

PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Stephen M. Byan	11/24/2009
RECEIVING PARTY DATA	
Name:	NetApp, Inc.
Street Address:	495 East Java Drive
City:	Sunnyvale
State/Country:	CALIFORNIA
Postal Code:	94089
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	12628913
CORRESPONDENCE DATA	
Fax Number:	(408)881-0145
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	408-881-0140
Email:	sarah@S2LAW.COM
Correspondent Name:	Stattler-Suh PC
Address Line 1:	60 SOUTH MARKET
Address Line 2:	SUITE 480
Address Line 4:	SAN JOSE, CALIFORNIA 95113
ATTORNEY DOCKET NUMBER:	NTAP.P0046(P01-4438)
NAME OF SUBMITTER:	Gregory D. Suh
Total Attachments: 2 source=NTAP_P0046-AssignSigned#page1.tif source=NTAP_P0046-AssignSigned#page2.tif	

OP \$40.00 12628913

501028955

PATENT
REEL: 023589 FRAME: 0074

ASSIGNMENT

Whereas I, Stephen M. Byan, whose residence address is Littleton, MA, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled HIGH-AVAILABILITY OF A STORAGE SYSTEM IN A HIERARCHICAL VIRTUAL SERVER ENVIRONMENT, identified by NetApp, Inc. File No. P01-4438, the specification of which application was executed by me herewith; and

Whereas NetApp, 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 me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservation:

1. Assign, transfer, and convey to Assignee my 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 my name 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 I 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 I have good right to assign the same to Assignee without encumbrance;
5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me 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 me, my 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 me 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 my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which I have executed this Assignment as an instrument under seal on the dates indicated next to my name.


Stephen M. Byan, Inventor

State of Massachusetts)
)ss.
County of Norfolk)

On this 21 day of November, 2009, before me appeared Stephen M. Byan, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Geroldino P. Deo
Notary Public
My Commission Expires 5/31/13