



June 26, 2017

Federal Communications Commission
Office of Engineering and Technology
445 12th Street, SW
Washington, DC 20554

Re: Experimental License Application 0499-EX-CN-2017

The subject application for an experimental license included the submission of a technical paper that was developed for publication by AREMA (American Railway Engineering and Maintenance-of-Way Association) later this year. This paper provides a succinct briefing on the intended use of the device being developed and evaluated. However, the applicant hereby requests that it should not be made available at this time to the general public and should be treated as confidential information.

Supporting information requested in §0.459(b) follows:

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

A preliminary technical paper, marked as Confidential, entitled "Intrinsically Failsafe Radar as an Alternative to Track Circuits"

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

Form 422, Experimental License Application 0499-EX-CN-2017

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

The purpose, use, and techniques employed for this device are the subject of a recent submitted provisional patent application. There is concern that we might jeopardize the validity of a non-provisional patent application if specifics regarding the intended use of the device being evaluated is made available to the general public prior to the submission of a non-provisional patent application.

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

Following the initial development and evaluation phase of the project the applicant intends to evaluate commercialization of the product in a manner that is consistent with prevailing FCC rules and regulations. Publication of information pertaining to the market value of the device, and its use as a component of existing railroad signaling systems, compromises the innovativeness and future value of such a commercialized product.

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

Publication of this use information prior to submission of a non-provisional patent application can interfere with acceptance of a patent application by the US Patent and Trademark Office (PTO).

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

Unauthorized use and distribution of the material is protected by its limited and controlled distribution as well as by Non-Disclosure Agreements executed by project participants.

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

No information has been made available to the general public. Any information made available to third parties involved in the project has been protected by its limited and controlled distribution as well as by Non-Disclosure Agreements executed by project participants.

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

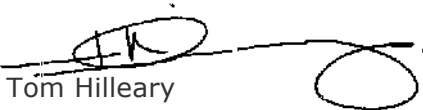
One of the criteria for acceptance for publication by AREMA following the peer review process, is that the paper has not been published elsewhere. If accepted, the paper is intended to be published in the AREMA Conference Proceedings currently scheduled for September 2017.

- (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 paper should not be made available prior to its publication by the AREMA organization in its upcoming conference proceedings.

Thank you for consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'TH', followed by a long horizontal line that ends in a large, stylized loop.

Tom Hilleary
Manager
Island Radar Company, LLC