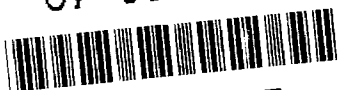


07-05-2005

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



103034037

DEPARTMENT OF COMMERCE 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): Darrell Suggs; John Scott; Robert L. Fair
Additional name(s) of conveying party(ies) attached? [X] 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: [X] Assignment [ ] Merger [ ] Security Agreement [ ] Change of Name [ ] Other
Execution Date: 6/23/2005

City: Sunnyvale State: CA Zip: 94089
Country: USA
Additional name(s) & address(es) attached? [X] 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: 6/23/2005
A. Patent Application No.(s) B. Patent No.(s)
Additional numbers attached? [X] No [ ] Yes

6. Total number of applications and patents involved: 1
7. Total Fee (37 CFR 3.41).....\$ 40.00
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5. Name and address of party to whom correspondence concerning document should be mailed:
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Internal Address:
Street Address: 12400 Wilshire Boulevard 7th Floor
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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

Elena B. Dreszer
Name of Person Signing

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Total number of pages including cover sheet, attachments, and document: 3

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Alexandria, VA 22313-1450

Docket No. 5693P145

PATENT REEL: 016732 FRAME: 0930

06-23-05

113009 U.S. PTO

11166478



062305

Attorney's Docket

**ASSIGNMENT****PATENT**No.: 5693P145 (For Execution Prior To Filing Patent Application)

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, We

the undersigned, Darrell Suggs, John Scott and Robert L. Fair

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, CA 94089, ("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 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

**CONTROL OF SERVICE WORKLOAD MANAGEMENT**

and in and to said application and all divisional applications, continuation applications, continued prosecution applications, continuation-in-part applications, substitute applications, renewal applications, reissue applications, reexaminations, extensions, and all other patent applications that have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original patents, reissued patents, reexamination certificates, and extensions, that have been or shall be issued in the United States and all foreign countries on said improvements; and in and to all rights of priority resulting from the filing of said United States application;

agree that said Assignee may apply for and receive a patent or patents for said 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 divisional applications, continuation applications, continued prosecution applications, continuation-in-part applications, substitute applications, renewal applications, reissue applications, reexaminations, extensions and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney, and other papers; communicate to said Assignee, its successors, assigns, and representatives all facts known to the undersigned relating to said improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or representatives in securing and maintaining proper patent protection for said improvements and for vesting title to said 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:**

23 June, 2005 Darrell Suggs  
Date Name: Darrell Suggs

23 June, 2005 John Scott  
Date Name: John Scott

23 June, 2005 Robert L. Fair  
Date Name: Robert L. Fair

\_\_\_\_\_, 20\_\_\_\_  
Date Name:

\_\_\_\_\_, 20\_\_\_\_  
Date Name:

**Each Inventor: Please also list the date that you signed the accompanying DECLARATION AND POWER OF ATTORNEY:**

23 June 2005  
Date

23 June, 2005  
Date

23 June, 2005  
Date

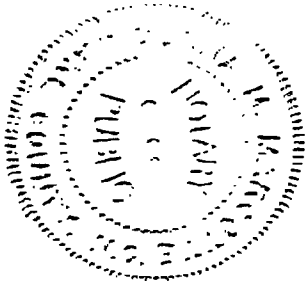
\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_, 20\_\_\_\_  
Date

State of: NORTH CAROLINA } SS.  
County of: WAKE

Assignment Document Return Address:  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd., Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

On 23<sup>rd</sup> June, 2005, before me, DONNA MARCOTTE, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared DARRELL SUGGS, JOHN SCOTT, AND  
Name(s) of Signer(s)  
ROBERT FAIR



Place Notary Seal Above

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. Marcotte  
Signature of Notary Public