

**RECEIVED**  
**CENTRAL FAX CENTER**

APR 29 2008

05-05-2008

FORM PTO-1586  
 (Rev. 3/01)  
 OMD NO. 0651-0011 exp. 5/31/2002)



U.S. DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Atty. Docket No. 5693P386

103500568

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

## 1. Name of conveying parties:

Darren Charles Sawyer  
 Kesari Mishra  
 Swaminathan Ramany

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

☒ No ☐ Yes

## 3. Nature of Conveyance

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other:

Execution Date: 04/28/2008

## 2. Name and address of receiving party:

Name:

NetApp, Inc.

Internal Address:

Street Address:

495 East Java Drive

City: Sunnyvale

State/Province: CA

Zip: 94089

Country: USA

Additional 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:

04/28/2008

A. Patent Application No. 12/111,712

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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

Sheryl Sue Holloway

Name: Blakely, Sokoloff, Taylor &amp; Zafman LLP

Internal Address:

Street Address: 1279 Oakmead Parkway

City: Sunnyvale State: California Zip: 94085-4040

## 6. Total number of applications and patents involved: 1

## 7. Total Fee (37 C.F.R. §3.41).....\$40.00

☒ Enclosed☒ Deficiencies authorized to be charged to deposit account

## 8. Deposit Account Number:

022666

(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 believe, the foregoing is true and correct and any attached copy is a true copy of the original document

Benjamin A. Kimes, Reg. 50,870

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

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 VA 22313-1450

Atty Docket No. 5693P386

05/02/2008 DBYRNE 00000074 022666 12111712  
 01 FC:8021 40.00 DA

**RECEIVED  
CENTRAL FAX CENTER**

APR 29 2008

**ASSIGNMENT OF PATENT APPLICATION**

Attorney Docket No.: 5693P386

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I/we, the undersigned, Darren Charles Sawyer, Kesari Mishra, and Swaminathan Ramany, hereby sell, assign, and transfer to NetApp, Inc., a corporation of Delaware, 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 LOAD BALANCED STORAGE PROVISIONING, 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 12/111,712 filed 04/29/2008

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

Client Ref. No.: P01-3602  
5693P386

- 1 -

Rev. 2/20/2007

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:

4/28 2008 [Signature]  
Date Signature

Darren Charles Sawyer  
Printed/Typed Name

04/28 2008 [Signature]  
Date Signature

Kesari Mishra  
Printed/Typed Name

4/28 2008 [Signature]  
Date Signature

Swaminathan Ramany  
Printed/Typed Name

Assignment Document Return Address:  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300

Client Ref. No.: P01-3602  
5693P386

- 2 -

Rev. 2/20/2007

PAGE 4/5 \* RCVD AT 4/29/2008 5:30:27 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-5/21 \* DNIS:2738300 \* CSID:4087208383 \* DURATION (mm-ss):02-06

RECORDED: 04/29/2008

PATENT  
REEL: 020908 FRAME: 0281