

RE: Lexmark's use of Digital Millennium Copyright Act to protect their marketing schemes.

This won't be in legal words, as I don't know them. Thus said; I feel that Lexmark is "using" an Act (law) in a fashion that it was never intended to be used. They have taken the Act, which serves a legitimate purpose and deliberately and needlessly designed a product to attempt to insure that any form of competition and customer choice would be eliminated. Allowing only their product to be available and giving them total price control.

Case in point: I just purchased various Lexmark Toner cartridges for three of our local South Dakota National Guard units activated. I had to bill the guard typically 2 to 3 times what I would have charged for a remanufactured cartridge. NO CHOICE. The guard normally uses recycled product when ever available. I did send a letter to HQ suggesting they review Lexmark's position (Prebate/chip/... schemes) prior to future printer purchases.

It Lexmark is successful with "locking" a consumable product (toner cartridge) to a hardware device (customer's printer) the future for consumer choice and price level will be rather dismal. This "scheming-method" could be used on any multitude of items, cars, auto gas, tires, televisions, batteries, computer software added to an existing computer, how about brand X monitor that is "micro-chipped" to brand X computer, the list could go on an on.....

Thanks,  
Tom Herd  
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3/3/03