

From: Thomas Pack

To: Anthony Serafini

Date: February 16, 2015

Subject:

Message:

Dear Mr. Sarafini,

Mr. Pack and I would like to thank you for returning our call regarding the need for an FCC experimental license during the marketing, development, design, operation and testing of our SARLink radio device prior to equipment authorization.

Our assessment is that the applicable regulations and our intended purpose covering this type of activity appears to be in accordance with CFR 47 2.803 Marketing of Radio frequency prior to equipment authorization and 2.805 Operation of radio frequency devices prior to equipment authorization. The need for an experimental license from the FCC does not appear to be required under the following excerpts from the rules below. With your concurrence we will withdraw our experimental license application request to the FCC and proceed in accordance with the rules and regulations for marketing and testing our device.

§2.803 Marketing of Radio frequency prior to equipment authorization

(c) Exceptions. The following marketing activities are permitted prior to equipment authorization:

(i) Conditional sales contracts (including agreements to produce new devices manufactured in accordance with designated specifications) are permitted between manufacturers and wholesalers or retailers provided that delivery is made contingent upon compliance with the applicable equipment authorization and technical requirements.

(ii) A radio frequency device that is in the conceptual, developmental, design or pre-production stage may be offered for sale solely to business, commercial, industrial, scientific or medical users (but not an offer for sale to other parties or to end users located in a residential environment) if the prospective buyer is advised in writing at the time of the offer for sale that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or to centers of distribution.

§2.805 Operation of radio frequency devices prior to equipment authorization.

(a) General rule. A radio frequency device may not be operated prior to equipment authorization unless the conditions set forth in paragraphs (b), (c), (d) or (e), of this section are met.

(i) Demonstrations at a trade show or an exhibition, provided a notice containing the wording specified in §2.803(c)(2)(iii) is displayed in a conspicuous location on, or immediately adjacent to, the device; or all prospective buyers at the trade show or exhibition are advised in writing that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or to centers of distribution; or

(ii) Evaluation of performance and determination of customer acceptability, during developmental, design, or pre-production states. If the device is not operated at the manufacturer's facilities, it must be labeled with the wording specified in §2.803(c)(2)(iii), and in the case of an evaluation kit, the wording specified in §2.803(c)(2)(iv)(C).

Sincerely,

Steve Dickenson
ACR Electronics, Inc.
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