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February 2, 2012

## REQUEST FOR CONFIDENTIAL TREATMENT

### *Via FedEx and Electronic Filing*

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

Re: *Request for Confidential Treatment of Notice of Ex Parte  
Presentation*  
MB Dkt. No. 11-169, PP Dkt. No. 00-67

Dear Ms. Dortch:

Pursuant to Section 0.459 of the Commission's rules, Boxee, Inc. ("Boxee") requests the Commission to withhold from public inspection and accord confidential treatment to the enclosed unredacted copy of Boxee's notice of ex parte presentation ("Letter") of even date herewith regarding the above-referenced rulemaking, which contains confidential commercial information regarding Boxee's business plan, technology and product pipeline, the disclosure of which would likely cause substantial competitive and financial harm to Boxee.

In support of this request for confidential treatment and pursuant to the requirements under Section 0.459(b) of the Commission's rules, Boxee provides the following information:

(1) *Identification of the specific information for which confidential treatment is sought:*

Confidential treatment is sought for the unredacted Letter, which contains confidential information regarding Boxee's technology and product pipeline.

(2) *Identification of the Commission proceeding in which the information was submitted or description of the circumstances giving rise to the submission:*

The information for which confidential treatment is sought is being submitted in the above-referenced rulemaking.

- (3) *Explanation of the degree to which the information is commercial or financial, or contains trade secrets or is privileged:*

The unredacted Letter contains confidential technical, commercial information and trade secrets, including information about Boxee's future products that are under development and technology relating thereto.

- (4) *Explanation of the degree to which the information concerns a service that is subject to competition:*

The unredacted Letter contains confidential information concerning the commercial development and technical operation of certain consumer electronic devices and other products and services for delivery and consumption of video content, the development, manufacture and sale of which are subject to competition from numerous hardware and software manufacturers and distributors as well as multichannel video programming distributors (MVPDs).

- (5) *Explanation of how disclosure of the information could result in substantial competitive harm:*

Public disclosure of the information in the unredacted Letter would cause substantial competitive harm to Boxee by providing its competitors with material non-public information about new technologies and products that Boxee is developing. Knowledge of this information could allow competitors to use such information to develop competing products without investing the development resources that Boxee did, which could allow them to bring competing products to market more quickly and with less cost, thereby gaining an unfair competitive advantage over Boxee.

- (6) *Identification of any measures taken by the submitting party to prevent unauthorized disclosure:*

Boxee does not publicly disclose the information set forth in the unredacted Letter, and requires all employees and contractors to sign confidentiality agreements prohibiting the disclosure of any proprietary or confidential information of Boxee.

- (7) *Identification of whether the information is available to the public and the extent of any previous disclosure to third parties:*

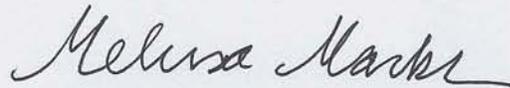
The information contained in the unredacted Letter is not available to the public. Disclosure of this information to third parties not occurred, except in a very few cases necessary for business purposes, all of which were subject to written nondisclosure agreements.

(8) *Justification of the period during which the submitting party asserts that material should not be available for public disclosure:*

Boxee requests confidential treatment of the unredacted Letter indefinitely. During the commercial and operational lifetime of Boxee's products, other hardware and software developers, manufacturers and distributors, as well as MVPDs, could use the otherwise confidential information to obtain unfair competitive advantage over Boxee.

In the event that any person or entity outside the Commission requests disclosure of the unredacted Letter, Boxee requests that it be so notified immediately so that it can oppose the request or take other action to safeguard its interests as it deems necessary. Please direct any questions regarding this request for confidential treatment to the undersigned.

✓  
Respectfully Submitted,



Melissa Marks  
General Counsel

Enclosure (Confidential)

cc: Julius Genachowski  
Sherrese Smith  
Josh Gottheimer  
Zachary Katz  
Jordan Usdan  
Michael Steffen  
Jessica Almond  
Michael Vasquez  
Bill Lake  
Henning Schulzrinne