

From: McCarthy, Dennis
To: John Kennedy
Date: 1/31/03 10:33AM
Subject: RE: FCC File #: 0020-EX-PL-2003 [Reference Number: 2431] EL12949

Hi John

Again here are the updated question answers that we just discussed. :-) we will get this right one day ha hah
Thanks a bunch, it was a pleasure talking to you. I have attached a new EXHIBIT E word document. for your review

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see Sec. 0.457) and of the facts upon which those records are based, including:

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

MDS is Requesting that EXHIBITS "C & E" be held in confidentiality.

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

MDS is requesting an experimental license to test this new technology on the AIR.

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

All of the design is for commercial use in the industrial environment. However trade secrets in the new modem ASIC design, if leaked out could cause serious damage to our market.

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

Our competition , currently has products on the market in this frequency range and we wish to not let them know our highly advanced and faster modem technology .

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

If our competition were to get our ASIC design this could seriously damage our new product and intended customer use.

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

Even though there is no modem technology listed on our application we are still asking to keep the information available to the public at a minimum.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties; It is OK to have the frequencies, power levels, and locations available to the public.

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

The standard experimental license length is OK, the design is complete and we expect to have a formal FCC grant in less than 6 months, then the radio can be used by BETA site customers, customers and sister divisions with no license required.

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

All information submitted should satisfy this question.

Thank you for your consideration and review of this information.
Regards
Dennis

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