

## REQUEST FOR CONFIDENTIAL TREATMENT

April 23, 2015

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, D.C. 20054

Attn: Mark Neumann, Chief  
Equipment Authorization & Compliance Branch  
Office of Engineering & Technology  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: *EMClarity Request for Equipment Authorization*  
Request for Confidential Treatment for E10G Equipment Authorization**

Dear Madam Secretary:

Pursuant to Sections 0.457(d) and 0.459 of the Commission's rules, EMClarity respectfully requests that the Commission accord both short-<sup>1</sup> and long-term<sup>2</sup> confidential treatment to and withhold from public disclosure the response and the information contained in Exhibit 1 through Exhibit 3 attached to EMClarity's Form 731, Application for Equipment Authorization, ("Confidential Information"), filed on date shown above.

As explained more fully below, information contained in these documents is commercially sensitive, confidential and proprietary information that is not otherwise made publicly available and is, therefore, exempt from disclosure under the Freedom of Information Act and the Commission's rules. In accordance with Section 0.459(b) of the Commission's rules, and in support of this request, EMClarity provides the following statement of the reasons for withholding this information from inspection and the relevant facts upon which this request is based, including: (1) identification of the specific information for which confidential treatment is sought; (2) a description of the circumstances giving rise to the submission; (3) explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged; (4) explanation of the degree to which the information concerns a service that is subject to competition; (5) explanation of how disclosure of the information could result in substantial competitive harm; (6) identification of any measures taken by the submitting party to prevent unauthorized disclosure; (7) identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties; (8) justification of the period during which the submitting party asserts

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<sup>1</sup> Short-term confidential treatment is sought for external photos, block diagrams, schematics, test setup photos, user manual, internal photos, parts list/tune-up, RF exposure information and operational description. EMClarity seeks short-term confidential treatment for the Confidential Information identified herein up to and including seven (7) days after Commission grant of Equipment Authorization that is being requested by EMClarity.

<sup>2</sup> Long-term confidential treatment is sought for block diagrams, schematics, test setup photos, user manual, internal photos, parts list/tune-up, RF exposure information and operational description.

that materials should not be available for public disclosure; and (9) any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

**1. Identification of the specific information for which confidential treatment is sought.**

EMClarity seeks confidential treatment of certain information contained in its Form 731 and in Exhibit 1 through Exhibit 3 attached to its Form.

**2. Description of the Circumstances giving rise to the submission.**

EMClarity is providing the Confidential Information in connection with its submission of Form 731 for equipment authorization.

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

The information and documents for which confidential treatment is requested contain commercial, scientific and financial information that would not generally be disclosed by radio manufacturers to the public or to competitors.

**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

The radio equipment manufacturing market is highly competitive. EMClarity is a manufacturer of radio equipment with markets around the world and seeks to protect the commercial, scientific and financial information contained in its Form 731 and accompanying exhibits from its competitors.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

Disclosure of this sensitive commercial, scientific and financial information, which is not normally disclosed to the public, could subject EMClarity to unfair competition or cause distortion in the market by revealing proprietary, business, scientific and commercial information to EMClarity's competitors. EMClarity's competitors might be able to use this information developing radio equipment in competition with EMClarity without sustaining the costs incurred previously by EMClarity.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

EMClarity has not disclosed to the public any of the information for which confidential treatment is requested. In order to prevent unauthorized disclosure, the documents have been stamped CONFIDENTIAL – NOT FOR PUBLIC DISCLOSURE.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

EMClarity has not previously disclosed information contained in these documents to the public.

**8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure.**

EMClarity requests that the information for which long-term confidential treatment is requested remain confidential indefinitely.

**9. Other information that EMClarity believes may be useful in assessing whether the request for confidentiality should be granted.**

EMClarity is providing the Confidential Information to permit the Commission to analyze and grant EMClarity's application for equipment authorization. EMClarity is committed to cooperating with the analysis, but would prefer that its cooperation not harm its ability to protect sensitive commercial, scientific and financial information from its competitors. Disclosure of the Confidential Information to the broader public would not serve the public interest and, therefore, should be limited.

Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Harris".

Richard Harris  
Managing Director  
EMClarity Pty Ltd