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PUBLIC DOCUMENT

August 31, 2012

BY HAND

The Honorable James R. Holbein
Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Re: *Certain Two-Way Global Satellite Communication Devices, System and Components Thereof., Inv. No. 337-TA-2907*

Dear Secretary Holbein:

This firm represents DeLorme Publishing Company, Inc. and DeLorme InReach LLC (collectively "DeLorme") and is filing DeLorme's initial comments on public interest issues in response to the Commission's Notice of Receipt of Complaint/Solicitation of Comments Relating to the Public Interest (77 Fed. Reg. 51045 (August 23, 2012)).

In accordance with Commission Rules 201.6 and 210.5, DeLorme requests confidential treatment of business information contained in certain sections of its statement of public interest.

The information for which confidential treatment is sought relates to private sales and testing information that is not otherwise available to the public. Specifically, the statement of public interest contains sales figures, production information, and details about the testing of DeLorme's products.

The information described above qualifies as confidential business information under Rule 206.1(a) because: (1) it is not available to the public and (2) unauthorized disclosure of such information could cause substantial harm to the competitive position of DeLorme.

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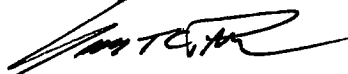
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Secretary Holbein
August 31, 2012
Page 2

If you have any questions regarding this submission or if this request is not granted in full, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean T.C. Phelan", written in a cursive style.

Sean T.C. Phelan

633424

PUBLIC VERSION

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of:)
)
Certain Two-Way Global Satellite) Investigation
Communication Devices, System and) No. 337-TA-2907
Components Thereof.)

**STATEMENT OF PUBLIC INTEREST
DELORME PUBLISHING COMPANY, INC. AND DELORME INREACH LLC**

In response to the Notice of Solicitation of Comments Relating to the Public Interest issued by the International Trade Commission (“ITC”), published in the Federal Register on August 23, 2012, proposed respondents DeLorme Publishing Company, Inc. and DeLorme InReach LLC (collectively, “DeLorme”) respectfully submit this statement of public interest.

As discussed below, exclusion of the accused satellite communication device provided by DeLorme, specifically, DeLorme’s InReach™, would have a material adverse effect on public safety and welfare in the United States, United States consumers and military personnel, as well as competitive conditions in the United States economy. Complainant BriarTek IP, Inc. (“BriarTek”) does not have the capacity to fill market demand for InReach™, nor does its purportedly competing Cerberus system meet the needs of the consumer base served by DeLorme—which includes the United States Government. Should InReach™ be excluded from the marketplace, consumers, including the United States Government, would be forced to make do with short supplies of a much more expensive alternative product that does not offer the same safety features as InReach™.

(1) Explain how the articles potentially subject to the requested remedial orders are used in the United States.

DeLorme's InReach™ provides critical communications capability between first responders and users in extreme conditions. The device is used by boaters, recreation enthusiasts, pilots, and the general population as a means of connecting with emergency personnel in life-threatening situations where standard landline and cell phone communications are not available. It is also used by commercial companies that deploy workers into remote areas to provide a vital communications and emergency messaging link. The InReach™ is viewed by the industry as the most cost-effective solution to provide this communications link in the United States and in other countries around the world. [REDACTED]

[REDACTED]

(2) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders.

BriarTek asserts, in its own statement of public interest, that the issuance of exclusion and cease and desist orders would have no adverse impact on the public health, safety, or welfare

of the United States. On the contrary, InReach™ is the *only* commercially-available, ruggedized device tested and certified as meeting or exceeding IP68 specifications, which is approved for operation on the Government Iridium Gateway. Having the IP68 certification means that InReach™ has been designed to survive extreme shock and vibration, is dust proof and water proof at a depth of 10 meters for up to 30 minutes, floats, and operates over extreme temperature ranges. Moreover, InReach™ operates on battery power which is field replaceable, while units such as BriarTek's Cerberus system must be recharged in a manner that is not practical in the normal operating environments in which this type of equipment is used.

[REDACTED]

(3) Identify like or directly competitive articles that complainant, its licensees, or third parties make which could replace the subject articles if they were to be excluded.

While BriarTek asserts that its Cerberus system is sold in "direct competition" to DeLorme's InReach™, as mentioned above, Cerberus has some distinct differences that do not

make it a “replacement” for InReach™ in the marketplace. First, it is not approved for operation on the Government Iridium Gateway, and therefore would not be approved for use by the U.S. military in a mission-critical environment. Second, it is not IP68 rated, and therefore is not rated for use in extreme conditions. Third, Cerberus requires recharging, and is not capable of running off a 12- or 24-volt external power source, and therefore its power supply may only be replaced under specific circumstances not likely to occur in the field.

(4) Indicate whether the complainant, complainant’s licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time.

While BriarTek evidently “believes” it has the capacity to provide the United States market with alternative products sufficient to compensate for the loss of InReach™, and that it can “adequately service the United States market without disruption,” it is difficult to credit that assertion. [REDACTED]

[REDACTED]

[REDACTED] To the best of available knowledge, BriarTek has produced and sold less than 1,500 units *total* over the course of Cerberus’ lifetime, all from a single small factory. The capital investment required for BriarTek to step up and meet the market demands for this type of safety equipment—not to mention the time and testing required to receive the necessary certifications and approval of the United States Government—would put at risk users, including military personnel, who depend on these types of devices for safety and security. Even if Cerberus were a viable alternative to InReach™ in the field, BriarTek cannot produce the volume of devices required to make up for the absence of InReach™ from the market. Indeed, Cerberus has no history of selling into the consumer marketplace whereas DeLorme has a ten-year history of

sales and marketing relationships in delivering GPS and safety and security solutions to U.S. consumers via retail outlet distribution.

(5) Explain how the requested remedial orders would impact United States consumers.

Finally, BriarTek claims that excluding InReach™ would “not adversely impact consumers.” Nothing could be further from the truth. In addition to the shortcomings of Cerberus identified above, and the likelihood that BriarTek does not have the capacity to fill consumer demand, necessitating long waits for product fulfillment, consumers forced to make do with the Cerberus system instead of InReach™ would need to pay *two to three times as much* for a unit not appropriately ruggedized for outdoor use. *See* Exhibit A (website printout of DeLorme InReach™ retailing for \$249.95) *with* Exhibit B (website printout of BriarTek CerberLink retailing for \$499–\$799). Moreover, while InReach™ is available for sale in over 500 retail outlets, as well as online directly from DeLorme, the Cerberus system is only available online. In short, the result of the requested remedial orders would be that United States customers would be forced to buy a more expensive, less convenient product that cannot provide all of the features or meet all of the specifications of InReach™, then endure an additional wait while BriarTek attempted to fulfill those orders from an inadequate existing stock.

Dated: August 31, 2012

Respectfully submitted,

/s/ Edward A. Pennington

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and DeLorme InReach LLC*

EXHIBIT A



Shopping Cart Order History & Tracking My Account Sign In

Product Search: [Advanced Search](#)

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inReach for Smartphones



Companion smartphone not included

Like 0 0

Click images below for larger view



inReach for iPhone®, iPad®, iPod Touch® or Android Device

Regular Price: \$249.95

Quantity: 1



Any Special Offer Pricing will appear in your Cart.

Stay connected even in cell phone dead zones

Use the inReach satellite communicator by itself and stay connected with pre-loaded text messages, delivery confirmation, SOS, and remote tracking. Or, for two-way satellite messaging, pair inReach with an iPhone®, iPad®, iPod touch®, or Android phone or tablet. Affordable inReach subscriptions start at \$9.95/mo.

Regular Price: \$249.95



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Quads, DeLorme Imagery
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Reliable 2-way Satellite Communication in Remote or High-Risk Environments, Anywhere in the World

Why DeLorme?

DeLorme is the innovation leader in high-quality maps and GPS units for everyone from recreational customers to businesses to government agencies. Proven in the most extreme conditions, from the bitter cold of the North Pole and Mt Everest to the heat and sand of Iraq and Afghanistan, DeLorme products are well known for rock-solid design, accuracy, and reliability. DeLorme is a service disabled veteran-owned small business (SDVOSB) and takes great pride in engineering outstanding maps, software, and GPS units right here in the United States.

Lead. Don't Follow.

Everything You Need is in the Box

- inReach for Smartphones

- Quick Start Guide
- Micro USB cable
- 2 lithium AA batteries
- Lanyard

Only 10% of the planet has cell phone coverage, so whether you're working halfway around the world or just hiking the next county over, you can easily find yourself "off the grid"...

...with no way to reach family, colleagues, or emergency assistance.

That's why there's inReach. This unique 2-way satellite communicator delivers global coverage and communication features that cell phones and one-way satellite messengers can't touch.

inReach features

- Two-way satellite messaging
- Interactive SOS
- Message delivery confirmation
- Pole-to-pole global coverage
- inReach users can communicate directly with one other to share information and locations

You can also post messages to Facebook and Twitter and enable remote tracking so others can follow your travel online.

Use inReach by itself

The highly versatile inReach does not require any companion hardware. By itself, it can send pre-loaded text messages and SOS alerts (with delivery confirmation) and enable remote tracking, all via pushbutton.

Pair inReach with an iPhone, iPad, iPod touch, or Android smartphone or tablet

Easy Bluetooth connection enables two-way satellite messaging and interactive SOS.

Two-way messaging

Send and receive messages up to 160 characters to and from email contacts, cell phones, and the emergency response center.

Interactive two-way SOS

In paired mode, inReach lets you send descriptive text messages so responders come properly prepared. You can also maintain a dialog with the response center, exchanging updates as the situation dictates.

Message delivery confirmation

You'll never have to wonder if your message was received. The inReach will confirm delivery of any text or SOS message, whether it's in standalone or paired mode.

Remote tracking

Designate anyone you choose to follow your travels online. Your latest position and "breadcrumb" trail are displayed.

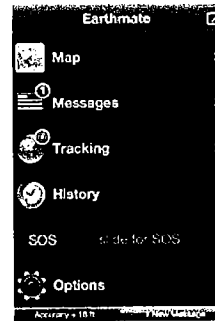
Free apps and free maps

The DeLorme Earthmate application is available at no charge, and enables all inReach functionality on iOS and Android devices.

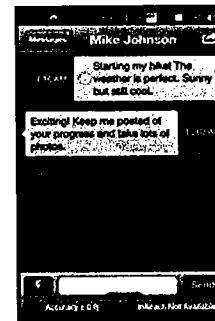
The Earthmate app also allows users to download the following at no charge:

- Up-to-date DeLorme Topo North America maps of the U.S. and Canada

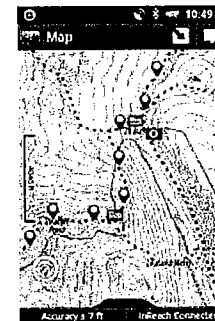
In paired mode, inReach sends its signal to the paired iOS or Android device. This increases positional accuracy over the paired device's native GPS. It also extends the companion device's battery charge by eliminating GPS power drain



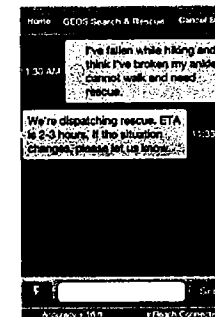
Home screen when paired with inReach



Two-way messaging



Remote Tracking



Interactive SOS

EXHIBIT B

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Order a CerberLink

Get your CerberLink here!

Our plans are simple. Buy a CerberLink and use it whenever it suits you. After a year, you may downgrade your Just Works plan to pay as you go for a small annual fee, or rent a CerberLink for as long as you want. And don't forget that you can use your CerberTouch app without a CerberLink at no cost.

Orders received after 3:30 p.m. will be fulfilled on the next business day. Enterprise plan pricing is available upon request. Contact cerberussales@briartek.com for more info.

Cerberus Purchase Plans

Plan	Just Works	Top Drawer
	<input type="text"/>	<input type="text"/>
Description	Device purchase and messaging plan. 1-year contract with option to pay only for months used after first year.	Device purchase only. Pay only for months used plus annual fee.
Device	\$499	\$799
Price / month	\$32.95 / mo	\$24.95 / mo (only for months used)
Messages / month	60 included	0
Additional messages	50¢	50¢
Activation	Always ready Optional 2nd year--24hr notice to activate for 30 days	24hr notice to activate for 30 days
Annual Fee	None Optional 2nd year--\$24.95	\$74.95
Change Plan	free	free

Cerberus Rental Plans

We're flexible. Stay off the grid as long as you like. Additional rental time is only \$18 a week. If your trip stretches a bit longer than you planned, we'll spot you a few days.

Plan	Stay in Touch 2 week	Stay in Touch 4 week
	<input type="text"/>	<input type="text"/>
Description	Device rental and messaging plan.	Device rental and messaging plan.
Device	\$64.95	\$89.95
Activation	n/a	n/a
Messages included	20	40
Additional messages	75¢	75¢

All plans include the following:

- Concierge service, including the option to use a 3rd party emergency service
- Unlimited Internet messaging
- Real-time satellite tracking
- Unlimited tracking by Internet

Alert notifications

Cerberus. Not the first, but the best way to stay in touch. The Cerberus global communication system lets you exchange messages with friends, family, and colleagues—wherever you are in the world. Cerberus will send you critical alerts, tailored to your exact location. Let your friends ride along by sharing your experience on your favorite social website. Cerberus can even help you get assistance in an emergency.

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