

Date: May 13, 2020
Subject: Request for Confidentiality
Call Sign: WI2XYC
Form 442 File Number: 0267-EX-CR-2020

To Whom It May Concern:

On behalf of our client Axonics Modulation Technologies, Inc. (“Axonics”) and pursuant to 5 U.S.C. § 552 and Sections 0.457 and 0.459 of the Commission’s Rules, 47 C.F.R. §§ 0.457, 0.459, we hereby request that the 12-month progress report associated with the above-referenced license for Experimental Radio Station Authority with call sign WI2XYC (“Experimental License”) be treated as confidential and not subject to public inspection. The designated information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm. As described below, Axonics’ request satisfies the standards for grant of such requests set forth in Sections 0.457 and 0.459 of the Commission’s Rules.

In accordance with Section 0.459(b) and in support of this request, Axonics provides the following information:

1. Identification of the Information for Which Confidential Treatment is Sought:

Axonics’ request for confidential treatment is limited to the 12-month progress report associated with the FCC license with call sign WI2XYC.

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

The above-referenced document was submitted on May 13, 2020 to the Commission as required by the Special Conditions of the Experimental License for WI2XYC.

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

The information requested to be kept confidential has significant commercial value and includes confidential business information related to the location and scope of Axonics’ testing of its devices. Axonics has invested considerable time and materials in research and development to produce the referenced devices and is one of the first of its kind in the medical device industry. Substantial competitive harm to Axonics could result should the information be made available to the public.

4. Explanation of the degree to which the information concerns a service that is competitive.

The services and technologies that are the subject of this Experimental License have not yet been fully developed, but are expected to be competitive due to their leading edge nature, being one of the first of its kind in the medical device industry.

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

The technology under development is sensitive and confidential in nature. The release of such information would provide valuable insight into Axonics’ potential business plans and strategies.

Disclosure of the confidential documents to competitors would not only give them significant competitive advantages, but would also disclose successful implementation of unpublished, leading edge technology developed by Axonics and could result in financial hardship.

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

Axonics has taken steps to keep confidential the information set forth in the 12-month progress report by limiting the number of people involved in the development of the technology.

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

The document for which we seek confidential treatment is not available to the public, and has only been disclosed to limited third parties involved in the operations related to the Experimental License. Axonics voluntarily provides the information to the Commission at this time with the expectation that it will be treated confidentially in accordance with the Commission's rules.

8. Justification of the requested period of confidentiality

Axonics expects that confidential treatment will be necessary for the length of the proposed experiment and thereafter in order to protect Axonics' evolving business and technology strategies.

9. Any other information that would be useful in assessing whether this request should be submitted.

The information subject to this request for confidentiality should not be made available for public disclosure at any time.

Consistent with 47 C.F.R. § 0.459(d)(1), Axonics requests notification if release of the information subject to this request is requested pursuant to the FOIA or otherwise, so that Axonics may have an opportunity to oppose grant of any such request.

Sincerely yours,

Terry G. Mahn
Outside Counsel for Axonics Modulation Technologies, Inc.