


Attny. Docket No. ALA-PT017

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| Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼ | RECORDATION FORM COVER SHEET PATENTS ONLY | U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office |
| To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof. | | |
| 1. Name of conveying party(ies): STAGER, ROGER KEITH TRIMMER, DONALD ALVIN SAXENA, PAWAN JOHNSTON, CRAIG ANTHONY CHANG, YAFEN PEGGY BLASER, RICO Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Name and address of receiving party(ies) Name: <u>ALACRITUS, INC.</u> Internal Address: _____ Street Address: <u>3825 HOPYARD ROAD, SUITE 275</u> City: <u>PLEASANTON</u> State: <u>CA</u> Zip: <u>94558</u> Country: _____ Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>04/22/2005</u> | | |
| 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: <u>11/051,794</u> A. Patent Application No.(s) _____ B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>GERALD B. HALT, JR.</u> Internal Address: <u>VOLPE AND KOENIG, P.C.</u> <u>UNITED PLAZA, SUITE 1600</u> Street Address: <u>30 SOUTH 17TH STREET</u> City: <u>PHILADELPHIA</u> State: <u>PA</u> Zip: <u>19103</u> | 6. Total number of applications and patents involved: <input type="text" value="1"/> 7. Total fee (37 CFR 3.41).....\$ <u>40</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>22-0493</u> <u>Volpe and Koenig, P.C.</u> (Attach duplicate copy of this page if paying by deposit account) | |
| DO NOT USE THIS SPACE | | |
| 9. Statement and signature. <i>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.</i> <u>GERALD B. HALT, JR.</u>  <u>4/29/05</u> Name of Person Signing Signature Date Reg. No. 37,633 Total number of pages including cover sheet, attachments, and documents: <input type="text" value="23"/> Sheet 1 of 1 | | |

CH \$40.00 220493 11051794

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

PATENT

REEL: 016185 FRAME: 0252

700175417

Atty. Docket No. ALA-PT017

ASSIGNMENT

Roger Keith Stager, residing at 683 Newbury St, Livermore, California, 94551, a citizen of the United States of America; Donald Alvin Trimmer, residing at 2687 Quail Court, Livermore, California, 94550, a citizen of the United States of America; Pawan Saxena, residing at 4261 Diavila Avenue, Pleasanton, California, 94588, a citizen of India; Craig Anthony Johnston, residing at 1672 Embassy Circle, Livermore, California, 94550, a citizen of the United States of America; Yafen Peggy Chang, residing at 47120 Zapotec Drive, Fremont, California, 94539, a citizen of the United States of America; and Rico Blaser, residing at 1309-F Gateview Avenue, San Francisco, California, 94130, a citizen of Switzerland (hereafter jointly and severally referred to as the undersigned), are the inventors of

METHOD AND APPARATUS FOR MANAGING BACKUP DATA

for which the undersigned have executed an application for United States Letters Patent, U.S. Patent Application No. 11/051,794, filed February 4, 2005.

The undersigned hereby authorize assignee or assignee's representative to insert the Application Number and the filing date of this application if they are unknown at the time of execution of this assignment.

Alacritus, Inc., a Delaware Corporation, having a principal place of business at 3825 Hopyard Road, Suite 275, Pleasanton, California, 94558, (hereafter referred to as the assignee), is desirous of acquiring the entire right, title and interest in said invention, all applications for and all letters patent issued on said invention.

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, the undersigned, intending to be legally bound, do hereby sell, assign and transfer to the assignee and assignee's successors, assigns and legal representatives the entire right, title and interest in said invention and all patent applications thereon, including, but not limited to, the application for United States Letters Patent entitled as above, and all divisions and continuations thereof, and in all letters patent, including all reissues and reexaminations thereof, throughout the world, including the right to claim priority under the Paris Convention or other treaty.

Atty. Docket No. ALA-PT017

It is agreed that the undersigned shall be legally bound, upon request of the assignee, to supply all information and evidence relating to the making and practice of said invention, to testify in any legal proceeding relating thereto, to execute all instruments proper to patent the invention throughout the world for the benefit of the assignee, and to execute all instruments proper to carry out the intent of this instrument.

The undersigned warrant that the rights and property herein conveyed are free and clear of any encumbrance.

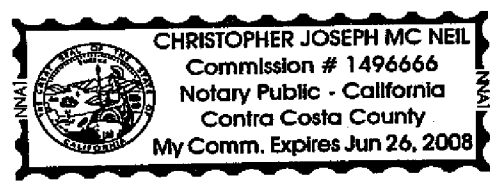
EXECUTED under seal on this 22 day of April, 2005
at San Ramon CA
(Place)

Witness:

[Signature]

[Signature] (L.S.)
Roger Keith Stager

State of CALIFORNIA
County of Contra Costa ss.



On this 22nd day of April, 2005 before me personally appeared Roger Keith Stager, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

[Signature]
Notary Public

My Commission Expires: June 26, 2008

EXECUTED under seal on this _____ day of _____, 2005
at [Signature]

Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____
(Place)

Witness:

Donald Alvin Trimmer (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Donald Alvin Trimmer, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this 22nd day of April, 2005
at San Ramon, CA
(Place)

Witness:

[Signature]

[Signature]

Pawan Saxena (L.S.)

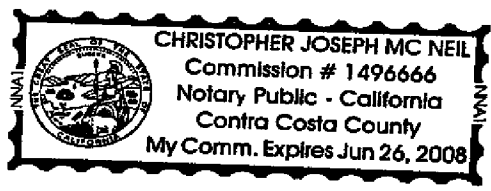
State of CALIFORNIA
County of CONTRA COSTA ss.

On this 22nd day of April, 2005 before me personally appeared Pawan Saxena, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

[Signature]
Notary Public

My Commission Expires: June 26, 2008



Atty. Docket No. ALA-PT017

EXECUTED under seal on this 22 day of April, 2005
at San Ramon, CA
(Place)

Witness:

[Handwritten Signature]

[Handwritten Signature] (L.S.)
Craig Anthony Johnston

State of CALIFORNIA

ss.

County of CONTRA COSTA

On this 22nd day of April, 2005 before me personally appeared
Craig Anthony Johnston, to me known to be the person described herein and who
executed the foregoing instrument, and acknowledged that he executed the same
knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above
written.

[Handwritten Signature]
Notary Public

My Commission Expires: Jun 26, 2008



Atty. Docket No. ALA-PT017

EXECUTED under seal on this 22 day of April, 2005
at San Ramon, California
(Place)

Witness:

Chris Arlin

Yafen Peggy Chang (U.S.)
Yafen Peggy Chang

State of CALIFORNIA

ss.

County of CONTRA COSTA

On this 22nd day of April, 2005 before me personally appeared Yafen Peggy Chang, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Christopher Joseph McNeil
Notary Public

My Commission Expires: Jun 26, 2008



Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____.

(Place)

Witness:

Rico Blaser (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Rico Blaser, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

ASSIGNMENT

Roger Keith Stager, residing at 683 Quail Court, Livermore, California, 94550, a citizen of the United States of America; Donald Alvin Trimmer, residing at 2687 Quail Court, Livermore, California, 94550, a citizen of the United States of America; Pawan Saxena, residing at 4261 Diavila Avenue, Pleasanton, California, 94588, a citizen of the United States of America; Craig Anthony Johnston, residing at 1672 Embassy Circle, Livermore, California, 94550, a citizen of the United States of America; Yafen Peggy Chang, residing at 47120 Zapotec Drive, Fremont, California, 94539, a citizen of the United States of America; and Rico Blaser, residing at 1309-F Gateview Avenue, San Francisco, California, 94130, a citizen of Switzerland (hereafter jointly and severally referred to as the undersigned), are the inventors of

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Atty. Docket No. ALA-PT017

world, including the right to claim priority under the Paris Convention or other treaty.

It is agreed that the undersigned shall be legally bound, upon request of the assignee, to supply all information and evidence relating to the making and practice of said invention, to testify in any legal proceeding relating thereto, to execute all instruments proper to patent the invention throughout the world for the benefit of the assignee, and to execute all instruments proper to carry out the intent of this instrument.

The undersigned warrant that the rights and property herein conveyed are free and clear of any encumbrance.

EXECUTED under seal on this ____ day of _____, 2005
at _____.
(Place)

Witness:

Roger Keith Stager (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Roger Keith Stager, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

FROM : TRIMMER

FAX NO. : 9254558223

Apr. 22 2005 04:23PM P11

Atty. Docket No. ALA-PT017

EXECUTED under seal on this 22 day of April, 2005 at Livermore, CA
(Place)

Witness:

Rebecca Raney

Donald Alvin Trimmer (L.S.)
Donald Alvin Trimmer

State of

ss.

County of

On this _____ day of _____, 2005 before me personally appeared Donald Alvin Trimmer, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

SEE Attached
Notary Public

My Commission Expires: 7-1-08

FROM : TRIMMER

FAX NO. : 9254558223

Apr. 22 2005 04:23PM P12


State of California
County of Alameda

On 4-22-05 Before me, Rebecca Raney, Notary Public, personally appeared:
Donald Alvin Trimmer -

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged 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 acted, executed the instrument.

Witness my hand and official seal.

Rebecca Raney
Rebecca Raney



Optional Section

Capacity claimed by signer

Individual
 Corporate Officer(s)

Title(s)

Partners Limited
 General
 Attorney in Fact
 Trustee
 Guardian/Conservator
 Other

Signer is representing:
Name of person(s) or entity(ies)

Optional Section

Title or type of document Patent Assignment

Docket No. ALA-PT017

Number of pages 7 Date of document 4-22-05

Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____

(Place)

Witness:

Pawan Saxena (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Pawan Saxena, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____.

(Place)

Witness:

Craig Anthony Johnston (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Craig Anthony Johnston, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____.

(Place)

Witness:

Yafen Peggy Chang (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Yafen Peggy Chang, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____.

(Place)

Witness:

Rico Blaser (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Rico Blaser, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

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Atty. Docket No. ALA-PT017

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The undersigned warrant that the rights and property herein conveyed are free and clear of any encumbrance.

EXECUTED under seal on this _____ day of _____, 2005
at _____.

(Place)

Witness:

Roger Keith Stager (L.S.)

State of

ss.

County of

On this _____ day of _____, 2005 before me personally appeared Roger Keith Stager, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this _____ day of _____, 2005
at _____
(Place)

Witness:

Donald Alvin Trimmer (L.S.)

State of

ss.

County of

On this _____ day of _____, 2005 before me personally appeared Donald Alvin Trimmer, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this _____ day of _____, 2005

at _____.

(Place)

Witness:

Pawan Saxena (L.S.)

State of

ss.

County of

On this _____ day of _____, 2005 before me personally appeared Pawan Saxena, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this _____ day of _____, 2005

at _____.

(Place)

Witness:

Craig Anthony Johnston (L.S.)

State of

ss.

County of

On this _____ day of _____, 2005 before me personally appeared Craig Anthony Johnston, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires:

Atty. Docket No. ALA-PT017

EXECUTED under seal on this ____ day of _____, 2005

at _____
(Place)

Witness:

Yafen Peggy Chang (L.S.)

State of

ss.

County of

On this ____ day of _____, 2005 before me personally appeared Yafen Peggy Chang, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.


Notary Public

My Commission Expires:

City. Docket No. ALA-PT017

EXECUTED under seal on this _____ day of _____, 2005
at _____
(Place)

Witness:

 (L.S.)
Rico Blaser: 4/22/05

State of

ss.

County of

On this _____ day of _____, 2005 before me personally appeared Rico Blaser, to me known to be the person described herein and who executed the foregoing instrument, and acknowledged that he executed the same knowingly and willingly and for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.

Notary Public

My Commission Expires: