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December 13, 2018

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street N.W.  
Washington, DC 20554

**Re:     Airobotics Inc.  
        Request for Confidential Treatment  
        Experimental Licensing Service File No. 0261-EX-CM-2018**

Dear Ms. Dortch:

Airobotics Inc. ("Airobotics") respectfully requests that the Federal Communications Commission ("Commission" or "FCC") afford confidential treatment to the entire scope of its test plan included in its modified experimental radio service license application pursuant to the provisions of sections 0.457 and 0.459 of the Commission's rules governing the submission of confidential materials.<sup>1</sup> Airobotics additionally requests that the Commission not place any of the Confidential Information in the Commission's public files. Airobotics is providing this information to the Commission in a Confidential Narrative Statement and Confidential Exhibits to accompany its application, File No. 0261-EX-CM-2018. The confidential information qualifies as "commercial or financial information" that "would customarily be guarded from competitors" regardless of whether or not such materials are protected from disclosure by a privilege, is closely held by Airobotics, is not available to the public, and not revealed except under cover of confidentiality.<sup>2</sup> The FCC previously afforded confidential treatment for these materials as part of Airobotics's original experimental license application, File No. 0265-EX-CN-2018 and recent amendment, File No. 0201-EX-CM-2018. Airobotics therefore requests that the Commission continue to restrict public inspection of these materials.<sup>3</sup>

In support of this request and pursuant to 47 C.F.R. § 0.459(b), Airobotics makes its request for confidential treatment based on the following information:

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<sup>1</sup> 47 C.F.R. §§ 0.457, 0.459.

<sup>2</sup> See 47 C.F.R. § 0.457(d); *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) ("[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is 'confidential' for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.").

<sup>3</sup> See 47 C.F.R. § 0.451.

1. Airobotics seeks confidential treatment for the entire scope, specifications, and objectives of the experiments to be conducted under this application, other than the FCC Form 442, this Request for Confidential Treatment, and the Stop Buzzer contact information provided in Exhibit 2 to the Form 442 (the "Confidential Information").

2. Airobotics is submitting the Confidential Information as part of an experimental application to conduct the experimentation described in its response to Question Seven of the application.

3. The information regarding Airobotics's proposed experiments is privileged commercial information and is restricted solely to Airobotics.

4. The market for unmanned aerial systems ("UAS") is innovative, fast-developing, and competitive. Airobotics's business of developing communication modes in support of UAS is subject to competition from other device, software, and network developers.

5. Due to the competitive nature of Airobotics's business, disclosure of information about its test plans would result in substantial competitive harm to Airobotics. Knowledge of Airobotics's technologies and specifications of its testing plan would allow competitors to infer or confirm information about Airobotics's business strategy of which they are currently unaware or uncertain, and could jeopardize Airobotics's competitive position in the market.

6. Airobotics strictly limits information about its technologies and test plans to Airobotics employees and potential clients, subject to execution of binding non-disclosure agreements.

7. Airobotics has not made the Confidential Information publicly available and the Confidential Information is not generally available from any other source.

8. Airobotics requests that the proprietary information be withheld from disclosure for an indefinite period, at a minimum the entire duration of the experimental license.

9. The premature disclosure of Airobotics's Confidential Information would harm the competitive position of Airobotics and potentially put it at a disadvantage compared to its competitors.

Airobotics is submitting a Confidential Narrative Statement providing information regarding the specifications of the experiments to be conducted under its amended application. Airobotics requests that the Commission return this submission if its request for confidentiality is denied.<sup>4</sup> Please direct any questions to me.

Respectfully submitted,

/s/ C. Sean Spivey

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<sup>4</sup> See 47 C.F.R. § 0.459(e).