



December 15th, 2016

Request for Confidentiality

aXion Applied Technology is developing unique processing techniques for tracking and detecting specific targets in a highly competitive business environment. Our exhibit documentation describing our goals and the system we are testing is confidential. As requested we will outline below in the 9 questions the facts and why we are requesting confidentiality.

- (1)** Identification of the specific information for which confidential treatment is sought;
 - a. In the background information section, it outlines our purpose and goals including the markets we are pursuing as a company. It also reveals the development stage we are in by stating that we are needing to obtain extensive test data. It also reveals the capabilities we are developing.
 - b. In the experiment setup and objectives section, we outline the technology we are using to develop our algorithms and the test environment. We also outline the test methods and the targets we will be pursuing. While this may seem innocuous even this simple information provides our competitors with details of where we are in our development lifecycle.
- (2)** Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission;
 - a. FCC OET Experimentation licensing
- (3)** Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;
 - a. The information outlined in our exhibit documentation specifically in the background and the experiment setup and objective is

aXion Confidential and Proprietary Information

privileged and confidential information. This information is not shared outside of the organization. It is confidential information as it highlights the current stage in our development lifecycle as well as our market focus and the targets we are developing our product to detect. This information reveals confidential information to our competitors.

- (4) Explanation of the degree to which the information concerns a service that is subject to competition;
 - a. As a startup company, we are developing radar technology and competing with multiple companies that are also developing or have developed similar technology to various degrees. Protecting the stages in our development process is extremely important to us.
- (5) Explanation of how disclosure of the information could result in substantial competitive harm;
 - a. As a startup company, if our competitors determined our development stage as well as the specific radar technology vendor we are using they could move in and hinder our development by influencing the radar vendor's cooperation with us.
 - b. Competitors will also know from our exhibit the specific radar technology we are developing on and may change their development tactics to focus on this technology instead of the other systems most are working on. Our unique advantage is that we are developing this specific capability on the latest greatest technology and will lose that competitive advantage quickly if someone discovered we were creating this product.
 - c. Any disclosure of our technology at this stage of the development lifecycle will significantly hinder aXion's ability to pursue customers in the future and will force us to close our doors.
- (6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;
 - a. aXion has NDA's in place and confidentiality agreements in place with our radar vendor to prevent disclosure including complete blackout clauses that prohibit anyone from mentioning that they are working with aXion. Our employees are also under NDA and confidentiality agreements to protect our technology, testing, and markets we are pursuing. We also requested in our exhibit letter that the information we submitted be held in confidence.

- (7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;
- a. The information we have submitted to the FCC is not available to the public.
 - b. The information we have submitted to the FCC has not been disclosed to third parties except to the radar vendor who is under a strict NDA and Confidentiality agreement with blackout clauses prohibiting them from disclosing that they are even working with aXion. This ensure that our development can take place in the dark without competitors discovering our intent.
 - c. The information we have submitted to the FCC has been disclosed under NDA with specific US Government agencies to keep them abreast of our development.
- (8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure; and
- a. We request that our testing exhibit be held confidential indefinitely since this document reveals aspects of our marketing strategy, development stages, target specifics, radar we are utilizing, and overall goals.
- (9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.
- a. As previously mentioned we believe our ability to come to market with a product will be highly damaged by any disclosure of our development, testing targets and processes, and markets being pursued. Since we are a small business and recent startup we do not have the same resources available that most of our competitors have which allow them to switch relatively quickly to developing a similar technology and destroy our ability to come to market. We need multiple years of confidentiality to develop this technology without risk of disclosure to competitors.

Please advise on whether we need to submit a redacted version or whether the entire experimentation exhibit may be withheld from public disclosure.

Your consideration of our request for confidentiality is greatly appreciated.

Best regards,

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