

Kapsch TrafficCom



To:
Federal Communications
Commission
Office of Engineering and
Technology
Experimental Licensing Branch
445 12th St., S.W.
Room 7-A322
Washington, DC 20554

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Subject: Request for Confidentiality

Experimental License Application Form 442
Confirmation Number: EL829979
File Number: 0500-EX-PL-2008

Pursuant to FCC Rule Sections 0.457 and 0.459 please find our statement for confidential information given in the following:

1. Identification of the specific information for which confidential treatment is sought.
Objective of experiment as detailed in the confidential exhibits
 - a. ObjectiveOfExperiment.pdf
 - b. DirectionalAntennaInformationV0200.pdf
2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.
 - a. The proposed technology and proceedings needs an experimental license notification in order to validate the system and its performance.
3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.
 - a. The approach used for the 5.9GHz technology to leverage the VII program is unique. Publication of the approach potentially allows competitors to duplicate the characteristics of that equipment in whole or in part or to "reverse engineer" technology in lieu of doing actual research.

4. Explanation of the degree to which the information concerns a service that is subject to competition.
 - a. The information involved concerns technology developed by the license applicant for deployment on the for the 5.9 GHz band. This band was allocated by the Commission, In the Matter of Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band), [and] Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850–5.925 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Services, WT Docket No. 01-90, ET Docket No. 98-95, RM 9096. As contemplated by the Commission's objective to foster competitive, commercial development for services on this band, the technology involved concerns unique proprietary technology related to the provisions of DSRC services.
5. Explanation of how disclosure of the information could result in the substantial competitive harm.
 - a. If disclosed the information concerning the technology could result in substantial harm to the license applicant due to loss of intellectual capital thereby allowing competing services to deploy their own technologies without appropriately licensing the technology from the license applicant.
6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.
 - a. This information has been strictly controlled by the license applicant, with distribution limited to internal use only or under nondisclosure agreements for the specific purpose of obtaining patents or of conducting research and testing of the technology.
7. Identification of whether the information is available to the public and extent of any previous disclosure of the information to third parties.
 - a. The information has not been disclosed publicly by license applicant in any forum worldwide. As noted in the answer to the Question #6 above, disclosure of the information is (and since creation has been) closely restricted on a need-to-know basis related to development of the technology, to include only company internal, contractors subject to non-disclosure, or patent licensure authorities subject to confidential review inherent in granting intellectual property rights.
8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure.
 - a. It is during the cited development period that disclosure of the information publicly would provide competitors with access sufficient to result in the substantial harm cited in Question #5 above.
9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.
 - a. Kapsch TrafficCom is owner of many international patents in the field of DSRC communication and electronic tolling systems whereby the information therein has already been determined to unique intellectual capital.