

October 27, 2021

**FOIA CONFIDENTIAL TREATMENT REQUEST**  
**Pursuant to 17 C.F.R. §§ 39.4(b), 40.6(a)(7)(vii), 40.8, 145.5 and 145.9**

**VIA ELECTRONIC MAIL**  
**(FOIAsubmissions@cftc.gov)**

Assistant Secretary of the Commission for FOI,  
Privacy and Sunshine Acts Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20036

**Re: Freedom of Information Act (“FOIA”) Confidential Treatment Request for Information Submitted to the CFTC by LedgerX LLC**

Dear Sir or Madam:

LedgerX LLC (“**LedgerX**”) has on this date provided the documents described in Appendix A to this letter (the “**Confidential Submission**”) through the website of the Commodity Futures Trading Commission (the “**Commission**”) to Christopher Kirkpatrick.

In accordance with the provisions of Commission Regulations 39.4(b), 40.6(a)(7)(vii), 40.8, 145.5 and 145.9, LedgerX hereby requests confidential treatment of the Confidential Submission. Confidential treatment is requested, *inter alia*, on the grounds that the Confidential Submission contains data and information which would separately disclose trade secrets that may not be disclosed to third parties, as provided in Section 8(a) of the Commodity Exchange Act and Commission Regulation 145.5(c)(1), (d)(3), and (h). Confidential treatment additionally is requested on the grounds that the Confidential Submission is exempt from disclosure under paragraph (b)(4) of the Freedom of Information Act (“**FOIA**”) and Commission Regulations 145.5(d) and 145.9(d)(1)(ii) because it contains commercial and financial information that is confidential and would be of material assistance to competitors of LedgerX.

In accordance with the provisions of paragraph (d)(5) of Regulation 145.9, we request that the Confidential Submission be afforded confidential treatment in perpetuity.

We understand that if the Commission receives a FOIA request for the Confidential Submission, we will be notified of such request in accordance with the Commission’s regulations and be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Submission. See Commission Regulation 145.9(e)(1); see also Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification

procedures under FOIA). In such event, we request that Commission staff telephone or email the undersigned rather than rely upon United States mail for such notice.

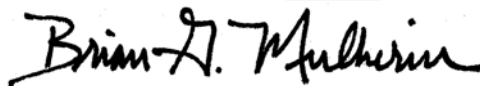
If the Commission or its staff transmits any of the Confidential Submission to another federal agency, we request that you forward a copy of this letter to any such agency with the Confidential Submission and further request that you advise any such agency that LedgerX has requested that this material be accorded confidential treatment.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, any employee of the Commission (or any other federal agency) and which (1) incorporate, include or relate to any aspect of the Confidential Submission; or (2) refer to any conference, meeting, or telephone conversation between LedgerX, its current or former employees, representatives, agents, auditors or counsel on the one hand and employees of the Commission (or any other government agency) on the other, relating to the Confidential Submission.

\* \* \* \*

Any questions regarding this request for Confidential Treatment, as well as any notices pursuant to Commission Regulation 145.9(e), should be directed to the attention of the undersigned at [gc@ledgerx.com](mailto:gc@ledgerx.com).

Sincerely,



Brian G. Mulherin  
General Counsel, LedgerX LLC

Encl. (Appendix A)

**APPENDIX A**  
**to October 27, 2021 Confidential Treatment Request**  
**from Brian G. Mulherin, LedgerX LLC**

The Confidential Submission referenced in the letter to which this Appendix A is attached consists of the following documents:

- Appendix A to the letter dated October 27, 2021 from Brian Mulherin of LedgerX LLC to Christopher Kirkpatrick re “Commission Regulation 40.6(a) – Rule Certification, LedgerX LLC Submission No. 21-23”.
- Appendix B to the letter dated October 27, 2021 from Brian Mulherin of LedgerX LLC to Christopher Kirkpatrick re “Commission Regulation 40.6(a) – Rule Certification, LedgerX LLC Submission No. 21-23”.
- Appendix C to the letter dated October 27, 2021 from Brian Mulherin of LedgerX LLC to Christopher Kirkpatrick re “Commission Regulation 40.6(a) – Rule Certification, LedgerX LLC Submission No. 21-23”.

