

Feb. 28, 2003

Mr. Richard Fabina, Chief
FCC Authorization Branch,
Columbia MD 21045

Subject: CJ6DCE46036A; EA873846; Corr. Ref. # 24777
-Grant Set Aside for Correction of SAR Values

Dear Richard:

We are in receipt of Mr. Martin Perrine's comments and are providing the following Response:

I agree with the first paragraph; 0.64 W/Kg is correct.

I agree also with the value in the second paragraph: 0.56 W/Kg as being the highest value measured for PCS/CDMA mode, for body- worn SAR.

However, the third paragraph is the critical issue for us and we would respectfully request that the maximum Head SAR also be revised for the following rationale; Please note the following chronological information and details regarding the original grant and the subsequent C2PCs:

Original Grant - 6/18/02

AMPS/CDMA Modes (Part 22) - Head SAR: 1.38 W/Kg

PCS/CDMA Modes (Part 24) - Head SAR: 1.25 W/Kg

Grant Reissued – 8/28/02

#1 C2PC - Application Date, 8/02/02 Comprised of:

- >Metalized the front panel area of the cellphone

- >Used production RF cables to set the conducted power

(cable loss for 800 MHz=1.5 dB; Cable loss for PCS=2.5 dB)

-SAR measurements were performed and submitted. Results were as follows:

AMPS/CDMA Modes (Part 22) - Head SAR: 1.33 W/Kg

PCS/CDMA Modes (Part 24) - Head SAR: 1.35 W/Kg

Grant Reissued – 12/03/02

#2 C2PC - Application dated, 11/15/02 Comprised only of addition of new belt clip & leather case. For this application, only Body SAR testing was performed. But the Grant was issued with the following values:

AMPS/CDMA Modes (Part 22) - Head SAR: 1.38 W/Kg

PCS/CDMA Modes (Part 24) - Head SAR: 1.25 W/Kg

As you can see above, in this last permissive change grant, the highest AMPS/CDMA SAR value was indicated. This value, 1.38 W/Kg was measured on the original application for the very first CDM-9500 model. However, it was decided not to produce and sell this model and within 6 weeks of receipt of the grant, our factory submitted the modified model for testing at PC Test and an application was filed on Aug. 2nd(#1 C2PC). As noted above, the grant reissued for the #1 C2PC, specified a lower AMPS/CDMA Head SAR value, thereby, making the PCS/CDMA head SAR the highest value, 1.35 W/Kg, which is the value we specified in the users manual, which we printed for the second version of the phone.

I can't stress to you strongly enough the following:

>we never produced or circulated any of the phones of the original design, therefore, none exist in the field

>we never printed any manuals for the first version of the phone. The decision to scrap the original phone design was made even before the grant was issued. No manuals for the original phone design were printed and ever circulated.

If necessary or needed, I will be glad to provide a signed affidavit in this regard.

Unfortunately, our factory was completely unaware that under a C2PC, the new grant always reflects the highest value measured and as a result, they specified the value they believed to be the correct highest SAR value (1.35 W/Kg) for the phone that would be manufactured and circulated and not for the obsolete one.

Given that no phones were ever produced with the SAR value 1.38 W/Kg. we respectfully and gratefully request that the grant be changed to reflect the actual highest value, 1. 35 W/Kg.

This is a very critical issue for us and it would be an incredible hardship for us to now amend the SAR value to 1.38 W/Kg in all of the manuals that have been shipped, as requested in the comment on this set aside, which would not be correct anyway and not reflective of the units that are and have been in the marketplace and in use.

We would be forever grateful for the your understanding of this situation and acceptance of our crucial request. Thank you.

Best regards

Peter Leone

PS. For complete accuracy, besides other values mentioned, the PCS/CDMA Head SAR should be revised to 1.35 W/Kg, instead of 1.25 W/Kg