

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:

U.S. Patent No. 8,645,558

Filed: June 15, 2006 (PCT filing date)

Issued: February 4, 2014

Named Inventor(s): Steven Leslie Pope,
Derek Edward Roberts, David James
Riddoch, Greg Law, Steve Grantham,
Matthew Slattery

Recorded Assignee: Solarflare
Communications, Inc.

Title: Reception According To A Data
Transfer Protocol Of Data Directed To
Any Of A Plurality Of Destination
Entities For Data Extraction

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PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. § 311 AND 37 C.F.R. § 42.100

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I. INTRODUCTION

Exablaze Pty. Ltd. (“Petitioner”) requests *inter partes* review of Claim 1–12 of U.S. Patent No. 8,645,558 (“the ’558 Patent”). (Ex. 1002.)

II. MANDATORY NOTICES

A. Real Party-in-Interest (37 C.F.R. § 42.8(b)(1))

Exablaze Pty Ltd. and Zomojo Pty. Ltd. are the real parties-in-interest for Petitioner.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

Solarflare Communications, Inc. (“Solarflare”) has asserted the ’558 Patent against Petitioner in: *Solarflare Comms. v. Exablaze Pty. Ltd.*, Case No. 16-cv-01891 (D. NJ). The case was filed on April 5, 2016.

This case may affect, or be affected by, decisions in this proceeding.

C. Designation of Lead and Backup Counsel and Service Information (37 C.F.R. §§ 42.8(b)(3)-(4))

Lead Counsel	Backup Lead Counsel
Russell Levine (Reg. No. 32,153) russell.levine@kirkland.com <u>Postal and Hand-Delivery Address:</u> KIRKLAND & ELLIS LLP 300 North LaSalle Street Chicago, Illinois 60654 Telephone: (312) 862-2000 Fax: (312) 862-2200	Eugene Goryunov (Reg. No. 61,579) egoryunov@kirkland.com <u>Postal and Hand-Delivery Address:</u> KIRKLAND & ELLIS LLP 300 North LaSalle Street Chicago, Illinois 60654 Telephone: (312) 862-2000 Fax: (312) 862-2200

Petitioner concurrently submits a Power of Attorney, 37 C.F.R. § 42.10(b), and consents to service by email at Exablaze_IPR_Service@kirkland.com.

III. FEE FOR *INTER PARTES* REVIEW (37 C.F.R. § 42.103)

The undersigned authorizes the PTO to charge the fee set forth in 37 C.F.R. § 42.15(a) for this Petition to Deposit Account No. 506092. Review of twelve (12) claims is requested, and thus no excess claim fees are required. The undersigned further authorizes payment for any additional fees that may be due in connection with this Petition to be charged to the above-referenced Deposit Account.

IV. GROUNDS FOR STANDING (37 C.F.R. § 42.104(A))

Petitioner certifies that they have standing to request, and are not barred or estopped from requesting, an IPR of the '558 Patent. Petitioner certifies: (1) Petitioner is not the owner of the '558 Patent; (2) Petitioner (or any real party-in-interest) has not filed a civil action challenging the validity of any claim of the '558 Patent; (3) Petitioner files this Petition within one year of the date it was served with a complaint asserting infringement of the '558 Patent; (4) the estoppel provisions of 35 U.S.C. § 315(e)(1) do not prohibit this IPR; and (5) this Petition is filed after the '558 Patent was granted.

V. IDENTIFICATION OF CHALLENGE (37 C.F.R. § 42.104(B))

Petitioners request institution of an IPR and cancellation of Claims 1–12 of the '558 Patent based on the following:

Mansley. “Engineering a User-Level TCP for the CLAN Network” by Kieran Mansley. (Ex. 1003.) Mansley (1) was published in 2003 in the Proceedings of the ACM SIGCOMM 2003 Workshop on Network I/O

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