

## **FAQ's Regarding Lexmark's US International Trade Commission (ITC) Decision and the General Exclusion Order.**

**Q: What is the US International Trade Commission?**

**A:** The ITC is an independent Federal agency with broad investigative responsibilities on matters of international trade. The ITC decides cases involving imported products that infringe U.S. patents or other intellectual property rights. The ITC has the authority to issue general exclusion orders that ban the importation of infringing goods into the U.S., regardless of their source. These orders are enforced by U.S. Customs and Border Protection.

**Q: Why did Lexmark pursue the legal action with the ITC?**

**A:** Lexmark has made substantial investments in research and development of our laser cartridge technology to ensure that our customers receive the best possible quality and value. Lexmark's patent enforcement effort reflects our commitment to protect our investment and our customers from unfair competition by products that infringe Lexmark's intellectual property.

**Q: What decision was reached in the ITC complaint?**

**A:** The ITC concluded that the evidence presented in court supported Lexmark's claims of patent infringement and issued a General Exclusion Order. Cease and desist orders were also issued against the 24 companies named in the original complaint. At issue in the complaint are 56 claims of 15 patents held by Lexmark.

**Q: What products are covered by the General Exclusion Order (GEO)?**

**A:** The products covered are replacement laser toner cartridges for the E120, E220, E32x, E23x/24x/34x, E250/35x/450, T52x/X52x, T61x, T62x/X62x, T63x, and T64x/X64x printer families. This also includes similar cartridges sold by Lexmark to its OEM customers. The GEO disallows importation of empty cartridges for remanufacture that were previously sold outside the United States. Imports of toner cartridges remanufactured outside the United States from cartridges first sold outside the United States are excluded under the order. Patent infringing components for the cartridges in suit are similarly barred from importation.

**Q: What is the impact of the cease and desist orders?**

**A:** The cease and desist orders prevent the named respondents in the suit from selling infringing cartridges that they may have in inventory.

**Q: Who can import these cartridges?**

**A:** No company or individual may import the affected cartridges in to the United States. The GEO states that all imports from any source and any country are barred from entry to the United States.

**Q: How is the ITC order enforced?**

**A:** The exclusion order is enforced at the ports of entry by US Customs. The Intellectual Property Rights Branch of US Customs administers the enforcement of ITC orders. US Customs targets inbound shipments for violations and also levies penalties against importers for infringing goods found after importation. Violations of exclusion orders are met with seizures and significant fines.

**Q: How do US Customs know which cartridges are affected?**

**A:** Training is provided by Lexmark to educate the customs officers on how to identify the cartridges affected by the GEO. This training will take place at all US ports of entry.

**Q: How long is the GEO in place?**

**A:** The exclusion order is in place for the life of the patents found to be infringed by the International Trade Commission. The full text of the exclusion order can be found at <http://newsroom.lexmark.com/download/Final+Determination.pdf>.

**Q: What should I do if I have information about a reseller or distributor selling these infringing cartridges?**

**A:** Information can be submitted to Lexmark at [clone@lexmark.com](mailto:clone@lexmark.com) regarding details of companies selling infringing cartridges.

**Q: What if I have additional questions?**

**A:** Additional questions should be directed to Lexmark Corporate Communications at 859-232-2221, or via email at [corpcomm@lexmark.com](mailto:corpcomm@lexmark.com).