

11-06-2006

HEET

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10/30/06  
To the Honorable commissioner of I  
Please record the attached origina

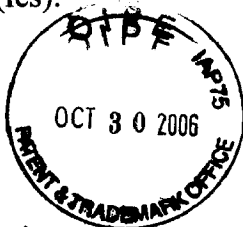


3/06

103332802

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

Ling Zheng  
Robert M. English  
Stephen L. Manley  
Blake H. Lewis



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

## 3. Nature of conveyance:

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

Execution Date: 6/21/06, 7/11/06, 10/27/06

## 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

## 4. Application number(s) or patent number(s): 11/413,882

If this document is being filed together with a new application, the execution  
date of the application is: 6/21/06, 7/11/06, 10/27/06

## A. Patent Application No.(s)

11/01/2006 CNGUYEN2 00000028 11413882

02 FC:8021

## B. Patent No. (s)

40.00 OP

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

*Duane H. Dreger*  
Signature

October 30, 2006

Name of Person Signing

Date

Total number of pages comprising cover sheet:

PATENT

REEL: 018487 FRAME: 0620

### ASSIGNMENT

Whereas We, Ling Zheng, whose mailing address is 495 East Java Drive, Sunnyvale, CA 94089, Robert M. English, whose mailing address is 495 East Java Drive, Sunnyvale, CA 94089, Stephen L. Manley, whose mailing address is 495 East Java Drive, Sunnyvale, CA 94089, and Blake H. Lewis, whose mailing address is 495 East Java Drive, Sunnyvale, CA 94089, 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 PROVIDING CONTINUOUS DATA PROTECTION, identified by Cesari and McKenna File No. 112056-0288, the specification of which was filed on April 28, 2006, and accorded Serial Number 11/413,882; 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.

6/21/2006

Date

*Ling Zheng*

Ling Zheng, Inventor

State of California )

County of Santa Clara )

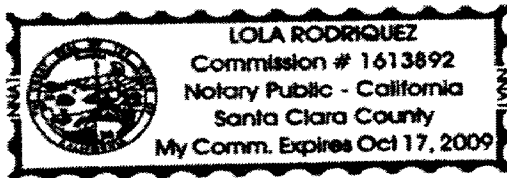
)ss.

On June 21, 2006 before me, Lola Rodriguez, personally

appeared Inventor Ling Zheng,

☐ 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

*Lola Rodriguez*  
Signature of Notary Public

[seal]

7/11/2006  
Date

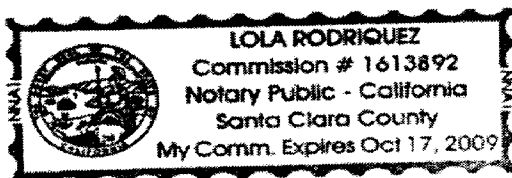
Robert M. English  
Robert M. English, Inventor

State of California )  
County of Santa Clara )ss.

On 7/11/06, before me, Lola Rodriguez, personally  
appeared Inventor Robert M. English,

☐ 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

Lola Rodriguez  
Signature of Notary Public

[seal]

6/21/06

Date

Stephen L. Manley  
Stephen L. Manley, Inventor

State of California )

County of Santa Clara ) ss.

On June 21, 2006, before me, Lola Rodriguez, personally

appeared Inventor Stephen L. Manley,

☐ 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.

LOLA RODRIGUEZ  
Commission # 1613892  
Notary Public - California  
Santa Clara County  
My Comm. Expires Oct 17, 2009

WITNESS my hand and official seal

Lola Rodriguez  
Signature of Notary Public

[seal]

10/27/2006

Date

Blake Lewis

Blake H. Lewis, Inventor

State of California )

)ss.

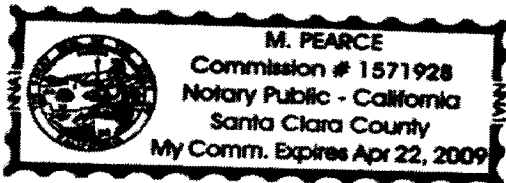
County of Santa Clara )

On October 27, 2006, before me, M. Pearce, personally

appeared Inventor Blake H. Lewis,

☐ 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

M. Pearce

Signature of Notary Public

[seal]