

REQUEST FOR CONFIDENTIAL TREATMENT

Pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Energous Corporation (“Energous”) hereby requests confidential treatment for certain technical information set forth in Energous’ FCC Form 442 application for special temporary authority to which this Exhibit C is attached (“STA Application”). Specifically, Energous requests confidential treatment for the technical information set forth in the “Station Location” box in the FCC Form 442 (“Technical Information”). The Technical Information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to Energous. As demonstrated below, the instant request satisfies the standards for grant of confidential treatment.

1. *Identification of the specific information for which confidential treatment is sought.* Energous requests that the Technical Information be treated as confidential pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and Sections 0.457(d) and 0.459 of the Commission’s rules, which protect confidential and proprietary commercial and other information not routinely available for public inspection.
2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Energous is submitting this STA Application under the FCC’s experimental licensing rules to secure special temporary authority to provide Commission staff with a demonstration of certain proprietary Energous technology.
3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Technical Information in the STA Application concerns the development of proprietary, innovative technology with significant commercial value.
4. *Explanation of the degree to which the information concerns a service that is subject to competition.* Energous’ wire-free charging technology is being developed for use in mobile and fixed consumer wireless equipment, and the consumer electronics industry is highly competitive.
5. *Explanation of how disclosure of the information could result in substantial competitive harm.* The Technical Information contained in this STA Application is commercially sensitive. Its public release would provide insight into Energous’ research and development, potentially jeopardizing Energous’ business strategy and diminishing the value of its work to date.

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure “to any extent not authorized by law” of “information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”).

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The Technical Information in the STA Application is not available to the public, and has not otherwise been disclosed previously to the public. In the normal course of its business, Energous protects this information against public disclosure.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Energous requests that the Technical Information in this STA Application be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* Under applicable Commission and federal court precedent, the information provided by Energous should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The Technical Information in the STA Application clearly satisfies this test.

If a request for disclosure occurs, please provide sufficient advance notice to Energous prior to any such disclosure so that it may pursue appropriate remedies to preserve the confidentiality of this information.