



September 6, 2012

**VIA ELECTRONIC FILING**

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

**Re: Notice of Ex Parte Presentation in WT Docket 11-186 and ET Docket 03-137**

Dear Ms. Dortch:

On September 6, 2012, Kevin Passarello, EVP and General Counsel of Pong Research Corporation (“Pong”), and Doron Gorshein, consultant to Pong, met with David Goldman and Valery Galasso, advisors to Commissioner Roseworcel.

At the meeting, Pong provided an overview of its products and technologies. Pong’s wireless device cases are the only products commercially available that have been proven in Federal Communications Commission (the “Commission”) certified laboratories to reduce user exposure to cell phone radiation, as measured on the Specific Absorption Rate (“SAR”) scale, while maintaining Total Radiated Power (“TRP”). Other wireless device cases can substantially and detrimentally impact device transmission and reception (including TRP) and battery life as well as SAR and, potentially, overall network efficiency.

Pong explained that after-market, form-fitting cases are neither tested nor assumed in the device equipment authorization process, but have become as integral to (and functionally are as much as part of) devices as original equipment manufacturer “shells.” The resultant “radiation profile” of a given device with a case may bear little resemblance to that of the same apparatus without a case, as tested in the equipment authorization process. This altered profile, as well, might dramatically increase SAR and decrease TRP. Consumers are generally unaware of these effects from cases.

Pong also summarized matters raised in several prior filings in ET 03-137 and WT 11-186.<sup>1</sup> In particular, the Commission’s forthcoming Notice of Inquiry on wireless device safety should

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<sup>1</sup> Links to and dates of these filings are provided below:  
<http://apps.fcc.gov/ecfs/document/view?id=7022005159>, (August 17, 2012).  
<http://apps.fcc.gov/ecfs/document/view?id=7021990739>, (July 19, 2012).  
<http://apps.fcc.gov/ecfs/document/view?id=7021981417>, (June 29, 2012).  
<http://apps.fcc.gov/ecfs/document/view?id=7021977309>, (June 24, 2012).  
<http://apps.fcc.gov/ecfs/document/view?id=7021921006>, (May 31, 2012).

seek information on ways that the device testing guidelines can be improved to more accurately reflect predominant consumer behavior. Test data should include the presence of a case, which would more accurately determine (among other things) “real SAR,” especially since most consumers use cases (as many as 85% by Pong’s estimates).

The Commission should, therefore, extend its guidelines, which already apply to other body-worn accessories such as belt clips and holsters, to cases. The Commission’s current guidelines were established in 1997 and updated in 2001, prior to the advent and proliferation of smartphones and cases, and when belt clips and holsters were prevalent.

As noted in Pong’s prior filings,<sup>2</sup> Bulletin 65 intended to effect a testing regime (for the equipment authorization process) that replicates consumers’ actual experiences and behaviors vis-à-vis portable devices, and so states:

*For purposes of evaluating compliance with localized SAR guidelines, portable devices should be tested or evaluated **based on normal operating positions or conditions.***<sup>3</sup>

In Bulletin 65, the Commission recognized that, to simulate *normal operating positions or conditions*, **testing should likewise account for the presence of device accessories.** Supplement C to Bulletin 65<sup>4</sup> states:

*Body-worn operating configurations should be tested with the belt-clips and holsters attached to the device and positioned against a flat phantom in normal use configurations. Devices with a headset output should be tested with a headset connected to the device.*<sup>5</sup>

Additionally, and as discussed in Pong’s June 29, 2012 filing, Bulletin 65 already includes guidelines for caution statements, which are expressly applicable to accessories such as belt clips and holsters.<sup>6</sup> These guidelines should be extended to cases, as well. Thus, in order to allow consumers to make informed decisions—and consistent with Bulletin 65—the Commission should establish appropriate guidelines for the inclusion of caution statements in the manuals for each portable device, informing consumers that use of certain *cases* “may not ensure compliance with FCC RF exposure guidelines”—the very information that the Commission now recommends for belt-clips, holsters, and other body-worn accessories.

<sup>2</sup> Filing of Pong Research Corporation dated June 24, 2012 in ET 03-137. See <http://apps.fcc.gov/ecfs/document/view?id=7021977309>.

<sup>3</sup> *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, edition 97-01, August 1997, at page 42 (emphasis added), [http://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65.pdf](http://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf).

<sup>4</sup> *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, Supplement C (Edition 01-01) to Bulletin 65 (“Supplement C”), June 2001, [http://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65c.pdf](http://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65c.pdf).

<sup>5</sup> *Id.*, at page 41 (emphasis added).

<sup>6</sup> *Id.*

Pong also reiterated its recommendation, discussed in its prior filings,<sup>7</sup> that to properly protect consumers testing guidelines should be updated to reflect the use of devices directly against the body, rather than at least 15 mm away. Most consumers hold their devices against their bodies. A space of 15 mm or more dramatically reduces SAR, but modern habits tend towards much closer proximities as well as longer exposures.

Finally, Pong reiterated its recommendation, discussed in its August 17, 2012 filing, that testing methodologies, including Specific Anthropomorphic Mannequin or “SAM” specifications, should be modified more closely to simulate the physiological characteristics of children.<sup>8</sup> As noted in Pong’s letter, available data indicates that the Commission’s current testing regime may substantially underestimate real radiation absorption by children.<sup>9</sup> We respectfully suggest, therefore, that in order to best ensure protection of children, the Commission’s forthcoming notice of inquiry on cell phone safety should inquire what would be an appropriate testing methodology that would—among other things—more accurately measure “real SAR” as it relates to use of wireless devices by children.

Sincerely,  


Kevin L. Passarello

EVP Business Development and General Counsel  
Pong Research Corporation

cc: Doron Gorshein  
Shannon R. Kennedy, PhD  
Ryan McCaughey, PhD  
Rong Wang, PhD

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<sup>7</sup> Filing of Pong Research Corporation dated August 17, 2012 in ET 03-137. See <http://apps.fcc.gov/ecfs/document/view?id=7022005159>, at pages 2-4.

<sup>8</sup> Filing of Pong Research Corporation in ET 03-137. See <http://apps.fcc.gov/ecfs/document/view?id=7022005159>, at pages 4-5.

<sup>9</sup> *Id.*