

06-28-2007



103421110

set

Attorney Docket No.: 5693P339

To the Director of the United State.

a attached original documents or copy thereof.

1. Name of conveying party(ies):

Allen J. Kilbourne, II
George Totolos, Jr.

Additional name(s) of conveying party(ies) attached?

☒ No ☐ Yes

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

Name: Network Appliance, Inc.

Internal Address: _____

3. Nature of Conveyance

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other:Street Address: 495 East Java DriveCity: Sunnyvale State/Province: CA Zip: 94089Country: USAExecution Date(s): 6/22/2007, 6/15/2007Additional 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)

11/701,103

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Name: Blakely, Sokoloff, Taylor & Zafman LLP

Internal Address: _____

Street Address: 1279 Oakmead ParkwaySunnyvale, CA 94085-40406. Total number of applications and patents involved: 17. Total Fee (37 CFR 3.41).....\$ 40.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit Account Number:

02-2666

(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.*Jordan M. Becker

Name of Person Signing

Signature

June 25, 2007

Date

Total number of pages including cover sheet, attachments, and documents: 6

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

Mail Stop Assignment Recordation Services

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

Based on Form PTO-1595 as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 05/09/03

06/27/2007 NJANA1 00000087 11701103

01 00:00:01

(40.00 00)

PATENT

REEL: 019508 FRAME: 0101

ASSIGNMENT OF PATENT APPLICATION

Attorney Docket No.: 5693P339

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I/we, the undersigned, Allen J. Kilbourne, II and George Totolos, Jr.

hereby sell, assign, and transfer to Network Appliance, Inc.

a corporation of Delaware

(Type of Assignee: e.g., corporation, company, partnership, university, etc.)

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 inventions or improvements that are disclosed in the application (provisional or non-provisional) for the United States patent which may have a declaration executed by the undersigned prior hereto or concurrently herewith and is entitled APPARATUS AND IMPLEMENTATION OF A BATTERY IN A NON VOLATILE MEMORY SUBSYSTEM

said patent application also identified as follows (when known):

[I/we hereby authorize an attorney or agent for said Assignee to insert below the application number and filing date of said patent application when known.]

United States Patent Application Number 11/701,103 filed January 31, 2007.

and in and to said application (provisional or non-provisional) and all provisional applications, non-provisional applications, utility applications, design applications, 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 inventions or 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 inventions or 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 inventions or 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 provisional applications, non-provisional applications, utility applications, design applications, 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 inventions or 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 inventions or improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or representatives in securing and maintaining proper patent protection for said inventions or improvements and for vesting title to said inventions or improvements, and all applications for patents and all patents on said inventions or 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:

6/12, 2007
Date

[Signature]
Signature

Allen J. Kilbourne, II
Printed/Typed Name

_____, 20____
Date

Signature

George Totoios, Jr.
Printed/Typed Name

Assignment Document Return Address:

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300

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:

_____, 20____
Date

Signature

Allen J. Kilbourne, II
Printed/Typed Name

6-15, 20 07
Date

George Totolos, Jr.
Signature

George Totolos, Jr.
Printed/Typed Name

Assignment Document Return Address:
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300

ACKNOWLEDGMENT

State of California State Colorado
County of _____ Arapahoe

On 6-22-07 before me, Michelle L. Martin
Date (Name and Title of the Officer (e.g., "Jane Doe, Notary Public"))

personally appeared

Allen Kilbourne

Name(s) of Signer(s)

☒ 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.

Signature

Michelle L. Martin
Signature of Notary Public

Place Notary
Seal Above

ACKNOWLEDGMENT

Pennsylvania
State of ~~California~~
County of Butler

On 6/15/07 before me, Geraldine Crivelli,
Date (Name and Title of the Officer (e.g., "Jane Doe, Notary Public"))

personally appeared
George Totolos
Name(s) of Signer(s)

☒ 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.

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

Signature Geraldine Crivelli
Signature of Notary Public

Place Notary
Seal Above