

March 6, 2003

US Copyright Office

GRC, a family business now employee-owned, alone remanufactures over 1,000,000 used toner cartridges a year. (Lexmark in their lawsuit against Static Controls claims to remanufacture about 700,000 cartridges per year).

As a percentage of Lexmark's toner cartridge sales, their 700,000 is a small percentage. Lexmark only remanufactures enough cartridges to try to claim legitimacy in remanufacturing, which they don't. (Try to buy a remanufactured Lexmark cartridge off their website. They only offer 2 cartridges and then recommend that they only be used for text. AND their 2 remanufactured cartridges are single use only and cannot be remanufactured by third parties.) Our industry remanufactures for graphics and text, whatever the consumer wants to use in their applications.

For the safeguarding of legitimate remanufacturing in ours, and all industries, the DMCA must not be used for unintended purposes. (Even Lexmark's largest competitor 'HP' states that Lexmark is misusing the DMCA).

Remanufacturing benefits the consumers with value at great dollar savings, keeps waste out of landfills, and reduces use of costly energy and conserves on the use of oil.

The 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. 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 function 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,

Robert Daggs    Chairman    GRC, Chatsworth, CA