

08-17-2006

FORM PTO-1595
1-31-92

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8/16/06

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

1. Name of conveying party(ies):

VERITAS Software Corporation

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

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

Name: VERITAS Operating CorporationStreet Address: 350 Ellis StreetCity Mountain View State CA ZIP 94043Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment
☐ Merger
☐ Security Agreement
☐ Change of Name
☐ Other _____

Execution Date: August 10, 2006

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

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

A. Patent Application No.(s)

09/997,602

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: B. Noël KivlinInternal Address: Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.Street Address: P.O. Box 398City Austin State TX ZIP 78767-03986. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):\$ 40.00

- ☐ Fee Authorization Form Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 501505/5760-16700

(Attach a 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.

B. Noël Kivlin
 Name of Person Signing
 Reg. No. 33,929

Signature

Date

8-11-06

Total number of pages: 3

OMB No. 0651-011 (exp.4/94)

OFFICE OF PATENT RECORDS
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 FINANCE SECTION

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ASSIGNMENT AGREEMENT

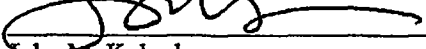
This Assignment Agreement ("Agreement") is made and entered into by and between Veritas Operating Corporation, having a place of business at 350 Ellis Street, Mountain View, California 94043 ("Assignee"), and Veritas Software Corporation, having a place of business at 1600 Plymouth Street, Mountain View, California 94043 ("Assignor").

In consideration of the mutual agreements contained herein and for other good and valuable consideration, acknowledged by each of them to be satisfactory and adequate, the parties hereby agree as follows:

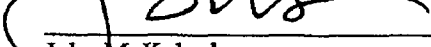
1. Assignor, to the full extent that it may possess any rights therein, including the right to any past damages that may have accrued prior to this assignment, hereby assigns to Assignee the entire right, title and interest in the United States and all foreign countries, in and to United States Patent Application No. 09/997,602, titled: "Methods, Function Data, and Systems to Represent a Storage Environment", filed November 29, 2001, whose inventors are Thomas W. Lanzatella, Graham Bromley, John A. Colgrove, Ron Karr, Blaine T. Cuykendall, Oleg Kiselev, Craig Harmer, Allen Unueco, Steven Michael Umbehoeker, and any and all improvements and/or inventions which are disclosed in such patent application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements and/or inventions; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements and/or inventions; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such applications in the United States (the "Patent Rights").
2. Assignee shall have the sole right to institute, prosecute and control actions, suits or proceedings ("Actions") against third parties with respect to infringement of any of the Patent Rights, including any declaratory judgment actions, and including actions for both past infringement and future infringement, at the expense of Assignee, using counsel of Assignee's choice. Any receipts from such an Actions, including, but not limited to, awards or settlement payments, shall belong to Assignee.
3. This Agreement is binding on the assigns, representatives, and successors of both Assignor and Assignee.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as follows:

VERITAS OPERATING CORPORATION:

By: 
Name: John M. Kubodera
Title: Senior Corporate Counsel, Intellectual Property
Date: 8/10/06

VERITAS SOFTWARE CORPORATION:

By: 
Name: John M. Kubodera
Title: Senior Corporate Counsel, Intellectual Property
Date: 8/10/06