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January 12, 2004

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**VIA ELECTRONIC FILING**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
Washington, DC 20554

**Re: *Ex parte* Notification – Biotronik Request for Waiver Of MICS  
Frequency Monitoring Requirements – ET Docket 03-92**

Dear Ms. Dortch:

Medtronic is filing a copy of the letter it received from Stuart Adler, M.D., a cardiac electrophysiologist at St. Paul Heart Clinic, to ensure that it is included in the record of this proceeding.

As Dr. Adler observes, “Simply maintaining the present MICS rules may be the best long-term solution for sharing the spectrum and minimizing the impact on planned medical devices that comply with the interference control mechanisms stated in the rules.”

Respectfully,

*/s/John W. Kuzin*

John W. Kuzin  
*Counsel for Medtronic*

Att.

cc (via email): Mr. Sam Feder  
Mr. Julius Knapp  
Ms. Jennifer Manner  
Mr. Paul Margie  
Mr. Barry Ohlson  
Mr. Bruce Romano  
Mr. Ed Thomas  
Ms. Sheryl J. Wilkerson

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## St. Paul Heart Clinic

December 15, 2003

Mr. John Muleta  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Mr. Ed Thomas  
Chief, Office of Engineering and Technology  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Biotronik, Inc., Request to Waive Medical Implant Communications  
Service Rules**

Messrs. Muleta and Thomas:

I am a cardiac electrophysiologist at St Paul Heart Clinic, where I am directly involved with the care of patients with implantable cardiac pacemakers and defibrillators.

I have learned that the FCC has received a request for waiver of the Medical Implant Communications Service (MICS) rules that allow the remote monitoring of implantable cardiac devices. Approving this request would permit implanted devices to routinely have one-way transmissions that are unable to determine the presence of other spectrum users. Unlike devices that comply with the MICS rules, it is my understanding that these devices would be unable to control the interference they create. I find this prospect troublesome, especially in view of the critical medical applications that are envisioned for this MICS spectrum.

Today, medical implanted devices perform a variety of therapeutic functions, from heart regulation to treating neurological impairment to administering drugs. If the MICS rules provide a reliable means of communicating at a distance with these devices, I anticipate that this communication enhancement will improve the quality of life for many patients. I also suspect that the use of this communication frequency band will likely become quite crowded in the future, and the spectrum sharing requirements will only increase in importance. The viability for continued growth of medical devices in this spectrum must be preserved. Simply maintaining the present MICS rules may be the best long-term solution for sharing the spectrum and minimizing the impact on planned medical devices that comply with the interference control mechanisms stated in the rules.

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I strongly encourage the FCC to keep in mind that patients must be assured that their devices will operate properly when needed. The value of this new technology depends on the ability to share a limited spectrum between a growing number of devices. To that end, I encourage you to retain mechanisms that will have devices avoid routine transmissions that might interfere with critical communication occurring with other patients' devices.

I hope the FCC finds this information helpful as it analyzes the impact of the waiver upon the growth of the Medical Implant Communications Service. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Adler", with a long horizontal flourish extending to the right.

Stuart Adler, M.D.