

Comments:

FROM : Toner Plus, 2912 West 3rd St., Sioux Falls, SD, 57104

We are a business that specializes in the selling of toner and ink cartridges.

We are the largest

such business in the State of South Dakota. We sell approximately \$1,000,000 worth of

remanufactured items to our customers per year.

These customers represent "little old ladies" getting photos of their grandchildren to the largest

corporations, medical facilities and Federal Government Offices through out our State.

Why do they use remanufactured cartridges? They more than serve the need of every type of

printing demand they have. They save these places 20 to 40% in cost which is a consumer savings of

approximately \$400,000 per year through as small a dealer as we are. They comply with every

environmental conscious business criteria every initiated. And maybe most importantly they allow

them a choice, not only of price and quality but of provider. Many also have concerns of "built in

obsolescence" which not only can raise price on these types of goods, but if allowed WILL slowly

dictate how well or long each and every appliance or item we buy will last, and who they have to buy

from.

By selling remanufactured cartridges instead of new ones, we reduce America's dependence on

the imported oil used to make the body of a new toner cartridge.

Through our sales and recycling of toner cartridges we estimate we alone, a small business of 5

people in the State of South Dakota keep 2 FULL semi truck loads of non-biodegradable materials from

reaching our local landfill PER YEAR.

We urge that the rights of consumer choice be maintained, and the advancement of monopolistic

and outrageous price increases be halted. The current claim, and the Lexmark use of Prebate cartridges,

are an insult to the free market system and open a new area that not only will dramatically and

adversely effect every consumer but flies in the face of every concept, every challenge, every

advancement, every invention and every improvement our country has every seen in the advancement

of both our life styles and our technological advances.

To allow such a claim to stand and have legal status could well be the largest and most

damaging precedent to ever be established against consumers and the business community of

America in the last century.

The Digital Millennium Copyright Act, (DMCA) was not intended to

prevent the use of

repaired toner cartridges in laser printers. I join Static Control in urging the Copyright Office to clearly

state that this is the case. However, in an abundance of caution I would also request the Copyright

Office exempt from the DMCA the three classes requested by Static Control.

These classes are:

1. Computer programs embedded in computer printers and toner cartridges and that control the interoperation and functions of the printer and toner cartridge.
2. Computer programs embedded in a machine or product and which cannot be copied during the ordinary operation or use of the machine or product.
3. Computer programs embedded in a machine or product and that control the operation of a machine or product connected thereto, but that do not otherwise control the performance, display or reproduction of copyrighted works that have an independent economic significance.

These three exemptions will not affect the DMCA's primary goal of preventing people from circumventing encryption for the purpose of copying protected works. It will make clear that the DMCA was not intended to prevent the repair and reuse of hardware nor was it intended to prevent the interoperability of physical devices.

Sincerely,

Mike Manuel
President