

**REQUEST FOR CONFIDENTIAL TREATMENT**

D-Fend Solutions AD Inc. (“Applicant”) hereby requests that the information set forth in “Exhibit A – Narrative Statement for Experimental License Application” and “Exhibit B – Directional Antenna Exhibit” of the foregoing application for an experimental license be withheld from public disclosure pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission (“FCC” or “Commission”).<sup>1</sup> The information included in Exhibits A and B is commercially sensitive and proprietary information that Applicant customarily and actually treats as confidential. The information in Exhibits A and B thus may be protected from public disclosure pursuant to FOIA Exemption 4 which covers “trade secrets and commercial or financial information [that are] privileged or confidential.”<sup>2</sup>

In further support of this request, Applicant provides the following information as required by the Commission’s rules:<sup>3</sup>

1. *Identification of the specific information for which confidential treatment is sought.* Applicant requests that the information contained in Exhibits A and B be withheld from public inspection. These exhibits contain detailed information regarding the design and operation of a product developed by Applicant designed to allow the hand-off of the control of an Unmanned Aerial System (“UAS”) from one remote controller to another remote controller during flight.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Applicant is seeking an experimental license in order to conduct a product development trial to test the operating range of the new product, to confirm the ability of the product to identify and execute the control handover of a UAS with no impact to other UAS devices operating in the area, and to confirm and analyze the product’s ability for coordinated operations among multiple UAS devices.

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

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<sup>1</sup> 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”).

<sup>2</sup> 5 U.S.C. § 552(b)(4); *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019).

<sup>3</sup> 47 C.F.R. § 0.459(b).

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4. *Explanation of the degree to which the information concerns a service that is subject to competition.* Applicant proposes to use the subject equipment to safely handover control of a UAS from one controller to another controller. The design, development, and operation of such UAS controllers is highly competitive and of significant commercial value.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* The information contained in Exhibits A and B concerns the development of proprietary, innovative technology with significant commercial value. Its public release would provide insight into the Applicant's development processes and commercial plans, potentially jeopardizing its 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 Exhibits A and B is not available to the public and has not otherwise been disclosed previously to the public. In the normal course of its business, Applicant protects this information against public disclosure.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Applicant requests that Exhibits A and B and the information contained therein 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 Applicant should be shielded from public disclosure under FOIA Exemption 4. This exemption shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. As set forth herein, the information in Exhibits A and B clearly satisfies this test.

If a request for disclosure occurs, Applicant respectfully submits that it be provided sufficient advance notice prior to any such disclosure so that it may pursue appropriate remedies to preserve the confidentiality of this information.