

soma

NETWORKS

185 Berry Street #2000  
San Francisco, CA 94107



Federal Communications Commission  
7435 Oakland Mills Road  
Columbia, MD 21046

April 29, 2002

**CONFIDENTIAL**

Dear Examiner:

**Re: Request pursuant to 47 C.F.R § 0.457(d)(1) and (2)**

I am writing to the Commission pursuant to 47 C.F.R § 0.457 (d)(1) and (2) requesting that the records provided to the Commission with regard to the accompanying 731 application by SOMA Networks Inc. ("SOMA") and submitted on its behalf of by Elliott Laboratories Inc. will not be disclosed or made routinely available to the public (the "Request"). The material being provided to the Commission in support of the Application contains both trade secrets and contains commercial information that is confidential and contains information such that any disclosure would result in substantial competitive harm. Elliott Laboratories, Inc., is a consulting and testing laboratory, and is filing a Form 731 Application as authorized under 47 C.F.R § 2.1033 with the Commission on our behalf. Included with the Application as exhibits to Application are block diagrams, schematics, and a detailed description of the theory of operation of the device that are the subject of the Request.

In accordance with 47 C.F.R. § 0.459 (a) and (b) and in support of its Request, SOMA submits the following facts to be considered by the Commission. SOMA submits that the facts as presented shall enable the Commission to grant the Request that the material provided by SOMA in support of its Application shall neither be disclosed or made generally available to the public pursuant to 47 C.F.R. § 0.460 and § 0.461.

SOMA is a company incorporated under the laws of California with its registered head office located at 185 Berry Street, Suite 2000, San Francisco, CA 94107. SOMA is involved in the development and exploitation of wireless broadband technology consisting of proprietary telecommunications software operating system, air interface software, system hardware and end-user hardware known as customer premises hardware. The circumstances giving rise to this Request are that it is the intention of SOMA to make available to the United State certain of its hardware and software products as part of its normal course of business. As part of SOMA's operations and compliance with the Commission's governing statues and regulations, SOMA is submitting to the Commission pursuant to 47 C.F.R § 47 C.F.R. 2.1033 an Application

regarding certain SOMA technologies. Included therein are exhibits with the enclosed application are block diagrams, schematics, and a detailed description of the theory of operation of the device. Each of these block diagrams, schematics and detailed descriptions of the theory of operation of the devices and/components described therein have been marked as "Proprietary and Confidential" or as "Confidential".

The material provided in support of the Application has been developed by SOMA in order to provide to the marketplace leading edge technology with respect to broadband data and voice hardware and software. In particular, the material being provided is with regard to an antenna booster for SOMA's consumer premises device, the SOMAport™. The block diagrams, schematics and detailed theory of operations of the device and/or components as provided in the materials represent many years of research and development by SOMA in order to provide its unique solution to the marketplace. Furthermore, the antenna booster is significant to the current and future development of the SOMAport™ and the future commercialization of SOMA's software and hardware solutions for the wireless provision of broadband data and voice products to its customers. All the material provided in support of the Application (pending certification) provides SOMA with the opportunity to obtain an advantage over its competitors who do not know how to use the information. The material provided in the Application constitute trade secrets in that any competitor obtaining the material through a third-party such as the Commission would obtain a commercial advantage that they would not have had through their own research and development efforts. The materials provided in support of the Application describe the proprietary operation of SOMA's products. These details are not readily discernable, even to technically sophisticated individuals. As such any disclosure of any of this material shall cause substantial competitive harm to SOMA. Any disclosure will remove the market lead that SOMA has developed in focusing its resources into research and development and now commercial exploitation of its research and development efforts.

Overall, the marketplace to which SOMA provides its products is competitive. However, SOMA is a unique player in the marketplace as it provides broadband solutions for both voice and data utilizing proprietary software and hardware designs to provide "First Mile" and "Last Mile" solutions to the telecom industry. As stated previously, SOMA has invested substantial time and resources in its research and development efforts to bring its products to market and the materials provided in support of the Application contain proprietary information and trade secrets that, if disclosed, to the general public would cause substantial economic harm to SOMA, including the continued viability of SOMA by severely diminishing the market lead it has achieved.

SOMA maintains a company-wide and comprehensive effort with respect to confidential and proprietary information. A system has been put in place to ensure that all employees, consultants and agents execute comprehensive non-disclosure agreements. Further, non-disclosure agreements are in place with all major suppliers and all third-parties providing services and products to SOMA. SOMA is unaware at this time of any unauthorized disclosure by SOMA, any related party of SOMA or any third party that has been engaged by SOMA of any material being provided to the Commission in support of this Application.

SOMA request that the Commission grant the application and that the Request remain permanently in effect. It is only in this manner that SOMA is able to make full disclosure

to the Commission at the same time and have the ability to fully exploit its research and development.

SOMA submits that the factors as presented above provide reasonable facts upon which the Commission should grant the Request. These factors note that the material provided to the Commission in support of the Application are trade secrets and that any disclosure of this material would be detrimental to SOMA. SOMA has taken great strengths to protect its intellectual property by maintaining strict rules and practices concerning the protection of confidential and proprietary information.

In the event that the Commission finds that it is unable to grant the Request SOMA requests that pursuant 47 C.F.R § (e) that the materials be forwarded from the Commission to SOMA to the attention of the undersigned; and that in the event that the Commission decide to not grant the Request that it make a temporary supplemental order to maintain confidentiality for the period to file a review of the application with the Commission and during the Commission's review period.

I thank you in advance of the Commission's consideration of this Request. Should the Commission require any further information or to advise SOMA of its decision please direct all inquiries to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Moataz Drebika', with a stylized flourish at the end.

Moataz Drebika  
Head of Regulatory Compliance  
SOMA Networks, Inc.  
(415)882-6647