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November 23, 2004

Mr. Julius Knapp  
Deputy Chief, Office of Engineering and Technology  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

RE: Aegeus Corporation Request for Confidential Treatment  
Experiment Application 0175-EX-PL-2004 (Reference Number: 3289)

Dear Mr. Knapp:

Our firm is counsel to Commission license applicant Aegeus Corporation ("Aegeus"). In connection with the above-referenced application for an experimental license (the "Application"), we hereby request on behalf of Aegeus confidential treatment for certain information contained in attachments submitted in support of the Application.

We believe that such information is protected from public disclosure as "trade secrets and commercial or financial information obtained from a person and privileged and confidential" within the definition of 5 U.S.C. §552(b)(4). In the alternative, we request confidential treatment for such material under §0.459 of the Commission's rules. All materials sought to be protected with confidential treatment herein are clearly marked "CONFIDENTIAL" on each page.

In response to Section 0.459(b)(9) of the Commission's Rules, Aegeus is an early-stage enterprise seeking an experimental license to test promising new wireless broadband technology with significant commercial potential. As such, the technical information surrounding the proposed wireless system and Aegeus's business plan are highly innovative, and reflect significant investment of time and resources by Aegeus. Premature public disclosure of the detailed commercial and technical information contained within the Application would destroy Aegeus's current competitive advantage

in the marketplace, and would have disastrous consequences for the commercial viability of Aegeus as a going business concern.

Specifically, the "detailed description of the testing you intend to conduct" requested by Commission staff in a November 16, 2004, electronic mail message to Mr. Rick Edwards of our firm (the "Description") to be included with the Application reveals information which Aegeus considers to be a "trade secret" as well as "commercial information" under Section 0.459(b)(4) of the FCC Rules, in that it reveals material, non-public information about Aegeus's anticipated operations, including detailed technical information on Aegeus's technology and operations (the Description will be filed electronically, but for convenience of reference is attached hereto with the entire Application). The Description should be withheld from public inspection under Section 0.459(b) of the Commission's Rules because:

- 1) If publicly disclosed, release of the information in the Description would bring substantial financial harm to Aegeus by allowing potential competitors to benefit at no expense from substantial research and development investments made by Aegeus in developing its innovative technology [47 U.S.C. §0.459(b)(5)].
- 2) In the highly competitive wireless broadband industry, premature disclosure of this information would destroy any competitive advantage of Aegeus as a first mover investing substantial capital in developing innovative, promising commercial technology [47 U.S.C. §0.459(b)(4)]. Some of the technology under development may be patentable if proven feasible in the experimental period, and public disclosure of the Description may sharply curtail the time period to apply for such patent under Federal patent law (35 U.S.C. 102(b)).
- 3) Aegeus has not disclosed this information to any third parties other than to the minimum extent necessary to develop its technology and business plan, and any private third parties who have been a party to this information have been required to complete Nondisclosure Agreements protecting such information, or are protected by various professional-client privileges of confidentiality [47 U.S.C. §0.459(b)(6)].
- 4) The information which is subject to this request has never been publicly disclosed, and has been revealed only to employees and agents of Aegeus subject to the protection described above. Aegeus also provided certain of this information to Commission staff in a presentation on June 18, 2004, but confidential treatment was also sought at that time [47 U.S.C. §0.459(b)(7)].
- 5) Aegeus seeks confidential treatment for this information at least through the proposed two-year term of the experimental license. At that point Aegeus expects to have its technology prepared for commercial release, although it wishes to reserve the right to seek further extension of confidential treatment for the identified information beyond the initial two-year term [47 U.S.C. §0.459(b)(8)].

We believe that the above information answers the questions raised by Commission staff in the November 16, 2004, electronic correspondence. Please feel free to contact us if you require additional information. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "RS" or "Ritter", written in a cursive style.

Robert L. Ritter