

soma

NETWORKS

185 Berry Street #2000
San Francisco, CA 94107



Federal Communications Commission
7435 Oakland Mills Road
Columbia, MD 21046

January 8, 2003

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.

As part of SOMA's operations and compliance with the Commission's governing statutes and regulations, SOMA is submitting to the Commission pursuant to 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 are Proprietary and Confidential.

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.

SOMA has taken great strengths to protect its intellectual property by maintaining strict rules and practices concerning the protection of confidential and proprietary information. Please 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.

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,

Moataz Drebika
Head of Regulatory Compliance
SOMA Networks, Inc.