

May 3, 2011

BY ELECTRONIC FILING

James Burtle
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Comm Labs, Inc. Request for Confidential Treatment; Application for Modification of
Experimental License File No. 0096-EX-ML-2011 (Call Sign WF2XLW)**

Dear Mr. Burtle:

Comm Labs, Inc. ("Comm Labs"), through its attorneys, hereby requests that its application form and the included exhibit to its modification of its experimental authorization be given confidential treatment and withheld from public inspection pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459.¹

Pursuant to the Freedom of Information Act ("FOIA"), public disclosure is not required for "trade secrets, commercial or financial information obtained from a person and privileged and confidential."² The commercial information contained herein falls squarely within this exemption from public disclosure.

Pursuant to Section 0.459(b) of the Commission's Rules, 47 C.F.R. § 0.459(b), the following information is provided in support of the request for confidential treatment. The information for which confidential treatment is sought is a description of Comm Labs' specific efforts to develop and test wireless location technology, filed as an attachment to the Comm Labs' application for modification of its experimental license, ELS File No. 0096-EX-ML-2011, as well as technical details regarding its equipment in the application form.³ This information is proprietary trade secrets and commercial information of Comm Labs.⁴ The market for development of wireless location technologies is a very

¹ Comm Labs' experimental license being modified is call sign WF2XLW, ELS File No. 0268-EX-PL-2010.

² 5 U.S.C. § 552(b)(4); *see also* 47 C.F.R. § 0.457(d).

³ *See* 47 C.F.R. § 0.459(b)(1), (2).

⁴ *See* 47 C.F.R. § 0.459(b)(3).

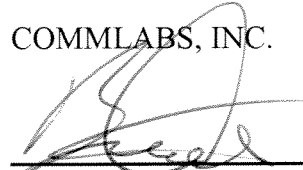
competitive one.⁵ Due to the competitive environment for such services, release of this information could harm Commlabs.⁶ This is especially true due to the fact that equipment has not yet been developed to provide cost effective and reliable terrestrial-based wireless location monitoring services and competing efforts are ongoing to develop and deploy such equipment.

It is customary for companies such as Commlabs not to disclose the details of its technologies and methods. The commercial information contained in the exhibit and form have been strictly controlled by Commlabs, with distribution limited to internal use only and to other parties (pursuant to appropriate non-disclosure agreements) only for the specific purpose of conducting research, development, and testing of the technology.⁷ Commlabs has not disclosed this commercial information to the public and disclosure to any other party has been only as described herein.⁸ Commlabs requests that the subject information not be made routinely available for public inspection at any time.⁹ The competitive technical and commercial information contained in the exhibit would benefit Commlabs' competitors and harm Commlabs if it is released for public inspection at any time.

Finally, the public interest will be served by the granting of this request for confidential treatment. It is in the public interest that equipment and technologies be developed to provide wireless location monitoring services to facilitate competition in the provision of such services.¹⁰

Sincerely,

COMMLABS, INC.



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Its Attorneys

⁵ See 47 C.F.R. § 0.459(b)(4).

⁶ See 47 C.F.R. § 0.459(b)(5).

⁷ See 47 C.F.R. § 0.459(b)(6).

⁸ See 47 C.F.R. § 0.459(b)(7).

⁹ See 47 C.F.R. § 0.459(b)(8).

¹⁰ See 47 C.F.R. § 0.459(b)(9).