

FOR PUBLIC INSPECTION -- CONFIDENTIAL DATA EXCLUDED

August 22, 2011

BY HAND

Julius P. Knapp
Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RECEIVED - FCC

AUG 22 2011

Federal Communications Commission
Bureau / Office

Re: Request for Additional Information

Dear Mr. Knapp:

This responds, on behalf of our client Trimble Navigation Limited ("Trimble"), to your letter of August 10, 2011 to Messrs. Jeffrey Carlisle and Charles Trimble regarding the Final Report of the Working Group ("WG") that was formed to study the GPS overload/desensitization issue described in the International Bureau's Order of January 26, 2011.^{1/} Your letter outlines additional information that you believe will help the Commission better evaluate receiver performance.

First, because the results of the WG testing were reported anonymously in the Final Report, you asked for the device key code which identifies the receivers that were tested. It is our understanding that LightSquared Subsidiary, LLC ("LightSquared") provided you with that information by letter dated August 15, 2011. The remainder of your letter asks for additional information about the devices tested. As the letter to you from the U.S. GPS Council, dated August 18, 2011 noted, all participants in the WG were provided a copy of your letter and in a joint communications from Messrs. Carlisle and Trimble, participants were directed to provide any information directly to the FCC.

We are providing you with two copies of this letter. The first, for which confidential treatment is requested, contains publicly available specifications about the Trimble products that were tested and, in an associated spreadsheet, marketing and other confidential information about those products that is not publicly available. The second version of this letter, which may be made publicly available, does not contain the associated spreadsheet.

^{1/} *LightSquared Subsidiary LLC Request for Modification of its Authority for an Ancillary Terrestrial Component*, Order and Authorization, 26 FCC Rcd 566 (2011) ("January 2011 Order").

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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Julius P. Knapp
August 22, 2011
Page 2

Trimble wishes to continue to cooperate with the Commission to provide it with a better understanding of the WG test results. While Trimble is prepared to provide you with data beyond what is attached, it wants to be certain that it presents the type of data that will be valuable in your analysis. As a next step, we propose having Trimble engineering personnel meet with your staff to provide a more complete understanding of GPS receiver technical characteristics, performance issues and design trade-offs. We anticipate that after such a meeting, we will be able to identify additional information that will be most useful for Trimble to provide to you in your analysis of the WG data. Please let us know when such a meeting would be convenient.

In the interim, Trimble requests that you withhold from public inspection and treat as confidential, pursuant to Section 0.457(d)(2) and 0.459 of the rules, the attached spreadsheet. In the event that this confidentiality request is denied, Trimble respectfully respects notification and immediate return of this data in accordance with section 0.459 of the Commission's rules.^{2/}

Exemption 4 of the Freedom of Information Act ("FOIA") permits parties to withhold from public inspection "trade secrets and commercial or financial information obtained from a person and privileged or confidential categories of materials not routinely available for public inspection."^{3/} Commercial or financial information is confidential under FOIA if its disclosure will cause substantial harm to the competitive position of the person from whom the information was obtained.^{4/} Disclosure of the commercially sensitive information contained in the attached spreadsheet is not routinely made available for public inspection and its disclosure would cause substantial competitive injury if disclosed. Consequently, this data should be withheld from disclosure under FOIA Exemption 4.

In particular, all of the information contained in the spreadsheet is proprietary to Trimble. This information is sensitive proprietary information, containing commercial information about Trimble's products. The data reveals information about Trimble's competitive strategies and the technical components of Trimble's products. Such information constitute trade secrets and would be useful to competitors in the highly competitive GPS receiver marketplace by providing them with insight into Trimble's marketing and technical information and therefore would cause substantial harm to Trimble if released to the public. This information is held confidential by all Trimble employees and is never made available to the public by Trimble. The potential economic and competitive harm to Trimble if the data is released would be substantial, and the need for confidential treatment of this information outweighs any need for public disclosure at

^{2/} 47 C.F.R. § 0.459(e).

^{3/} 5 U.S.C. § 552(b)(4).

^{4/} See *National Parks and Conservation Association v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879-90 (D.C. Cir. 1992).

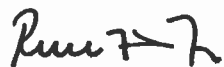
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Julius P. Knapp
August 22, 2011
Page 3

this time. Therefore, the information should be withheld from public disclosure for an indefinite period.

We look forward to hearing from you regarding our offer to provide your staff with additional information about GPS receivers in general. In any case, if you have any questions, please let us know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Russell H. Fox". The signature is stylized and cursive.

Russell H. Fox

Attachments