

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the *Inter Partes* Review of:

U.S. Patent No. 8,612,536

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Recorded Assignee: Solarflare  
Communications, Inc.

Title: User-Level Stack

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Commissions for Patents  
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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 Claims 1–17 of U.S. Patent No. 8,612,536 (“the ’536 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 ’536 Patent against Petitioner in: *Solarflare Comms. v. Exablaze Pty. Ltd.*, Case No. 16-cv-01891 (D. NJ). Solarflare amended its complaint on July 14, 2016, to allege, for the first time, infringement of the ’536 Patent.

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 seventeen (17) claims is requested and an excess claim fee is submitted. 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 '536 Patent. Petitioner certifies: (1) Petitioner is not the owner of the '536 Patent; (2) Petitioner (or any real party-in-interest) has not filed a civil action challenging the validity of any claim of the '536 Patent; (3) Petitioner files this Petition within one year of the date it was served with a complaint asserting infringement of the '536 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 '536 Patent was granted.

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