



HM Electronics, Inc.
14110 Stowe Dr.
Poway, CA 92064

January 15, 2003

Federal Communications Commission
Experimental Radio Service
P. O. Box 358320
Pittsburgh, PA 15251-5320

Attn: John Kennedy

Dear Mr. Kennedy:

The following are the responses to 47 CFR, Part 0.459(b) statements 1 through 9 pertaining to confidentiality for FCC File #: 0002-EX-PL-2003 (Reference Number: 2383) (revised on 1-14-2003):

(1) Identification of the specific information for which confidential treatment is sought;

HM Electronics, Inc. (HME) is requesting that the following documents submitted with Form 442 File number 0002-EX-PL-2003 be kept confidential:

1. Exhibit 01 titled "Statement of Purpose of Experiment".
2. Exhibit 02 titled "Emission Description".

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

The exhibits in question were submitted to the FCC as part of the application for an experimental license for testing and demonstrating new products. As part of the form 442 submissions, we were asked to attach exhibits describing the statement of purpose of experiment and the description of the proposed emissions.

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

The specified exhibits give specific information about products under development or being considered for development by HME. Such information could be used by competitors to anticipate features that might be available in such new products. This knowledge could give competitors an unfair advantage over HME in the marketplace.

(4) Explanation of the degree to which the information concerns a service that is subject to competition

The types of products being developed are of interest to broadcasters as well as television and motion picture production companies. For this reason, there are various competing manufacturers of such products. These manufacturers all strive to offer the best available feature set at any given time, and wish to avoid sharing any information with other competitors.

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

The exhibits in question disclose information about the performance capabilities of products under development or being considered for future development. Competing companies would be able to make use of this information to anticipate such products and add features that they might not ordinarily have planned.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure

HME has not disclosed this information publicly and has maintained all product-related documentation internally. Employees are not permitted to discuss details with any third parties unless such discussions are covered by formal legal non-disclosure agreements.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;

None of the information in the exhibits is available to the public. All information regarding new and future products is considered and treated as proprietary and company confidential. When development partners are necessary, information is only disclosed when formal, legal non-disclosure agreements are in place.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure;

Due to the competitive nature of the business, this information should remain confidential for at least 5 years or until HME decides to disclose it for marketing reasons.

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

The FCC should consider that in a competitive product development environment, competing companies make use of any available information regarding competitors' products and development plans. In order to stay competitive, a company must make every effort to minimize the disclosure of such information.

Sincerely,

David O'Gwynn
Principal Engineer