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October 31, 2008

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ET Docket Nos. 06-135, 05-213, and RM-11271
***Ex Parte* Filing**

Dear Secretary Dortch:

Medtronic Inc. responds to Biotronik's October 24, 2008 filing in the above-referenced dockets. Although Biotronik "does not specifically object" to Medtronic's request for tighter emissions limits from MEDS wing-band devices into the core MICS band, it claims that it would increase unnecessarily the cost and power consumption of Biotronik's own implants were Biotronik forced to operate in the wing bands.

Medtronic is compelled to remind Biotronik, and the FCC, of two important facts:

First, Medtronic does not object to allowing Low-Power, Low Duty Cycle ("LPLDC") operation on a single MICS band channel – to accommodate Biotronik's implantable medical device – so long as it is in accordance with the conditions ETSI imposed on single channel operation, to which Biotronik agreed.[1]

As St. Jude Medical, Zarlink Semiconductor, and Medtronic have explained,[2] there are six conditions the FCC should include in any regulation permitting LPLDC operation in the core MICS band to ensure harmonization with ETSI: (1) operation between 403.5 and 403.8 MHz; (2) transmissions from the implantable medical device only; (3) 100 nW ERP transmit power; (4) 0.01 % maximum duty cycle (that is, no more than 360 ms transmission time during any one-hour period); (5) no

[1] *See* Medtronic *Ex Parte* Presentation (Mar. 14, 2008);

[2] *See* Medtronic *Ex Parte* Presentation at 3 (Jan. 10, 2008) (citing St. Jude Medical Comments (Oct. 27, 2006) and Zarlink Comments (Oct. 31, 2006)).

more than 10 transmissions per hour, and (6) devices operating in the LPLDC mode may not use the medical implant event exception.

Second, Biotronik's unsupported statements that the stricter emissions limit would increase device cost and power consumption, and is "unnecessary given the low probability of interference," fly in the face of Biotronik's agreement with the consensus position developed by the ETSI TG30 Committee that drafted the European MEDS standard.

In that ETSI Committee, all interested implant manufacturers – including Biotronik – adopted a 1 nW limit for MEDS device emissions into the MICS band. The FCC should adopt the field strength limit that Medtronic has proposed, for it is effectively equivalent.[3]

Please contact the undersigned if the Commission has questions regarding this filing.

Respectfully,

David E. Hilliard

David E. Hilliard
John W. Kuzin

cc: Julius Knapp
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[3] *See* Medtronic *Ex Parte* Filing at 4-5 (Sept. 4, 2008).