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June 26, 1992

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

JUN 26 1992

Federal Communications Commission
Office of the Secretary

RE: Ellipsat Corporation
ET Docket No. 92-28; File No. PP-30.

Dear Ms. Searcy:

On June 17, 1992, Ellipsat Corporation submitted for filing in the above-referenced docket the title page and abstract of a document labelled "Patent Application" and dated June 2, 1992. According to Ellipsat, the document constitutes "evidence of the unique and innovative nature of its elliptical orbit satellite constellation."

As an applicant for a low-earth orbit satellite system (File Nos. 19-DSS-P-91(48) and CSS-91-014) and a pioneer's preference in ET Docket No. 92-28 (File No. PP-31), Loral Qualcomm Satellite Services, Inc. (LQSS), objects to consideration of the document submitted by Ellipsat for the reasons outlined below.

Patent applications are not evidence of innovativeness. Ellipsat itself has recognized that similar patent-related materials filed by Motorola Satellite Communications, Inc. are not relevant to the evaluation of requests for a pioneer's preference. Reply Comments of Ellipsat Corporation (filed June 12, 1992). Moreover, Ellipsat's filing fails to relate the document to its preference request, and Ellipsat criticized the Motorola filing for the same omission, stating that "there is no basis for evaluating the significance of these materials, even if it is conceded for the sake of argument that the patent process has any relevance to these proceedings." Id. at 12.

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Accordingly, LQSS, by its attorneys, hereby moves to strike Ellipsat's filing from the record in this proceeding.

Respectfully submitted,

Linda K. Smith (vdw)

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Satellite Services, Inc.

cc: David Siddall
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