

**PATENT ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT																
NATURE OF CONVEYANCE:	ASSIGNMENT																
<b>CONVEYING PARTY DATA</b>																	
<table border="1"> <thead> <tr> <th>Name</th> <th>Execution Date</th> </tr> </thead> <tbody> <tr> <td>Alan Stuart Driscoll</td> <td>09/02/2009</td> </tr> <tr> <td>Peter Frank Corbett</td> <td>08/25/2009</td> </tr> <tr> <td>Toby Smith</td> <td>09/12/2009</td> </tr> <tr> <td>Devang K. Shah</td> <td>09/11/2009</td> </tr> <tr> <td>Srishylam Simharajan</td> <td>08/20/2009</td> </tr> <tr> <td>Keith Allen Amer</td> <td>08/20/2009</td> </tr> <tr> <td>Joe Warren Dukes Jr.</td> <td>08/20/2009</td> </tr> </tbody> </table>		Name	Execution Date	Alan Stuart Driscoll	09/02/2009	Peter Frank Corbett	08/25/2009	Toby Smith	09/12/2009	Devang K. Shah	09/11/2009	Srishylam Simharajan	08/20/2009	Keith Allen Amer	08/20/2009	Joe Warren Dukes Jr.	08/20/2009
Name	Execution Date																
Alan Stuart Driscoll	09/02/2009																
Peter Frank Corbett	08/25/2009																
Toby Smith	09/12/2009																
Devang K. Shah	09/11/2009																
Srishylam Simharajan	08/20/2009																
Keith Allen Amer	08/20/2009																
Joe Warren Dukes Jr.	08/20/2009																
<b>RECEIVING PARTY DATA</b>																	
Name:	NetApp, Inc., a corporation of Delaware																
Street Address:	495 East Jave Drive																
City:	Sunnyvale																
State/Country:	CALIFORNIA																
Postal Code:	94089																
<b>PROPERTY NUMBERS Total: 1</b>																	
<table border="1"> <thead> <tr> <th>Property Type</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>Application Number:</td> <td>12559340</td> </tr> </tbody> </table>		Property Type	Number	Application Number:	12559340												
Property Type	Number																
Application Number:	12559340																
<b>CORRESPONDENCE DATA</b>																	
Fax Number:	(408)720-8383																
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>																	
Phone:	408-720-8300																
Email:	andy_radke@bstz.com																
Correspondent Name:	BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP																
Address Line 1:	1279 Oakmead Parkway																
Address Line 4:	Sunnyvale, CALIFORNIA 94085																
ATTORNEY DOCKET NUMBER:	5693P439																

CH \$40.00 12559340

**500961866**

**PATENT  
 REEL: 023228 FRAME: 0625**

NAME OF SUBMITTER:

Paul M. Krueger

**Total Attachments: 9**

source=P439 Assignment signed#page1.tif

source=P439 Assignment signed#page2.tif

source=P439 Assignment signed#page3.tif

source=P439 Assignment signed#page4.tif

source=P439 Assignment signed#page5.tif

source=P439 Assignment signed#page6.tif

source=P439 Assignment signed#page7.tif

source=P439 Assignment signed#page8.tif

source=P439 Assignment signed#page9.tif

**ASSIGNMENT OF PATENT APPLICATION**

Attorney Docket No.: 5693P439

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I/we, the undersigned;

**Alan Stuart Driscoll, Peter Frank Corbett, Toby Smith, Devang K. Shah, Srishylam Simharajan, Keith Allen Arner, and Joe Warren Dukes, Jr.,**

hereby sell, assign, and transfer to

**NetApp, Inc.**

a corporation of Delaware, 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 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

**FILE SYSTEM AGNOSTIC REPLICATION,**

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 \_\_\_\_\_ filed \_\_\_\_\_,

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:

Aug 7, 2009  
Date

Alan S. Driscoll  
Signature

Alan Stuart Driscoll  
Printed/Typed Name

Aug 25, 2009  
Date

Peter Frank Corbett  
Signature

Peter Frank Corbett  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date

Toby Smith  
Printed/Typed Name

9/11, 2009  
Date

Devang K. Shah  
Signature

Devang K. Shah  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Srishyam Simharaian  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Keith Allen Arner  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Joe Warren Dukes, Jr.  
Printed/Typed Name

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

Aian Stuart Driscoll  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Peter Frank Corbett  
Printed/Typed Name

9/12, 2009  
Date Signature

Toby Smith  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Devang K. Shah  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Srividya Simharajan  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Keith Allen Arner  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Joe Warren Dukes, Jr.  
Printed/Typed Name

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

Alan Stuart Driscoll  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Peter Frank Corbett  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Toby Smith  
Printed/Typed Name

\_\_\_\_\_, 20\_\_\_\_  
Date Signature

Devang K. Shah  
Printed/Typed Name

08/20/2009  
Date Signature

Srishylam Simharajan  
Printed/Typed Name

08-20-09  
Date Signature

Keith Allen Arner  
Printed/Typed Name

8-20-09  
Date Signature

Joe Warren Dukes, Jr.  
Printed/Typed Name

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Santa Clara }

On Sept 2 2009 before me, Yolanda G Soto Notary Public  
Date Here Insert Name and Title of the Officer

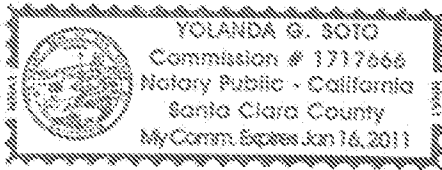
personally appeared Alan Stuart Dixon  
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yolanda G Soto Notary Public  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: POI-5741

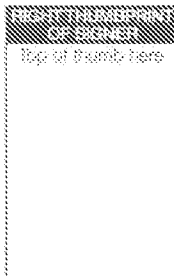
Document Date: Sept 2 2009 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

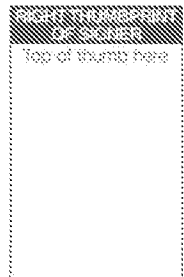
- Individual
- Corporate Officer --- Title(s): \_\_\_\_\_
- Partner ---  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer --- Title(s): \_\_\_\_\_
- Partner ---  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer is Representing: \_\_\_\_\_

# ACKNOWLEDGMENT

State of California MASSACHUSETTS

County of NORFOLK

On 25<sup>th</sup> Aug before me, GERALDINE PORTER - NOTARY,  
(here insert name and title of the officer)

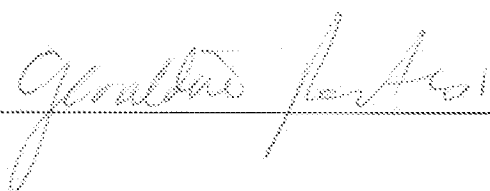
personally appeared

PETER COLBERT

provided 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



ACKNOWLEDGMENT

State of ~~California~~ <sup>Pennsylvania</sup>  
County of Allegheny

On Sept. 12 2009 before me, Michael Neiman Notary Public  
(here insert name and title of the officer)

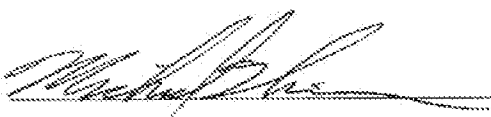
personally appeared  
Tobiah E Smith

provided 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Michael Neiman, Notary Public  
Ross Twp., Allegheny County  
My Commission Expires Apr. 8, 2010  
Member, Pennsylvania Association of Notaries

Signature 

(Seal)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

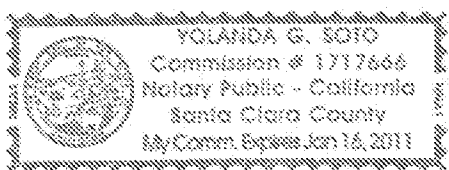
State of California

County of Santa Clara

On Sept 11, 2009 before me, Yolanda G. Soto Notary Public

personally appeared Devang K. Shah

who 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(s)/she(s)/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.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yolanda G. Soto Notary Public

Please Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent insidious removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: PO-5741

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

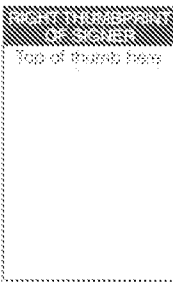
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer --- Title(s): \_\_\_\_\_
- Partner ---  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

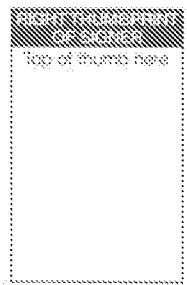
Signer is Representing: \_\_\_\_\_



Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer --- Title(s): \_\_\_\_\_
- Partner ---  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



**ACKNOWLEDGMENT**

State of California PA  
County of BUTLER

On August 20 before me, PATRICIA L. HARTMAN,  
(here insert name and title of the officer)

personally appeared

SRISHYLAM SIMHARAJAN

KEITH A. ARNER

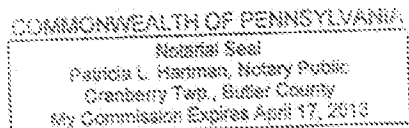
Joe Warren Dukes, Jr

provided 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia L. Hartman



(Seal)