

JAWBONE

BY ALIPH

REQUEST FOR CONFIDENTIAL TREATMENT

August 27, 2010

[Federal Communications Commission
7435 Oakland Mills Road
Columbia MD 21046]

Re: Aliph
Equipment Certification Application (FCC ID V3J-JBF)

To whom it may concern:

Pursuant to Sections 0.457 and 0.459 of the rules of the Federal Communications Commission (“Commission”), 47 C.F.R. §§ 0.457, 0.459, Aliph requests that the above-referenced equipment certification application (FCC ID V3J-JBF) (“Application”), including all related exhibits, attachments, and correspondence, be withheld from public inspection and accorded confidential treatment, as specified below.

In support of this request for confidential treatment and pursuant to the requirements under Section 0.459(b) of the Commission’s rules, Aliph provides the following information:

(1) Identification of information for which confidential treatment is sought:

Aliph seeks short-term (as specified in Paragraph No. 8 below) confidential treatment of all protectable information set forth in the Application, including related exhibits and attachments (collectively, “Short-term Confidential Documents”).

Short-term Confidential Documents include

- (i) Internal Photographs of the Device
- (ii) External Photographs of the Device
- (iii) User Manual
- (iv) Test Setup Photographs

Additionally, Aliph seeks long-term (as specified in Paragraph No. 8 below) confidential treatment of the following exhibits and attachments to the Application (collectively, “Long-term Confidential Documents”):

- (i) Schematic Diagram;
- (ii) Block Diagram;
- (iii) Theory of Operation;

JAWBONE

BY ALIPH

- (iv) ANT Specification;
- (v) Parts List; and
- (vi) Tune up Procedure.

(2) *Identification of the circumstances giving rise to the submission:*

The Short-term and Long-term Confidential Documents have been submitted in connection with the Application.

(3) *Explanation of the degree to which the information is commercial or financial, or contains trade secrets or is privileged:*

The Short-term and Long-term Confidential Documents contain highly sensitive information, including detailed technical specifications and diagrams, concerning proprietary equipment to be commercially launched in the near term. This information constitutes trade secrets or sensitive commercial and technical information that would customarily be guarded from competitors, and is therefore exempt from mandatory disclosure under Exemption 4 of the Freedom of Information Act (“FOIA Exemption 4”), 5 U.S.C. § 552(b)(4), and Section 0.457(d) of the Commission’s rules, 47 C.F.R. § 0.457(d).

(4) *Explanation of the degree to which the information concerns a service that is subject to competition:*

The Short-term and Long-term Confidential Documents contain highly sensitive information concerning proprietary equipment, the development, manufacturing, and commercial sale of which are subject to competition from numerous equipment suppliers.

(5) *Explanation of how disclosure of the information could result in substantial competitive harm:*

Public disclosure of the Short-term and Long-term Confidential Documents likely would result in substantial competitive harm to Aliph. For example, disclosure of this information would allow competitors to use this information to their commercial advantage. Knowledge of the unique technical specifications of the Aliph equipment could allow competitors to benefit from Aliph’s efforts and develop or improve upon similar equipment, while avoiding research and development expenses.

(6) *Identification of any measures taken by the submitting party to prevent unauthorized disclosure:*

Aliph has instituted an internal policy prohibiting employees from divulging any proprietary or confidential information regarding its various commercial products. Aliph also requires consultants, subcontractors, and other third parties involved in the

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development, marketing, and sale of its commercial products to execute nondisclosure agreements to protect the confidentiality of certain information regarding those commercial products.

(7) *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:*

Information contained in the Short-term and Long-term Confidential Documents is not generally available to the public. Consistent with and except as provided under appropriate nondisclosure agreements or requirements, there has been no disclosure of this information to any third parties.

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

Aliph requests confidential treatment of the Short-term Confidential Documents for 180 days after grant of the Application. This limited period will allow Aliph to protect against public disclosure of proprietary and highly sensitive information prior to the commercial launch of its equipment. Moreover, the Commission routinely grants requests for confidential treatment of equipment certification applications for 180 days after grant of the application.

Additionally, Aliph requests confidential treatment of the Long-term Confidential Documents for an indefinite period. These documents contain detailed technical specifications and diagrams that constitute proprietary and extremely sensitive information. During the commercial and operational lifetime of the Aliph equipment, competitors could use the otherwise confidential information to develop or improve upon similar equipment and to undermine the marketing and sale of the Aliph equipment.

(9) *Any other information that the party believes useful in assessing the confidentiality request:*

To provide adequate protection from public disclosure, dissemination of information contained in the Short-term and Long-term Confidential Documents should be limited within the Commission or the Certification Division of Compliance Certification Services ("Certification Division") on a "need to know" basis. In the event that any person or entity outside the Commission or the Certification Division requests disclosure of the Short-term or Long-term Confidential Documents, Aliph requests that it be so notified immediately so that it can oppose such request or take other action to safeguard its interests as it deems necessary.

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Please direct any questions regarding this submission to the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "SV Vaughan", is written over a horizontal line.

Sue Vaughan, Senior Director, Legal Services
AliphCom