

August 1, 2022

CONFIDENTIAL MATERIALS ATTACHED

VIA EMAIL

Federal Communications Commission
Office of Engineering & Technology
7435 Oakland Mills Road
Columbia, MD 21046

Re: CONFIDENTIALITY REQUEST LETTER

**Submission by Grayshift, LLC
FCC ID: 2AV7EGK02**

To Whom It May Concern:

Pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, Grayshift, LLC ("Grayshift"), by its counsel, respectfully requests that all of Grayshift's materials described below and submitted herewith to the FCC's Engineering and Technology Bureau (the "Bureau") for FCC ID: **2AV7EGK02** be withheld from public inspection and afforded long-term confidential treatment in accordance with Section 552(b)(4) of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and Sections 0.457(d)(2) and 0.459(b) of the Commission's Rules, 47 C.F.R. §§ 0.457(d)(2), 0.459(b).

Long Term Confidentiality:

1. Block Diagram;
2. Schematics;
3. Operational Description; and
4. Parts List
5. ACX Chip Antenna datasheet : AD1608-A2455AA

Long Term Confidentiality Due to Special Conditions:

1. All Internal Photos;
2. User Manual; and
3. Relevant Portions of the End User License Agreement, which impose confidentiality and non-disclosure obligations on all end users, including any purchasers from third-party sales ("NDA").

Section 552(b)(4) of the Freedom of Information Act permits an agency to withhold from public disclosure any information that qualifies as "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4).

Section 0.457(d)(2) of the Commission's Rules allows persons submitting materials that they wish withheld from public inspection in accordance with Section 552(b)(4) to file a request for

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The confidential information directly relates to the highly competitive business of mobile device forensics. Grayshift is but one of a number of companies in this highly competitive business. Further, Grayshift faces competitive pressures from mobile device manufacturers whose products are affected by Grayshift's technologies.

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

Disclosure of the Confidential Attachments would result in substantial competitive harm to Grayshift. This information includes specific disclosures regarding Grayshift's products, including schematics, diagrams, parts, and other technical specification data for certain Grayshift products that have not been publicly disclosed. Such information is plainly sensitive commercial information that companies would normally keep confidential and that Grayshift, in fact, keeps confidential. *See* 5 U.S.C. § 552(b)(4).

Disclosure of the Confidential Attachment could have a significant impact on Grayshift's commercial operations by enabling competitors to have a better understanding of Grayshift's products, enabling such competitors to better compete against Grayshift. Moreover, as noted above, mobile device manufacturers, whose products are affected by Grayshift's technologies, may also use information in the Confidential Attachment to thwart Grayshift's efficacy and undermine the commercial value of its product. Finally, other third parties, including bad actors seeking to exploit Grayshift's technologies, may misuse the information in the Confidential Attachments to harm consumers, causing significant reputational harm to Grayshift and its products. Under these circumstances, it is "virtually axiomatic" that the information qualifies for withholding under Exemption 4 of the Freedom of Information Act, *see National Parks and Conservation Ass'n v. Kleppe*, 547 F.2d 673, 684 (D.C. Cir. 1976), and under Sections 0.457(d)(2) and 0.459(b).

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

Grayshift strictly maintains the confidentiality of this sensitive commercial information. In fact, it has previously submitted similar information to the Bureau pursuant to a request for permanent confidentiality under FCC ID: 2AV7EGK01. *See, e.g.,* Letter from Justin Fisher, Co-Founder, Grayshift, to Federal Communications Commission, dated May 13, 2020; Letter from Justin Fisher, Co-Founder, Grayshift, to Federal Communications Commission, dated August 28, 2020.

GrayKey is a specialized product that is only available for use by verified law enforcement or government agencies; and it is not made available for use by the general public. For every account request from a potential customer, Grayshift undertakes a rigorous, risk-averse validation process to confirm that each originated from a valid law enforcement agency located in a supported country. If Grayshift is unable to verify that the requesting entity or individual is a law enforcement agency or authorized representative within a supported country, then

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from Justin Fisher, Co-Founder, Grayshift, to Federal Communications Commission, dated August 28, 2020. It has also consistently objected to any disclosures of its confidential information.

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

For the forgoing reasons, Grayshift respectfully requests that the Commission withhold the material for which it requests confidentiality from public inspection indefinitely.

If you should have any questions or need further information, please contact the undersigned counsel for Grayshift.

Respectfully submitted,

DocuSigned by:

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Mark Snell
Chief Financial Officer
Grayshift, LLC

cc: legal@grayshift.com