

## **SOLARFLARE COMMUNICATIONS, INC. PRIVACY POLICY**

This Privacy Policy is effective as of November 12, 2010.

This website located at <http://www.solarflare.com> (the “**Site**”) is owned and operated by Solarflare Communications, Inc. (“**Solarflare**”, “**us**”, “**we**”). Your privacy is important to Solarflare. This Privacy Policy (as amended from time to time, this “**Privacy Policy**”) outlines (1) the types of personally identifiable information (such as first and last name, address) and other information (such as log files) that we gather while you are visiting the Site, and (2) the ways in which we process and disseminate such information. This Privacy Policy does not pertain to information collected on any other site owned or operated by Solarflare.

Solarflare reserves the right to change, modify, add, or remove provisions of this Privacy Policy. Any changes to this Privacy Policy will be posted here, and we encourage you to check back from time to time to ensure continuing familiarity with the most current version of our Privacy Policy. At the top of this page, we will indicate the “Effective Date” of the most recent version of the Privacy Policy, allowing you to determine whether the Privacy Policy has been revised since your previous visit to the Site.

Please read this Privacy Policy as well as the Terms of Use carefully. Your use of the Site constitutes your acceptance to be bound by this Privacy Policy and the Terms of Use. If at any time you do not accept all the terms and conditions contained herein and in the Terms of Use, you must immediately discontinue use of the Site.

### **What Information We Collect.**

#### **Non-Personally Identifiable Information.**

Non-personally identifiable information is any information that does not reveal your specific identity, such as browser information, demographic information, and aggregated information that does not personally identify you or any other user of the Site.

When you use the Site, information is gathered from your Internet browser. This information may include log files (which allow us to determine the identity of your Internet Service Provider), your operating system and the type of browser software that you are using to access the Site.

The Site may use a standard technology called a “cookie”, or web beacons or other similar technology to collect information about how you use the Site. Cookies reside on your computer and help the Site recognize your computer’s browser as a previous visitor. In addition, on occasion the Site may also set a “session cookie” which helps us administer the Site. The session cookie expires when you close your browser and does not retain any information about you after it expires.

If you use a standard web browser, you should be able to modify your browser preference to provide you with choices relating to cookies. For example, you should have the choice to accept all cookies, to be notified when a cookie is set or to reject all cookies. If you choose to reject

cookies, you may be unable to use certain Site services (e.g., those services that require you to log on to the Site). For more information on modifying your browser preference, please refer to the documentation accompanying your browser.

### **Personally Identifiable Information.**

Personally identifiable information is information that identifies you as an individual, such as your name. We collect personally identifiable information that you submit to Solarflare through the Site. This personally identifiable information may include, but is not limited to:

- first and last name;
- name of the corporation, partnership or other legal entity you represent;
- state, country and zip/postal code of your place of business or residence;
- e-mail address; and
- telephone numbers.

Solarflare may also from time to time request additional information that is helpful or necessary for running the Site and providing products, services and information.

### **IP Addresses.**

Your IP address is a number that is automatically assigned to the computer that you are using by your internet service provider.

An IP address is identified and logged automatically in our server log files whenever a user visits the Site, along with the time of the visit and the page(s) that were visited. Collecting IP addresses is standard practice on the Internet and is done automatically by many web sites.

### **How We Use and Disclose Information We Collect.**

#### **Non-Personally Identifiable Information.**

We may use non-personally identifiable information to measure the number of visits, average time spent on the Site and pages viewed as well as to diagnose problems with our servers and to administer the Site. We may then use this information to analyze and improve the features and functionality of the Site.

Because non-personally identifiable information does not personally identify you, we may use and disclose non-personally identifiable information for any purpose. In some instances, we may combine non-personally identifiable information with personally identifiable information (such as combining your name with your geographic location). If we combine any non-personally identifiable information with personally identifiable information, we will treat the combined information as personally identifiable information as long as it is combined.

#### **Personally Identifiable Information.**

We use your personally identifiable information for purposes that include, but may not be limited to: providing or enhancing the products and services we make available to our customers, communicating with our customers about additional products or services they may find of value, meeting our legitimate business interests (including, without limitation, performing trend

analysis and market studies), sending notifications, contacting you when reasonably necessary, and as we believe to be necessary or appropriate under applicable law.

We also may share or transfer your personally identifiable information to our affiliated entities located in any country for the purposes described in this Privacy Policy. We also may share or transfer your personally identifiable information to our third-party service providers located in any country to enable them to provide services to us, such as website hosting, data analysis, order fulfillment, IT services, customer service, and similar services.

We may use or disclose personally identifiable information as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from government and other regulatory agencies and entities, including such authorities outside your country of residence; (d) to enforce our terms and conditions; (e) in connection with investigations of possible illegality, fraud, abuse or misuse of the Site, or Solarflare products or services and as otherwise appropriate to protect our operations or those of any of our affiliates; (f) to protect our rights, private, safety or property, and/or that of any of our affiliates, you or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain. We also may transfer personally-identifiable information to a third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock (including in connection with any bankruptcy or similar proceedings).

#### **IP Addresses.**

We use IP addresses for purposes such as calculating Site usage levels, helping diagnose server problems, and administering the Site. We may also use and disclose IP addresses for all the purposes for which we use and disclose personally identifiable information. Please note that we treat IP addresses and related information as non-personally identifiable information, except where we are required to do otherwise under applicable law.

#### **Opt-In/Opt-Out Policy**

When you supply Solarflare with personally identifiable information in connection with the Site, you may be asked to indicate whether you are interested in receiving information from us about our product and service offerings. If you do choose to opt-in, you shall receive such communications in accordance with your “opt-in” consent. You may, of course, choose not to receive additional marketing information from us as follows:

- At any time, you can follow a link provided in our commercial email messages (but excluding e-commerce confirmations and other administrative emails) to opt out from receiving such messages; or
- At any time, you can contact us by sending an e-mail to [support-site-help@solarflare.com](mailto:support-site-help@solarflare.com) to opt out from receiving such communications.

If you decide to opt out, Solarflare shall implement this change as soon as reasonably practicable. Please be aware that your requested change shall not be effective until Solarflare implements such change. Solarflare reserves the right, from time to time, to contact former customers or users of the Site for administrative purposes or consistent with applicable laws, rules and regulations.

### **Updating Your Information**

If you would like to review, correct, update, or suppress your personally identifiable information that has been previously provided to us, you may contact us by: sending an e-mail to [support-site-help@solarflare.com](mailto:support-site-help@solarflare.com).

Please note that we may need to retain certain information for recordkeeping purposes, and there may also be residual information that will remain within our databases and other records, which will not be removed therefrom. Finally, we are not responsible for removing information from the databases of third parties with whom we have already shared personally identifiable information about you.

### **Cross-Border Transfers**

Your personally identifiable information may be stored and processed in any country where we or our affiliates or service providers have facilities. By using our Site you consent to the transfer of information to countries outside of your country of residence, including the United States, which may provide for different data protection rules than in your country.

### **Retention of Information We Collect.**

We retain information, including personally identifiable information, for the period required to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or allowed by law.

### **Security Precautions.**

Solarflare employs reasonable security measures consistent with standard industry practice, for information collected through the Site. For instance, usernames and passwords submitted by users of the Site are encrypted using Secure Sockets Layer or other encryption mechanisms. However, you should exercise discretion with respect to the submission of any personal or financial information to the Site. Transmitting information via the Internet is never completely secure and, therefore, any information submitted may be intercepted, collected, used or disclosed by others. We cannot, and do not, guarantee that information supplied by users shall not be accessed on our servers, or intercepted, collected, used or disclosed by others while being transmitted to or from the Site over the Internet.

### **Links to Other Websites.**

The Site may contain links to other websites, which may or may not be owned or operated by Solarflare. All links to such websites are made without any representations or warranties relating to the integrity, security or legitimacy thereof. We are not responsible for the privacy practices or the content of websites that are not owned and operated by Solarflare, including such sites' use of any information (such as Internet Protocol number, browser type or operating system) collected when visitors to the Site click through links to those sites. This Privacy Policy cannot and does not apply to external websites and, once you leave the Site, you are subject to those websites' privacy policies and procedures. We strongly encourage you to become familiar with the privacy practices and privacy policies of external websites before providing personally identifiable information thereon. If you have concerns about any linked website, please contact us.

**Jurisdictional Matters.**

The Site is controlled and operated by Solarflare from the United States, and is not intended to subject Solarflare or any affiliate to the laws or jurisdiction of any state, country or territory other than that of the United States. Solarflare does not represent or warrant that the Site, or any part thereof, is appropriate or available for use in any particular jurisdiction. Those who choose to access the Site do so on their own initiative and at their own risk, and are responsible for complying with all local laws, rules and regulations. We may limit the Site's availability, in whole or in part, to any person, geographic area or jurisdiction we choose, at any time and in our sole discretion.

**Contact Us.**

If you have any questions about our company, the Site or this Privacy Policy, please contact us by clicking on the Contact Us link on the Site or by writing to the following address: Solarflare Communications, Inc., 7505 Irvine Center Drive, Suite 100, Irvine, California 92618, USA. We encourage visitors to the Site to contact us with questions and comments. Email addresses and other information of persons using the Contact Us feature may be collected in order to facilitate our responses to such inquiries.

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