

08-18-2005

(Rev. 03/01)

OMB No. 0651-0027 (exp. 05/31/2002)



SHEET

U.S. Patent and Trademark Office

103064398

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

## 1. Name of conveying party(ies):

Isilon Systems, Inc.

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

Name: Silicon Valley Bank

Internal Address: Loan Documentation HA155-11F154

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☐ Assignment☐ Merger☒ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Street Address: 3003 Tasman Dr.

City: Santa Clara

State: Ca

ZIP: 95054

Execution Date: 5/30/05

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 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)

10007003 60623846

10281467 60628527

10714326

60623843

60623848

60628528

## B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Silicon Valley Bank

Internal Address: Loan Documentation HA155

Street Address: 3003 Tasman Dr.

City: Santa Clara

State: Ca

ZIP: 95054

## 6. Total number of applications and patents involved: 8

7. Total fee (37 CFR 3.41): .....\$ 320.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

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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.*

Trisha Sedillo

Name of Person Signing

  
Signature

8-4-05

Date

Total number of pages including cover sheets, attachments, and documents:

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents &amp; Trademarks, Box Assignments

Washington, D.C. 20231

08/17/2005 ECOOPER 00000021 10007003

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320.00 OP

**SUPPLEMENT TO  
INTELLECTUAL PROPERTY SECURITY AGREEMENT**

This Supplement to Intellectual Property Security Agreement (this "Supplement") is made as of May 3, 2005 by and between, on the one hand, ISILON SYSTEM, INC., a Delaware corporation (and successor-by-merger to the former Washington corporation known as Endurant Systems, Inc.) ("Debtor"), and, on the other hand, Silicon Valley Bank, a California banking corporation ("Secured Party").

**RECITALS**

A. Secured Party and Debtor are parties to that certain Loan and Security Agreement dated as of June 24, 2004 (as amended, restated, supplemented, or otherwise modified from time to time, the "2004 Loan Agreement"), that certain other Loan and Security Agreement dated June 28, 2001 (as amended, restated, supplemented, or otherwise modified from time to time, the "2001 Loan Agreement"), that certain Intellectual Property Security Agreement dated as of June 24, 2005 (as amended, restated, supplemented, or otherwise modified from time to time, the "2004 IP Security Agreement"), which was recorded in the U.S. Patent and Trademark Office, on or about July 1, 2004, at Reel 015512, Frame 0151, with respect to the Patent-related collateral identified therein, and that certain other Intellectual Property Security Agreement dated as of June 28, 2001 (as amended, restated, supplemented, or otherwise modified from time to time, the "2001 IP Security Agreement"), which was recorded in the U.S. Patent and Trademark Office, on September 11, 2001, at Reel 012151, Frame 0728, with respect to the Patent-related collateral identified therein. As used herein, the term "IP Security Agreement" means, individually and collectively, the 2004 IP Security Agreement and the 2001 IP Security Agreement. (Capitalized terms used herein, which are not defined, shall have the meanings set forth in the applicable IP Security Agreement.) As used herein, the term "Loan Agreement" means, individually and collectively, the 2004 Loan Agreement and the 2001 Loan Agreement.

B. The parties desire to supplement each IP Security Agreement to make specific reference therein to the specific additional intellectual property set forth below (the "Additional Specified Collateral"), but the parties acknowledge that each IP Security Agreement covers the Additional Specified Collateral, and the purpose of this Supplement is simply to specifically identify the Additional Specified Collateral of record.

Each IP Security Agreement, as supplemented hereby, shall continue in full force and effect with respect to the Collateral described therein and herein.

**NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:**

1. (a) Exhibit B of the 2001 IP Security Agreement is hereby supplemented by the addition of all of the intellectual property set forth on Exhibit B of the 2004 IP Security Agreement, so that the "Collateral" (as defined in the 2001 IP Security Agreement) includes, without limitation, all of the intellectual property set forth in Exhibit B of the 2001 IP Security Agreement and all of the intellectual property set forth in Exhibit B of the 2004 IP Security

Agreement.

(b) Exhibit B of the 2004 IP Security Agreement is hereby supplemented by the addition of all of the intellectual property set forth on Exhibit B of the 2001 IP Security Agreement, so that the "Collateral" (as defined in the 2004 IP Security Agreement) includes, without limitation, all of the intellectual property set forth in Exhibit B of the 2004 IP Security Agreement and all of the intellectual property set forth in Exhibit B of the 2001 IP Security Agreement.

(c) Exhibit B of each IP Security Agreement is hereby further supplemented by the addition of all of the intellectual property set forth on Supplemental Exhibit B attached hereto, so that the "Collateral" (as defined in the applicable IP Security Agreement) includes, without limitation, all of the intellectual property set forth in Exhibit B to such IP Security Agreement and all of the intellectual property set forth in Supplemental Exhibit B hereto.

(d) Borrower hereby represents and warrants that, as of the date hereof, Borrower does not have any Registered Copyrights recorded with, or the subject of an application for registration submitted to, the U.S. Copyright Office. Borrower hereby reaffirms Section 8(3) of the Schedule to the 2004 Loan Agreement.

2. Debtor confirms its grants to Secured Party of continuing security interests in Debtor's entire right, title and interest in, to, and under the Collateral, including, without limitation, the intellectual property set forth on Supplemental Exhibit B hereto, for purposes of securing the "Obligations" (as defined in the applicable Loan Agreement) of Debtor to Secured Party.


3. As supplemented as set forth above, all terms and conditions of each IP Security Agreement shall continue in full force and effect, and Debtor represents and warrants to Silicon that all representations and warranties set forth in each IP Security Agreement, as supplemented as set forth above, are true and correct as of the date hereof. This Supplement is an integral part of each IP Security Agreement.

[remainder of page intentionally left blank; signature page immediately follows]

IN WITNESS WHEREOF, the parties hereto have executed this Supplement on the day and year first above written.

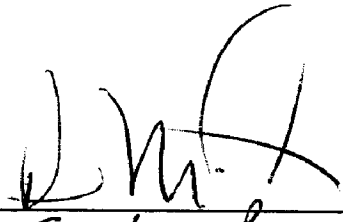
**Debtor:**

**Isilon Systems, Inc., a Delaware corporation (and successor-by-merger to the former Washington corporation known as Endurant Systems, Inc.)**

By   
Title CFO

**Secured Party:**

**Silicon Valley Bank**

By   
Title Sr Vice President

PATENTS  
(including patents applications)

**Debtor: Isilon Systems, Inc., a Delaware corporation (and successor-by-merger to the former Washington corporation known as Endurant Systems, Inc.)**

**U.S. Patent Applications Filed**

**Patent #1:**

**SYSTEMS AND METHODS FOR PROVIDING A DISTRIBUTED FILE SYSTEM UTILIZING METADATA TO TRACK INFORMATION ABOUT DATA STORED THROUGHOUT THE SYSTEM**

Synopsis: Inode structures for handling parity and mirror on a distributed system. Algorithms for rebuilding on device failure and in-place inode conversions. This utilizes the innovative feature in the Company's system of having RAID like layer collapsed into the file system itself.

Inventors: Sujal Patel, Paul Mikesell

Status: Filing Date: 11/09/01; Published Date: 12/13/03; Patent Appl. Serial No.: 10/007,003

Priority Data: Claims priority to Provisional App. No. 60/309,803 filed 8/3/01.

First non-final Office Action after Request for Continued Examination mailed from PTO 3/24/05.

**Patent #2:**

**SYSTEMS AND METHODS FOR PROVIDING A DISTRIBUTED FILE SYSTEM INCORPORATING A VIRTUAL HOT SPARE**

Synopsis: Technology behind Active Hot Spare – having a hot spare device which is utilized in a load-balanced manner in an Isilon Cluster. This utilizes the innovative feature in the Company's system of being able to have variable stripe widths within the same file system and within the same file.

Inventors: Sujal Patel, Paul Mikesell, Darren Schack, Aaron Passey

Status: Filing Date: 10/25/02; Published Date: 7/17/03; Patent App. Serial No.: 10/281,467 Advisory Action mailed from Patent Office on 4/11/05.

**Patent #3:**

**SYSTEMS AND METHODS FOR RESTRIPING FILES IN A DISTRIBUTED FILE SYSTEM**

Synopsis: Algorithms for converting files from one parity protection level to another. This utilizes the innovative feature in the Company's system of not having fixed locations for out stripe data blocks.

Inventors: Paul Mikesell, Rob Anderson, Aaron Passey, Peter Godman, Hassan Khan, Darren Schack

Status: Filing Date: 11/14/03; Publish Date: 8/5/04; Patent App. Serial No.: 10/714326

**Patent #4:**

**NON-BLOCKING COMMIT PROTOCOL SYSTEMS AND METHODS**

Synopsis: Systems and methods are provided for atomic single-failure non-blocking and double-failure non-blocking commitment protocols. The protocols may be used for a variety of transactions that involve two or more parties including an initiator of the transaction, a coordinator of the transaction, and one or more participants in the transaction.

Inventors: Neal Fachan, Peter Godman, Aaron Passey

Status: Filing Date: 10/29/04; Publish Date: TBD; Patent App Serial No.: 60/623,843

**Patent #5:**

**MESSAGE BATCHING WITH CHECKPOINTS SYSTEMS AND METHODS**

Synopsis: Systems and methods are provided for passing control of message dependencies and ordering to one or more network nodes participating in a transaction. Thus, messages can be sent to the participating nodes and the participating nodes can handle the messages according to their respective dependencies without first sending a response or waiting for the next message to arrive.

Inventors: Peter Godman, Skye Poier, Aaron Passey, Neal Fachan

Status: Filing Date: 10/29/04; Publish Date: TBD; Patent App Serial No.: 60/623,848

Comments: Initial filing expiration in 1 year.

**Patent #6:**

**MESSAGE BATCHING WITH CHECKPOINTS SYSTEMS AND METHODS**

Inventors: Peter Godman, Skye Poier, Aaron Passey, Neal Fachan

Status: Filing Date: 11/15/04; Publish Date: TBD; Patent App Serial No.: 60/628,528

Comments: Same patent as #5 above but with expansion of scope.

**Patent #7:**

**DISTRIBUTED SYSTEMS WITH ASYNCHRONOUS EXECUTION SYSTEMS AND METHODS**

Synopsis: Systems and methods are provided for reducing latency in distributed systems by executing commands as sufficient information and system resources become available.

Inventors: Peter Godman, Darren Schack

Status: Filing Date: 10/29/04; Publish Date: TBD; Patent App Serial No.: 60/623,846

Comments: Initial filing expiration in 1 year.

**Patent #8:**

**DISTRIBUTED SYSTEMS WITH ASYNCHRONOUS EXECUTION SYSTEMS AND METHODS**

Inventors: Peter Godman, Darren Schack

Status: Filing Date: 11/15/04; Publish Date: TBD; Patent App Serial No.: 60/628,527

Comments: Same patent as #5 above but with expansion of scope.

### **Foreign Patent Applications Filed**

SYSTEMS AND METHODS PROVIDING METADATA FOR TRACKING OF INFORMATION ON A DISTRIBUTED FILE SYSTEM OF STORAGE DEVICES (AMENDED PER PCT SEARCH REPORT)

Inventors: Sujal Patel, Paul Mikesell

Country: China; Status: Filing Date: 8/2/02; App No.: 02816665.5, Published on 11/17/04 as Publication No. CN 1547714A.

Country: Europe; Status: Filing Date 8/2/02; App No. 02756944.1

Country: Japan; Status: Filing Date 8/2/02; App No. 2003-517804 Due date for filing a request for substantive examination is 8/2/05. Published on 12/6/04 as Publication No. 2004-537813.

Corresponds to U.S. Patent #1 above.

SYSTEMS AND METHODS FOR RESTRIPIING FILES IN A DISTRIBUTED FILE SYSTEM

Inventors: Paul Mikesell, Rob Anderson, Aaron Passey, Peter Godman, Hassan Khan, Darren Schack

Country: China; Status: Filing Date: 9/29/04; App No.: 2003 80100380.6

Country: Europe; Status: Filing Date: 11/14/03; App. No.: 03783599.8

Country: Japan; Status: Filing Date 11/14/03; App No. 2004-553816; Request for substantive examination must be filed by 11/14/06.

Corresponds to U.S. Patent #3 above;

### **Inactive/Unfiled Patent Matters**

SYSTEMS AND METHODS FOR PROVIDING A DISTRIBUTED FILE SYSTEM UTILIZING METADATA TO TRACK INFORMATION ABOUT DATA STORED THROUGHOUT THE SYSTEM.

Inventors: Sujal Patel, Paul Mikesell

Status: Unfiled. Possible application with "restricted" claims from U.S. Patent #1.

SYSTEMS AND METHODS FOR PROVIDING A DISTRIBUTED FILE SYSTEM UTILIZING METADATA TO TRACK INFORMATION ABOUT DATA STORED THROUGHOUT THE SYSTEM.

Filing Date: 8/3/01 App No: 60/309,803 Expired. Corresponding utility application filed as U.S. Patent #1.

SYSTEMS AND METHODS FOR PROVIDING A DISTRIBUTED FILE SYSTEM INCORPORATING A VIRTUAL HOT SPARE

Inventors: Sujal Patel, Paul Mikesell, Darren Schack, Aaron Passey

Filing Date: 10/23/03 App No. PCTUS 03/33704 Filed closed. Corresponds to U.S. Patent #2.

SYSTEMS AND METHODS PROVIDING METADATA FOR TRACKING OF  
INFORMATION ON A DISTRIBUTED FILE SYSTEM OF STORAGE DEVICES  
(AMENDED PER PCT SEARCH REPORT.)

Filing Date: 8/2/02 App No.: PCTUS 02/24728 Filed closed. Corresponding to  
National Phase Application filed in China, Europe and Japan.

SYSTEM AND METHOD FOR RESTRIPING FILES IN A DISTRIBUTED FILE-SYSTEM  
WITH NON-FIXED STRIPE LOCATIONS

Filed closed.

SYSTEMS AND METHODS FOR RESTRIPING FILES IN A DISTRIBUTED FILE  
SYSTEM

Filing Date: 11/14/02; App No.: 60/426,464 Expired. Corresponding Utility  
application filed as U.S. Patent #3.

SYSTEMS AND METHODS FOR RESTRIPING FILES IN A DISTRIBUTED FILE  
SYSTEM

Inventors: Paul Mikesell, Rob Anderson, Aaron Passey, Peter Godman, Hassan Khan,  
Darren Schack.

Filing Date: 11/14/03 App No: PCTUS 03/36699 Corresponds to U.S. Patent #3.  
Closed. Corresponding National Phase Application filed in China, Europe and Japan.