

**REQUEST FOR WITHHOLDING INFORMATION
FROM ROUTINE PUBLIC DISCLOSURE**
File No. 0053-EX-ST-2013

The PC Client Group of Intel Corporation (“Intel”) requests pursuant to Section 0.459 of the Commission’s Rules that certain materials included within the above-referenced application for special temporary authority be withheld from routine public disclosure. In support of that request, Intel provides the following information:

Identification of materials to be withheld from routine public disclosure (§0.459(b)(1)): Intel requests that all of the information contained in Attachment 1 to the application be withheld from routine public disclosure. Intel does not seek to withhold from public inspection any information necessary for interference mitigation, including the applicant name, contact information, locations, frequencies and power levels.

Identification of the Commission proceeding in which the information was submitted (§0.459(b)(2)): The material has been submitted in connection with the Intel application for special temporary authority that has been assigned File No. 0053-EX-ST-2013.

Explanation of the degree to which the information is commercial or financial, or contains a trade secret, or is privileged (§0.459(b)(3)): The industry segment that includes the prototype device at issue is highly competitive, and thus others are interested in gaining a competitive advantage by learning information about Intel’s device prototypes, as well as applicable development, testing and marketing schedules. The information for which confidential treatment is sought concerns Intel’s private business and operations and “would customarily be guarded from competitors.” *See* 47 C.F.R. §§ 0.459(a)(4), 0.457(d)(2). Such proprietary and confidential information may be withheld from public disclosure under the Freedom of Information Act (“FOIA”) Exemption 4.

Explanation of the degree to which the information concerns a service that is subject to competition (§0.459(b)(4)): As discussed above, the market for the Ultrabook devices that are the subject of the request for special temporary authority is a highly competitive one. The information for which confidential treatment is sought concerns Intel’s private business and operations and “would customarily be guarded from competitors.” *See* 47 C.F.R. §§ 0.459(a)(4), 0.457(d)(2).

Explanation of how disclosure of the information could result in substantial competitive harm (§0.459(b)(5)): Public disclosure of the commercially-sensitive, proprietary, and confidential operational and technical information set forth in Attachment 1 would cause competitive harm to Intel. As noted above, were Intel’s competitors to become aware of the facts set forth in Attachment 1 to the application at this time, it could deprive Intel of marketplace benefits it otherwise will achieve. The D.C. Circuit has found that parties do not have to “‘show actual competitive harm’” to justify confidential treatment. Rather, “[a]ctual competition and the likelihood of substantial competitive injury’ is sufficient to bring commercial information within the

realm of confidentiality.” *Public Citizen Health Research Group*, 704 F.2d at 1291, quoting *Gulf & Western Industries v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979).

Identification of any measures taken by the submitting party to prevent unauthorized disclosure (§0.459(b)(6)): Intel treats the commercially-sensitive, proprietary, and confidential operational and technical information set forth in the Attachment as confidential and proprietary and does not publicly disclose this information. Those Intel employees that are involved in the activities described in the Attachment are provided with, and subject to, strict guidelines designed to assure that confidentiality is maintained. To the extent that contractors, software developers and other Intel partners are privy to information in the Attachment, they are subject to non-disclosure commitments that assure confidential treatment of that information.

Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties (§0.459(b)(7)): There has been no public disclosure that Intel is submitting the Attachment or is on the verge of importing the devices discussed in the Attachment for purposes of development, evaluation and testing, assuring the suitability of the device for marketing, and demonstrating at trade shows. Intel has not made the information in the attached Attachment available to the public, and does not routinely disclose such commercially-sensitive information to the public or to third parties. As discussed in response to Item 6, although some Intel employees and a select group of outside entities involved in the activities discussed in the Attachment are aware of the Attachment or the information contained therein, Intel has established procedures to protect the confidentiality of such information. Intel voluntarily provides the information at this time with the expectation that it will be treated confidentially in accordance with the Commission’s rules. See *Critical Mass Energy Project v. Nuclear Regulatory Comm’n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (commercial information provided 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.”).

Justification of the period during which the submitting party asserts that material should not be available for public disclosure (§0.459(b)(8)): Intel requests that the information be held confidential during the period for which special temporary authority for experimental operations is requested, and thereafter until such information no longer is deemed confidential and proprietary by Intel and no longer subject to Intel’s internal procedures for maintaining its confidentiality. The Attachment contains commercially-sensitive, proprietary and confidential operational and technical information, the release of which would adversely affect Intel’s competitive position.

Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted (§0.459(b)(9)): The information for which confidential treatment is requested falls within FOIA Exemption 4, which provides a statutory basis for withholding from public inspection “matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4).

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