



## PROCEDURE FOR REQUEST FOR NONDISCLOSURE OF INFORMATION IN CERTIFICATION APPLICATIONS

On proper request, the FCC will keep confidential any information in an application that (1) is not generally known, (2) if known, would harm the applicant's competitive position, and (3) cannot readily be determined by reverse-engineering the product.

The request for confidentiality must accompany the application (must be on company letterhead and have a signature), and requires an additional filing fee of ~~\$145.00 US~~.

**\$150.00 US**

Starting on November 20, 1998, an applicant seeking confidentiality must support the request with eight or nine separate items of information. These are the new requirements:

1. Identify clearly the information you want withheld from the public.

### ***DragonWave Information:***

*DragonWave requests confidentiality for the following:*

*All schematic diagrams*

*All Bills of Materials (BOMs)*

2. Identify the application in which the information appears (for example, by the FCC ID number).

### ***DragonWave Information:***

~~xxFCC ID: QB8-DWR18-000001~~

FCC ID: QB8-DWR24-000001

3. Explain the degree to which the information is commercial in nature, or contains a trade secret. (Typically an applicant will want to assert that all of the identified information is either trade secret or confidential, if true).

### ***DragonWave Information:***

*DragonWave believes that the information contained in the schematics/BOMs is of significant commercial value since these disclose the detail needed to recreate the AirPair product. Critical to the market competitiveness of the*



*AirPair product are the implementation of the modem and radio elements. These allow AirPair to achieve highly competitive cost and performance simultaneously.*

4. Explain the degree to which the information concern a product or service that is subject to competition. (Most FCC certified products are offered in highly competitive markets).

***DragonWave Information:***

*. The AirPair product achieves world class performance and cost and as such, the detailed implementation is of key commercial value since it defines the methodology by which AirPair can achieve its stated performance and price points simultaneously. This information is therefore highly commercially sensitive and should not be openly disclosed.*

5. Explain how disclosure of the information will cause competitive harm to the applicant. (For example, disclosure might enable competitors to benefit improperly from the applicant's hard-won intellectual property).

***DragonWave Information:***

*Disclosure of this information can allow DragonWave competitors to recreate the AirPair product, thereby severely damaging DragonWave's market position. DragonWave has invested several years of effort into the AirPair product development and this product is the flagship corporate product. As a small company, flagship products obviously hold tremendous value to the corporation.*

6. Explain measures the applicant has taken to keep the information confidential. (Typical measures might include access only on a need-to-know basis, signed confidentiality agreements from personnel with access, secure encryption of documents, storage in a secure area, etc).

***DragonWave Information:***

*DragonWave does not disclose schematic or BOM information under any circumstances. All/any other information related to AirPair is disclosed only under confidentiality agreement.*



7. State that the information is not available to the public (if true), and identify any previous disclosures to third parties. (Note that wrong answers here will automatically disqualify the request).

***DragonWave Information:***

*Information related to AirPair technical details is not available publicly. All/any detailed other information related to AirPair is disclosed only under confidentiality agreement.*

8. Identify the period of time over which you request protection, and justify the request. (It will often be difficult to predict how long the information will stay unknown to the public and also continue to offer a competitive edge. It is probably best to estimate on the long side, but also to disclose any uncertainties in the estimates).

***DragonWave Information:***

*DragonWave requests that the information be protected for 10 years. This is based on the fact that the AirPair product has just been launched (Feb/2002) and that it has an expected market life of approximately 10 years. Additionally, several product variants are planned, all of these are predicated on technological implementations which are the same/similar to those outlined in the schematics/BOMs which DragonWave is requesting be held confidential.*

9. Add any other information that may help the FCC in determining whether to grant the request.

Robert Leroux  
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