

FCC ID: 2ARIM-FTA-DL002**Name:** Fiber to Antenna (FTA) / **Model:** FTA-DL002**To:** FCC**From:** David Kho**Subject:** Confidentiality of internal photograph**Company Name:** CellGain Wireless**Address:** 200 Wood Ave, Middlesex Av, NJ 08846**Date:** 02/22/19

To whom it may concern:

FCC Reference document: **726920 D01 Confidentiality Request Procedures v01r02 April 8. 2016**

The rationale for request for confidentiality is that the information Trade Secret and is not normally released to anyone outside the company. CELLGAIN WIRELESS has invested considerable time and materials in research and development to produce the referenced product. Disclosure of the confidential portions of this application to competitors would not only give them significant competitive advantages in developing similar products, but would also disclose successful implementation of unpublished leading-edge technology developed by CELLGAIN WIRELESS.

With regards to the internal photos, the Commission usually denies confidentiality of internal photograph on the grounds that the information in the photos can be obtained by competitors who purchase and disassemble the device. However, CELLGAIN WIRELESS requests that the internal photos are held confidential for the following reasons stated under **726920 D01 Confidentiality Request Procedures v01r02 April 8. 2016**

Internal photos

1. This device is not accessible to the public, The FTA DL002 operators within secure communication network system as part of a First Responder Network. The FTA will be mounted indoors in areas not accessible by public and (or in a fenced enclosure / High Ceiling) such that it is only serviceable by professional designated technicians under a Non-Disclosure Agreement (NDA). All sales for these devices will be under a NDA restricting the disclosure of the propriety information, including internal photos.

3. The product does not contain user serviceable components. Notices are placed on the instrument warning that there are not user serviceable components inside the unit and that disassembly voids any warranties. CELLGAIN WIRELESS has never released disassembly instructions and does answer question regarding disassembly. The design of internal components is Trade Secret.

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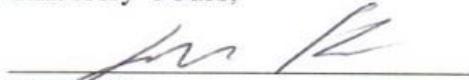
4. If the photos were made public, it would give competitors accessibility to CELLGAIN WIRELESS to critical components of the product's design, in which CELLGAIN WIRELESS has invested a considerable amount of time and expense. A knowledgeable person would be able to identify and reverse engineer critical components of the system, and possibly produce a schematic diagram. A knowledgeable person would be able to estimate the manufacturing costs and man-hours needed for assembly.

The Commission has previously granted confidentiality under similar conditions to the following applications: FCC ID QLA250MHZ, FCC ID QLAMID, FCC ID QLA500MHZ, FCC ID QLA800MHZ, FCC ID OPLQ5C, FCC ID OPLQM1020, FCC ID OPLQ4-300, FCC ID OPLQ5C, FCC ID QF7PALXMT, FCC ID QF750350US, FCC ID QF742600, FCC ID QF7MINIXT, and FCC ID QF7350HS. Furthermore, the legal basis of our request can be found in the following references:

- McDonnell Douglas Corp. v. NASA, 180 F.3d 303, 304-05 (D.C. Cir. 1999), quoting Critical Mass Energy Project v. NRC, 975 F.2d 871, 879 (D.C. Cir. 1992)(en banc). See also National Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 770(D.C. Cir. 1974)
- Worthington Compressors, Inc., v. Costle, 662 F.2d 45 51 (D.C. Cir. 1981), citing National Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 770(D.C. Cir. 1974)

In summary, we respectfully ask that the documents listed above be kept confidential. If there are questions or further information is needed, please contact me at the number below. Thank you for your consideration of this matter.

Sincerely Yours,



David Kho

CellGain Wireless

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