

March 25, 2013

**Re: Microsoft STA Application Attachments  
0278-EX-ST-2013  
REQUEST FOR CONFIDENTIAL TREATMENT**

Microsoft Corporation (“Microsoft”), hereby respectfully seeks confidential treatment pursuant to the Freedom of Information Act (“FOIA”) and section 0.459 of the Commission’s rules<sup>1</sup> for the attachments that accompany its Special Temporary Authority application (the “STA Application Attachments”). As explained more fully below, the STA Application Attachments contain highly sensitive and confidential information, the public disclosure of which would have a significant and material adverse effect on the company. Microsoft therefore respectfully seeks confidential treatment for the STA Application Attachments.

The Commission’s rules specify that, with the requisite showing that “the materials contain trade secrets or privileged or confidential commercial, financial or technical data,” the materials in question shall be afforded confidential treatment and not be made available for public inspection.<sup>2</sup> The STA Application Attachments fall squarely within this definition. Pursuant to Section 0.459(b) of the Commission’s rules, Microsoft provides the following detailed explanation for this request for confidential treatment:

*1. Identification of the specific information for which confidential treatment is sought.*

Microsoft seeks confidential treatment for the STA Application Attachments on the basis that they contain throughout trade secrets and technical data about a confidential Microsoft product in development, which Microsoft customarily guards from public disclosure. Moreover, they contain confidential commercial information concerning Microsoft’s product development and testing processes.

*2. Identification of the Commission proceeding in which the information was submitted or description of the circumstances giving rise to the submission.*

The material is being submitted in order to seek grant of an STA so that Microsoft can evaluate the product performance and determine consumer acceptability of a prototype unintentional radiator consumer electronic device.

*3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*

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<sup>1</sup> 5 U.S.C. § 552, *et seq.*; 47 C.F.R. § 0.459.

<sup>2</sup> 47 C.F.R. § 0.457(d)(2).

The STA Application Attachments contain highly confidential trade secrets and technical information, the release of which would cause substantial harm to Microsoft by revealing to competitors non-public information about a confidential, forthcoming Microsoft product. The STA Application Attachments also contain highly confidential commercial information concerning Microsoft's product testing and development processes.

*4. Explanation of the degree to which the information concerns a service that is subject to competition.*

The consumer electronics industry is fiercely competitive. Microsoft and its competitors carefully guard information about forthcoming products.

*5. Explanation of how disclosure of the information could result in substantial competitive harm.*

The release of the STA Application Attachments would provide Microsoft's competitors with information concerning a product in development that is not ordinarily made public by industry participants and that could be used to disadvantage Microsoft in the marketplace. This would provide Microsoft's competitors with non-public detailed technical information on the prototype product. Moreover, the release of the STA Application Attachments would provide Microsoft's competitors with information concerning the company's product testing and development processes, which could be used to disadvantage Microsoft in the marketplace.

*6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*

Microsoft makes information on its prototype product, including the information in the STA Application Attachments, available solely on a "need to know" basis to the extent necessary to the operation of its business. For instance, all employees who will participate in the tests that are the subject of the STA Application Attachments are subject to non-disclosure agreements as a component of their employment, and will be subject to a further non-disclosure agreement as a prerequisite to participating in the test.

*7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*

The information in the STA Application Attachments is not publicly available.

*8. Justification of the period during which the submitting party asserts that material should be available for public disclosure.*

In light of the sensitive nature of the information contained therein concerning the developmental stages of a forthcoming Microsoft product, the Commission should not make the

Microsoft Corp.  
March 25, 2013  
Page 3

STA Application Attachments available for public inspection at any point. Even if and when the product in development ultimately is released, the STA Application Attachments reveals non-public and confidential information concerning Microsoft's product development processes.

*9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.*

Microsoft will exercise careful control over the devices to be tested to prevent any risk that the physical device could be identified and evaluated by a member of the public or a competitor.

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This request for confidential treatment should not be construed as a waiver of any other protection from disclosure or confidential treatment accorded by law. Please contact the undersigned at (202) 662-6000 if you should have any questions concerning this filing.

Respectfully submitted,



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