

To the Office of Engineering and Technology:

***Re: Request for confidential treatment for information within STA Application,
File No. 1063-EX-ST-2017***

Ericsson respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457 and 0.459, the Commission withhold from public inspection and accord confidential treatment to the antenna parameters and diagrams from our STA application and related exhibits, File Number 1063-EX-ST-2017. This information qualifies as trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹

Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential."² Ericsson is providing the trade secrets and commercial information "of a kind that would not customarily be released to the public" because such disclosure is necessary to obtain an STA. Therefore, this information is "confidential" under Exemption 4 of FOIA.³ Moreover, Ericsson would suffer competitive harm if the information was disclosed.⁴

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁵ Ericsson hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁶

Ericsson seeks confidential treatment of the details about the demonstration that are contained in the application exhibit. We have provided a public version of the exhibit in which we have redacted this information.

¹ 5 U.S.C. § 552(b)(4).

² *Id.*

³ *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁴ *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁵ 47 C.F.R. § 0.459(b).

⁶ 47 C.F.R. § 0.459(b)(1).



2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁷

Ericsson is submitting an application for authorization for an STA to conduct a demo at Mobile World Congress Americas.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁸

The information for which Ericsson seeks confidential treatment contains sensitive trade secrets and commercial information “which would customarily be guarded from competitors.”⁹ Ericsson has invested finances, planning and expertise into developing this “secret commercially valuable plan” that is the program of research into 5G and the plans for this demo at MWC Americas, in particular leading up to the trade show.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION¹⁰

Developing network products is the core of Ericsson’s business and 5G is the next generation of network technology, which is still in the research and development stage. Ericsson faces competition in the US and globally to develop and sell the best 5G products.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹¹

The release of the plan we are using to research and develop 5G products could result in competitive harm to Ericsson to the extent it became available to competitors, who could use it to undermine our plans for MWC Americas, a significant industry trade show. It would unjustly benefit our competitors to gain this insight.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹²

The information has been kept within Ericsson and disclosed only to personnel working on the 5G research and this demo, except as discussed in the next section. We have provided a redacted public exhibit to the application to keep the information confidential.

⁷ 47 C.F.R. § 0.459(b)(2).

⁸ 47 C.F.R. § 0.459(b)(3).

⁹ 47 C.F.R. § 0.457.

¹⁰ 47 C.F.R. § 0.459(b)(4).

¹¹ 47 C.F.R. § 0.459(b)(5).

¹² 47 C.F.R. § 0.459(b)(6).



7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹³

The information is not available to the public. To the extent this information has been shared with customer partners as we conduct 5G research, it has been done under a nondisclosure agreement. Accordingly, Ericsson requests that the Commission accord the information covered by this Request confidential treatment under Sections 0.457 and 0.459 of the Commission's rules.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁴

Ericsson requests that the antenna information be treated as confidential until September 15, 2017. We request this time period so that competitors cannot undermine this demo at MWC Americas. By the end of the show, we will not face the same competitive harm.

9. OTHER INFORMATION THAT ERICSSON BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁵

Granting this request for confidentiality is consistent with a policy of supporting innovation and the investment necessary to conduct research and advance network technology.

Respectfully submitted,

_____/s/_____

Kelley A. Shields

Director, Government Affairs and Public Policy

¹³ 47 C.F.R. § 0.459(b)(7).

¹⁴ 47 C.F.R. § 0.459(b)(8).

¹⁵ 47 C.F.R. § 0.459(b)(9).