



Wednesday, March 12, 2003

Copyright Office, LM-403,
James Madison Memorial Building,
101 Independence Avenue, SE.
Washington, DC

OBJECT: Requested DCMA exemption for print cartridges

Dear sir, madam,

SUMMARY OF COMMENT:

I would like to express that the DCMA should not be applicable to software code that only serve as a key and lock device to keep competition out.

ARGUMENTS:

- What Lexmark is trying to protect using DCMA is in no way an intellectual finished product that would have a value on the market by itself.
- Lexmark believes they can close and lock the market door and wants to use the DCMA act to effectively make sure that no one other than itself can open this door.
- The practical implications of an eventual ruling in favor of Lexmark would have repercussions not only in the United States, but on the rest of the world, as well, since it would deprive companies like ours of essential components designed and produced in the USA that are needed for recycling of cartridges.
- We believe that, if Lexmark wins, other manufacturers will use the same tactics on all new cartridges to ultimately put us out of business.
- We are already losing sales of Lexmark cartridges "protected" by chips due to our inability to replace the original chip. Some companies even have to supply OEM cartridges in replacement of remanufactured, their cost for these new cartridges being over the quoted price for remanufactured product. We are therefore incurring considerable losses presently.
- There are many thousands of jobs at stake in our industry, and in any other industry, where a market for third party replacement parts exist.
- DCMA was not intended to give manufacturers a right to create monopolies.

Best Regards

A handwritten signature in black ink that reads 'H. Lee Ashby'. The signature is written in a cursive style with a large, looping flourish at the end of the name.

H. Lee Ashby
President
Circle Inc.

