## Request for Confidentiality

Date: **05/30/2017**

Subject: Confidentiality Request for: **FCC ID: QLAWIDERANGE & IC: 9433A-WIDERANG**

Pursuant to FCC 47 CRF 0.457(d) and 0.459 and IC RSP-100, Section 9.4, the applicant requests that a part of the subject FCC application be held confidential.

| Type of Confidentiality Requested | | Exhibit |
|---|---|---|
| ☐ Short Term | ☒ Permanent | Block Diagrams |
| ☐ Short Term | | External Photos |
| ☐ Short Term | ☒ Permanent*[1] | Internal Photos |
| ☐ Short Term | ☒ Permanent | Operation Description/Theory of Operation |
| ☐ Short Term | ☒ Permanent | Parts List & Placement/BOM |
| ☐ Short Term | ☐ Permanent | Tune-Up Procedure |
| ☐ Short Term | ☒ Permanent | Schematics |
| ☐ Short Term | | Test Setup Photos |
| ☐ Short Term | ☐ Permanent*[1] | User's Manual |

**Mala GeoScience AB** has spent substantial effort in developing this product and it is one of the first of its kind in industry. Having the subject information easily available to "competition" would negate the advantage they have achieved by developing this product. Not protecting the details of the design will result in financial hardship.

**Permanent Confidentiality:**
The applicant requests the exhibits listed above as permanently confidential be permanently withheld from public review due to materials that contain trade secrets and proprietary information not customarily released to the public.

**Rationale**
The product line to which this device belongs is marketed world-wide to specialists in the field of utility locating/mapping and geophysical surveying. The distribution is managed through our own distributor network and by our self, through our subsidiaries and from our headquarters. The marketplace is a typical niche market, with 4-5 companies competing on the international market. The largest of these employs about 70 people. Given the small size, and limited resources of the players, it has become

[1] - The asterisked items (*) require further information to be provided to ACB before permanent confidentiality will be extended to these exhibits. Please refer to FCC KDB 726920 and the specific Document link for D01 found at: https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=41731 and review section II, 3) regarding specific information that must accompany these requests.

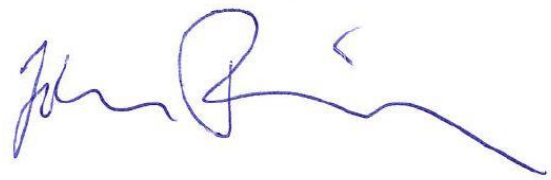
industry standard to safeguard the trade secrets and technical know-how by making it hard to open and inspect instruments as well as by not revealing the precise composition of the subsystems within each product in user manuals and other documentation. Larger corporations usually protect their intellectual property by patents and/or other legal means, but this is not widely seen in our industry. It is simply too expensive for companies in this niece to defend such rights internationally.
The price of the referenced product, to end-clients, is within 12 000 – 18 000 USD, dependent on specific configuration with respect to software and mechanical accessories. Services/repair is taking place either at the headquarters in Sweden or at one of our subsidiaries. Material and information necessary for repair (for example: blueprints, schematics, component lists, and assembly instructions) is never given out to the sales/distribution network or to end clients, it is being held and maintained internally only.
In order to view the inside of the product to which the application refers, one have to drill out the screws which attach the top plastic lid to the bottom of the unit, since these are of one-way type, specifically manufactured for not being able to open. Further on, one has to drill the rivets keeping the various shields together and detach screws holding connectors in specific order, in order not to cause irreparable damage. Inside the unit, electromagnetic absorbers are glued to the shields, prior to final assembly. These absorbers cannot be removed without damage, and will have to be replaced with new ones upon re-assembly. Any person outside our organization will not know precisely what material to use, and will consequently not be able to re-assembly the unit to original design. All warranties are of course invalid if we receive a unit which someone has been tampering with.
It follows from the price range, the distribution/repair network and the niece type of market that the application does not refer to a consumer product. Furthermore we have explained that the unit is sealed and that specific measures have been taken to discourage people from opening the units and that should someone anyway try, the likelihood is very high that the unit is destroyed beyond repair. The minimum cost for obtaining the information for which we seek confidentiality is hence the retail price of the unit. This cost may seem small, but in a marketplace with only small companies it is still considerable, furthermore it is well above the cost of downloading from the internet. Since a great deal of expensive and proprietary engineering is revealed by the internal photos, and that we may suffer competitive harm, we feel that our request is well underbuilt.
The application refers to a new and novel product, therefore a competitor may get a jump start in his efforts by reviewing block schematics and operational description. They may not be able to build something directly from it, but will get very specific hints on where to start and which kind of components to search for. This may save them considerable time, at our expense, should the material be made publicly available.
The same, as mention above, can be said about schematics and component lists.
In addition to the harm we may suffer from competitors obtaining technical knowledge about our product line we may also suffer from competitors estimating out our gross margins. By viewing the internal photos, block schematic and functional description, it may not be hard for a knowledgably competitor to estimate the manufacturing costs of circuit boards, the man-hours required to assembly the product as well as in what time period the boards were manufactured. They may also get good hints on what our future upgrade-schemes and compatibility issues may be. We consider this kind of information as trade secrets, and even if competitors would not get precise values, they would be able to estimate these numbers to a much higher degree of precision, had the information not been public.
We have explained why we are at risk of suffering competitive harm, how the material we seek confidentiality for is protected and that it's not publicly available from other sources. Formal legal basis of our request may be found in the following two references:
1) McDonnel Douglas Corp. v. NASA, 180 F.3d 303, 304-05, (D.C. Cir. 1999), quoting Critical Mass Energy Project v. NRC, 975 F.2d 871, 879 (D.C. Cir. 1992)(en banc). See also National Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 770(D.C Cir. 1974).
2) Worthington Compressors, Inc., v. Costle, 662 F.2d 45, 51 (D.C.

**Short-Term Confidentiality:**
The applicant requests the exhibits selected above as short term confidential be withheld from public view for a period of ___N/A___ days from the date of the Grant of Equipment Authorization and prior to marketing. This is to avoid premature release of sensitive information prior to marketing or release of the product to the public. Applicant is also aware that they are responsible to notify ACB in the event information regarding the product or the product is made available to the public. ACB will then release the documents listed above for public disclosure pursuant to FCC Public Notice DA 04-1705.

**NOTE for Industry Canada Applications:**
IC currently only distinguishes Permanent Confidentiality exhibits as shown above. Short Term confidentiality is not considered applicable to IC applications.

Sincerely,

By:



_____
(Signature/Title[2])

Johan Friborg
_____

(Print name)

[2] - Must be signed by applicant contact given for applicant on the FCC site, or by the authorized agent if an appropriate authorized agent letter has been provided. Letters should be placed on appropriate letterhead.