

SEN. BLUMENTHAL QFRs FOR ASHKAN SOLTANI

1. In your view, is there anything the wireless access point location approximation scheme described in U.S. Patent Application 2010/0020776, “Wireless Network-Based Location Approximation,” and Paragraph 78 of WIPO Patent Application WO 2010/044872, “Wireless Network-Based Location Approximation,” that explicitly excludes the collection of “content data” transmitted between third party users and wireless access points? *Content data is defined as any data that may contain, in whole or in part, the content of a user’s internet communications over a wireless network, including but not limited to data frames, payload data, etc.*

On quick review, there is nothing explicitly excluding “content data” in this patent. In fact, the full data frame is received and processed in order to ascertain data speeds and signal quality.

2. These patent applications contemplate examining “data frames” to determine the location of wireless access points as contemplated in these patent applications, looking at “the data in the frame ... itself” to determine the data rates of frames that might contain content data, and contemplate sending “raw data collected” back to “a central repository ... for processing.” If Google actually engaged in any of these practices, would it be accurate to describe Google’s interception and/or storage of content data through its Street View program as unintentional? *Content data is defined as any data that may contain, in whole or in part, the content of a user’s internet communications over a wireless network, including but not limited to data frames, payload data, etc.*

Content data, as described above, would be present in the data frames. If full data frames are collected and sent back to a central repository, then it’s possible that these would include content data. However, the patent doesn’t specify exactly what is meant by “raw data”.

3. Please describe any and all ways in which the interception and/or storage of “content data” transmitted between third party users and wireless access points might be:
 - a. Indirectly valuable for effectuating the purpose of efficiently locating wireless access points; and

Content data, as described above, *may* contain information that reveals specifics as to the hardware and configuration settings of the Wireless Access Points that generate the WiFi signal. This information could conceivably be used to improve the ability to geo-locate clients although this isn’t mentioned directly in the patent.

- b. Indirectly valuable for any other purpose.

It’s difficult to speculate on all of the ways content data could be useful. Presumably wiretap would likely prohibit most of these valuable uses however.

4. Please describe your view of the circumstances under which the interception and/or storage of “content data” transmitted between third party users and wireless access points might be:
 - a. Legal or illegal under current federal law; or
 - b. Legal or illegal under current state law.

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I’d prefer to not speculate on the legality of this practice, as I’m not a lawyer.