

Re Letter Request for Confidential Treatment Of Exhibits to  
: Application for Equipment Authorization for FPT 2000  
Transponder  
FCC ID: JQU801090

On behalf of Mark IV Industries Ltd. ("Mark IV"), we request confidential treatment of certain schematic diagrams filed as exhibits with Mark IV's original application for equipment authorization for the FPT 2000 Transponder, FCC ID JQU801090. Mark IV inadvertently failed to request confidential treatment when it filed its original application (and authorization was subsequently granted by the Commission). This letter accompanies Mark IV's application for a Class 2 permissive change to the equipment authorization to effect this request confidential treatment.

Mark IV requests that the above schematics be treated as confidential and withheld from public inspection in accordance with Section 0.457(d) (trade secrets) of the Commission's Rules. Pursuant to Section 0.459(b) of the Commission's rules, Mark IV provides the following information in support of its request for confidential treatment:

(1) Mark IV requests confidential treatment for the two schematic diagrams submitted as exhibits to its application for equipment authorization for the FPT 2000 Transponder, FCC ID JQU801090, on March 2, 2001. These are listed as follows in the list of exhibits:

<u>Exhibit Type</u>	<u>Description</u>
Schematic	Schematic
Schematic	Wiring assembly diagram

- (2) These schematics were submitted to the Commission in support of Mark IV's application for equipment authorization and provide the additional detail needed for the Commission's staff to properly evaluate the equipment;
- (3) These schematics contain highly confidential and proprietary technical information about the equipment design and operating characteristics;
- (4) Mark IV competes with a number of companies that are developing and marketing similar transponders for ITS applications, including tolling operations.

- (5) Disclosure of such information to competitors could compromise Mark IV's ability to develop this technology, in that other companies could reverse engineer products using this information;
- (6) Mark IV is careful in protecting proprietary aspects of its equipment design. Mark IV's practice is to file a request for confidentiality at the time it submits an application for equipment authorization. However, in this instance, the engineering firm submitting the application on behalf of Mark IV failed to properly request confidential treatment of these schematics.
- (7) The technical information contained in the schematics has not, except for this inadvertent filing, been disclosed to the public, nor disclosed to third-parties (not including counsel, independent laboratories, or consultants bound by confidentiality agreements or otherwise). Although it is possible competitors could have accessed this information in the interim, removing these exhibits from the public file will protect Mark IV's trade secrets against any further exploitation by third parties;
- (8) Mark IV requests that this information be withheld from public disclosure until and unless Mark IV notifies the commission that such information may be publicly released.
- (9) Confidential treatment of schematics, such as these, allows Mark IV to provide a full technical description of the equipment, which disclosure is in the public interest. Refusal to treat such documents as confidential would result in submission of insufficient information on which the FCC could base its decision to grant authorizations and delay deployment of these new and improved devices for IVDS applications.