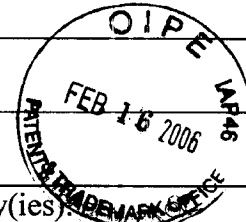


02-28-2006

SHEET



103186177

To the Honorable commissioner of
Please record the attached origin

1. Name of conveying party(ies):
Michael Kazar
Robert M. English
Richard P. Jernigan
2-16-06
Additional name(s) of conveying party(ies) attached? _____ Yes No

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

3. Nature of conveyance:
 Assignment
_____ Merger
_____ Security Agreement
_____ Change of Name
_____ Other
Execution Date: February 14, 2006, December 21, 2005, December 12, 2005

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) 11/261,007
B. Patent No. (s)
Additional numbers attached? _____ Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Duane H. Dreger
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.
Duane H. Dreger, Reg. No. 48,836
Name of Person Signing
Duane H. Dreger
Signature
February 16, 2006
Date
Total number of pages comprising cover sheet:
02/27/2006 LMUELLER 00000073 11261007
61 FC:0021
48.00 OP

ASSIGNMENT

Whereas We, Michael Kazar, whose residence address is 1233 Shady Avenue, Pittsburgh, PA 15232, Robert M. English, whose residence address is 4 East Creek Place, Menlo Park, CA 94025, and Richard P. Jernigan, IV, whose residence address is 1016 Rice Avenue, Ambridge, PA 15003, 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 EFFICIENTLY GUARANTEEING DATA CONSISTENCY TO CLIENTS OF A STORAGE SYSTEM CLUSTER**, identified by Cesari and McKenna File No. P01-1931/112056-0210, the specification of which was filed on October 28, 2005, and accorded Serial Number 11/261,007; 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.

2/14/2006
Date

Michael Kazar
Michael Kazar, Inventor

Commonwealth of Pennsylvania)
County of Butler) ss.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Geraldine J. Crivelli, Notary Public
Cranberry Twp., Butler County
My Commission Expires Feb. 7, 2009
Member, Pennsylvania Association of Notaries

On this 14th day of February, 2005, before me appeared Michael Kazar, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Geraldine Crivelli
Notary Public

[seal]

12 Dec 05

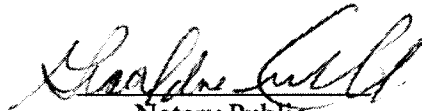
Date



Richard P. Jernigan, IV, Inventor

Commonwealth of Pennsylvania)
County of Butler)ss.

On this 12 day of December, 2005, before me appeared Richard P. Jernigan, IV, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.


Notary Public

[seal]

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