

PATENT ASSIGNMENT

Electronic Version v1.1

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SUBMISSION TYPE:	NEW ASSIGNMENT						
NATURE OF CONVEYANCE:	ASSIGNMENT						
CONVEYING PARTY DATA							
<table border="1"><thead><tr><th>Name</th><th>Execution Date</th></tr></thead><tbody><tr><td>Randall Smith</td><td>07/18/2007</td></tr><tr><td>Stanley Luke</td><td>07/18/2007</td></tr></tbody></table>	Name	Execution Date	Randall Smith	07/18/2007	Stanley Luke	07/18/2007	
Name	Execution Date						
Randall Smith	07/18/2007						
Stanley Luke	07/18/2007						
RECEIVING PARTY DATA							
Name:	Network Appliance						
Street Address:	495 East Java Drive						
City:	Sunnyvale						
State/Country:	CALIFORNIA						
Postal Code:	94089						
PROPERTY NUMBERS Total: 1							
<table border="1"><thead><tr><th>Property Type</th><th>Number</th></tr></thead><tbody><tr><td>Application Number:</td><td>11781819</td></tr></tbody></table>	Property Type	Number	Application Number:	11781819			
Property Type	Number						
Application Number:	11781819						
CORRESPONDENCE DATA							
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<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>							
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ATTORNEY DOCKET NUMBER:	40000176-0003-002						
NAME OF SUBMITTER:	Nathan P. Elder						
Total Attachments: 2 source=40000176-0003-002_Assignment_as_filed_7_23_07#page1.tif source=40000176-0003-002_Assignment_as_filed_7_23_07#page2.tif							

OP \$40.00 11781819

PATENT

500319818

REEL: 019601 FRAME: 0333

ASSIGNMENT

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the undersigned:

Randall Smith and Stanley Luke

hereby sell, assign, and transfer to:

Network Appliance

having a principal place of business at 495 East Java Drive, Sunnyvale, California 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 and improvements that are disclosed in the application for the United States patent entitled:

Storage System and Method for Recovering From A System Failure

and in and to said application and all design, utility, divisional, continuing, continuation-in-part, substitute, renewal, reissue, 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 and improvements; and in and to all original and reissued patents that have been or shall be issued in the United States and all foreign countries on said inventions and improvements; and in and to all rights of priority from the filing of said United States applications;

agree that said Assignee may apply for and receive a patent or patents for said inventions and 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 design, utility, divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications on any and all said inventions and improvements; execute all rightful oaths, assignments, power of attorney, and other papers; communicate to said Assignee, its successors, assigns, and legal representatives all facts known to the undersigned relating to said inventions and improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or legal representatives in securing and maintaining proper patent protection for said inventions and improvements and for vesting title to said inventions and improvements, and all applications for patents and all patents on said 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:

7/18/2007

Date

Randall H Smith

Name: Randall Smith

7/18/2007

Date

Stanley Luke

Name: Stanley Luke

Acknowledgment by Notary Public

State of Massachusetts

County of Norfolk

On this 18th day of July, 2007, before me, the undersigned Notary Public, personally appeared Geraldine Postesi, Randall Smith + Stanley Luke personally known to me (or 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).

Seal:

Signature: Geraldine Postesi

Name: GERALDINE POSTESI, Notary Public

Assignment Document Return Address:
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Telephone: 650.798.0300