

REQUEST FOR CONFIDENTIAL TREATMENT

Pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission,¹ FalconION, Inc. (“FalconION”) hereby requests confidential treatment for the Technical Information submitted herewith in Exhibit B. The information contained in Exhibit B constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to FalconION. As demonstrated below, the instant request satisfies the standards for grant of confidential treatment.

1. *Identification of the specific information for which confidential treatment is sought.* FalconION requests that the information in Exhibit B be treated as confidential pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and Sections 0.457(d) and 0.459 of the Commission’s rules, which protect confidential and proprietary commercial and other information not routinely available for public inspection.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* FalconION is an applicant for an experimental license under the FCC’s experimental licensing rules. *See* FCC File No. 1117-EX-CN-2021

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The information in Exhibit B concerns the development of innovative technology with significant commercial value.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* FalconION’s radio technology and technique may have future application for use by competitive wireless carriers.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* The information contained in Exhibit B is commercially sensitive. Its public release would provide insight into the applicant’s line of research and development, potentially jeopardizing the applicant’s business strategy and diminishing the value of its work to date.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The information in Exhibit B is not available to the public and has not otherwise been disclosed previously to the public.

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure “to any extent not authorized by law” of “information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”).

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* FalconION requests that the information in Exhibit B be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* Under applicable Commission and federal court precedent, the information provided by FalconION should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in Exhibit B clearly satisfies this test.

If a request for disclosure occurs, please provide sufficient advance notice to FalconION to any such disclosure so that it may pursue appropriate remedies to preserve the confidentiality of this information.