



29 October 2020

To the Office of Engineering and Technology:

Re: Request for confidential treatment for information within Experimental Authority Application, File. No. To be provided after submission

Lynk Global, Inc. (“Lynk”), previously known as UbiquitiLink, Inc., 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 certain material related to this application. Specifically, Lynk requests confidential treatment of the following material contained in the narrative exhibit to the above-referenced Experimental Authority request:

- Commercial Business Plan: Anything that describes, or suggests, non-public information about our business plans, which is to provide a commercial global service to phones and cellular IOT devices. This includes specific details of the devices we plan to use on the ground in the testing, and details related to who our commercial business partners might be, or where we would like to operate, outside of the United States.
- Spacecraft Technology: Our specific spacecraft technology and technology choices are trade secrets, and unnecessary to analysis of potential interference on the ground. This includes details related to “antenna”, “link budgets”, “cavity filters”, “triplexers”, “hexiplexers”, “antenna gain”, “emitter power”, as well as anything else that provides information on the performance of our spacecraft technology (in Watts, dB, EIRP, gain), and related graphics. These details are not necessary to understand the PFD on the ground, and the specific frequencies and locations we will be operating, in the U.S.
- Commercial Business Methods: Anything that discusses “how we conduct the test” is a trade secret, as we have invested years to develop innovative methods that provide a competitive advantage in the commercial market. Trade secrets include how we conduct rapid, low-cost, low-risk testing of space technology. This includes anything relating to the details of the testing operations of the “Cygnus”, “space station”, “ISS”, “hosted payload”, “free-flyer”, “cubesat”, “satellite”, “astronauts”, as well as language related to “pointing sessions”. Trade secrets also includes discussions of our partners, including SEOPS and Northrop Grumman, which we have invested years in developing and selecting.

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

¹ 5 U.S.C. § 552(b)(4).



from a person and privileged or confidential.”² Lynk 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 Experimental Authority. Therefore, this information is “confidential” under Exemption 4 of FOIA.³ Moreover, Lynk would suffer substantial competitive harm if the information listed above for our research program were disclosed.⁴

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

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

Lynk seeks confidential treatment of our Commercial Business Plan, our Spacecraft Technology, and our Commercial Business Methods (as defined above) that are contained in the application exhibit. We have provided a public version of the exhibit in which we have redacted this information.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁷

Lynk is submitting an application for authorization for an Experimental Authority to conduct a limited experiment from a space segment payload to GSM equipment on the ground (space-to-Earth), and from GSM equipment to the space segment (Earth-to-space) using GSM frequencies 824.2 to 848.8 (uplink) and 869.2 to 893.8 (downlink).

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 Lynk seeks confidential treatment contains sensitive trade secrets and commercial information “which would customarily be guarded from competitors.”⁹ Lynk has invested finances, planning and expertise into developing this “secret commercially valuable plan” that is the program of research into satellite deployed cellular telephone operations (“cell tower in the sky”). Lynk will use this research to continue research and refine its concept of a ubiquitous communications anywhere on earth in the GSM band using standard smartphones already deployed (nearly 2 billion). The patent pending (currently unpublished) technology used to allow ground-based smart phones to communicate with a constellation of LEO satellites are at

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).

⁷ 47 C.F.R. § 0.459(b)(2).

⁸ 47 C.F.R. § 0.459(b)(3).

⁹ *See* 47 C.F.R. § 0.457.



the core of what and how we will research and it is not information we would disclose outside of Lynk except for the need to obtain the Experimental Authority.

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

Carriers and entrepreneurs worldwide are scrambling to find ways to economically deliver data to every habited and uninhabited point on the planet. The entity that can solve the economic and technical problems of the last rural mile delivery will have a huge competitive advantage.

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 our products could result in competitive harm to Lynk to the extent it became available to competitors. Disclosing the methods and technologies being tested under the pending Experimental Authority would allow global competitors to quickly copy and seek a similar solution to what Lynk is proposing before Lynk is able to demonstrate and deploy this revolutionary technology. Disclosing the information would enable competitors to use and benefit from the investment Lynk has made. It would unjustly benefit our competitors to gain this insight into our research, increase the risk of those investing in Lynk, and reduce likelihood and size of future investments in Lynk.

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

The information has been kept within Lynk and disclosed only to personnel working on the project, except as discussed in the next section. We have provided a redacted public exhibit to the application to keep trade secret and commercial information confidential, while providing sufficient information to demonstrate that no harmful interference will occur to other operators on these frequencies during the test period.

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. Only employees and contractors to Lynk, and those who have signed non-disclosure agreements, have access to this information. To the extent any of the redacted information has been shared with customer partners as we conduct this research, it has been done under a nondisclosure agreement. Accordingly, Lynk requests that the

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).

¹³ 47 C.F.R. § 0.459(b)(7).



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

Lynk requests that the information be treated as confidential for a period of five (5) years. We request this time period so that competitors cannot benefit from our research as the industry seeks ways to deliver communications into the most rural areas of the planet. By the end of 5 years, research into this technological solution should have developed to an extent where disclosing this information to the public would not be a competitive risk.

9. OTHER INFORMATION THAT LYNK 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 to solve an important public safety need of being able to communicate in emergency situations anywhere on the planet. The research conducted under this Experimental Authority will therefore be in the public interest.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Charles E. Miller".

Charles E. Miller
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¹⁴ 47 C.F.R. § 0.459(b)(8).

¹⁵ 47 C.F.R. § 0.459(b)(9).