packard Company and its subsidiaries and affiliates, and do hereby assign and transfer to HPDC, its successors and assigns, the entire right, title and interest, including the right of priority, in, to and under an application for Letters Patent of the United States entitled:

A SYSTEM AND METHOD FOR SELECTING A PORTFOLIO OF RESOURCES IN A HETEROGENEOUS DATA CENTER

Filing date: Herewith

Application No.: _____

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part (C-I-P's), divisionals, and renewals of and substitutes for said application for said Letters Patent, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor; and any reissues, or reexaminations, or extensions of said Letters Patent.

I/we additionally authorize HPDC to file applications in my/our name for Letters Patent in any country, to be held and enjoyed by HPDC, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by me/us had this assignment, and transfer not been made;

AND I/we hereby covenant that I/we have full right to convey the entire interest herein assigned, and that I/we have not executed and will not execute any agreement in conflict herewith, and I/we further covenant and agree that I/we will, each time a request is made, and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said invention(s) or improvement(s), said application and said Letters Patent, to HPDC, its successors, assigns, nominees or legal representatives, and I/we agree to communicate to HPDC, or to its nominee, all known facts respecting said invention(s) or improvement(s), said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisionals, continuations, C-I-P's, reissue and foreign applications, to make all rightful oaths and declarations, and generally to do everything possible to aid HPDC, its successors, assigns, nominees and legal representatives to obtain and enforce, for its or their own benefit, proper patent protection for said invention(s) or improvement(s) in any and all countries provided the expenses which may be incurred by me/us in lending such cooperation and assistance are paid by HPDC;

AND I/we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to HPDC, as assignee of the entire right, title and interest, any and all Letters Patent for said invention(s) or improvement(s), including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

I/we further authorize and direct the attorneys of record to insert the serial number and filing date of said application now identified by the attorney docket number and title set forth above as soon as the same shall have been made known to them by the United States Patent and Trademark Office.

IN WITNESS WHEREOF, I/we hereunto set my/our hand(s) and seal(s):

[Signature] Date Assignment Signed: 9/20/04
Inventor's Signature (Seal)

Inventor's Typed Name: Bernardo Huberman Date Application Signed: _____

State of California)
County of _____) ss.:

Before me this _____ day of _____, personally appeared Bernardo Huberman who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Notary Public
My commission expires: _____

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Fort Collins, Colorado 80527-2400

PATENT APPLICATION
ATTORNEY DOCKET NO. 200402728-1

ASSIGNMENT OF PATENT APPLICATION (cont.)

IN WITNESS WHEREOF, I/we hereunto set my/our hand(s) and seal(s):

Scott Clearwater Date Assignment Signed: 9/20/04
Inventor's Signature (Seal)

Inventor's Typed Name: Scott H. Clearwater Date Application Signed: _____

State of California)
) ss.:
County of _____)

Before me this _____ day of _____, personally appeared Scott H. Clearwater who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Notary Public
My commission expires: _____

Inventor's Signature (Seal) Date Assignment Signed: _____

Inventor's Typed Name: _____ Date Application Signed: _____

State of _____)
) ss.:
County of _____)

Before me this _____ day of _____, personally appeared _____ who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Notary Public
My commission expires: _____

Inventor's Signature (Seal) Date Assignment Signed: _____

Inventor's Typed Name: _____ Date Application Signed: _____

State of _____)
) ss.:
County of _____)

Before me this _____ day of _____, personally appeared _____ who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Notary Public
My commission expires: _____

(Use Page Three For Additional Inventor(s) Signature(s))

Page 2 of 2

Rev 10/03 (Assign)

Patent
REEL: 015824 FRAME: 0361
Sep 20 04 02:03p
Debra Dewitt

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