

Eastern District of Kentucky  
**FILED**  
FEB 27 2003  
AT LEXINGTON  
LESLIE G. WHITMER  
CLERK U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
LEXINGTON

CIVIL ACTION NO. 02-571-KSF

LEXMARK INTERNATIONAL, INC.

PLAINTIFF

V.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

STATIC CONTROL COMPONENTS, INC.

DEFENDANT

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**FINDINGS OF FACT**

**I. THE PARTIES**

1. The Plaintiff, Lexmark International, Inc. ("Lexmark") is a Delaware corporation with its principal place of business in Lexington, Kentucky. Lexmark is a worldwide developer, manufacturer, and supplier of, *inter alia*, laser printers and toner cartridges. Lexmark Complaint ("Complaint") ¶ 2.

2. The Lexmark products that are the focus of this dispute are Lexmark's T520/522 and T620/622 laser printers and toner cartridges, and in particular, certain computer codes resident on microchips that are within the toner cartridges. *See generally*, Complaint ¶¶ 22-23; Declaration of Michael Robert Yaro ("Yaro Dec.") ¶ 1.

3. The Defendant, Static Control Components, Inc. ("SCC") is a North Carolina corporation with its principal place of business in Sanford, North Carolina. SCC manufactures and sells, *inter alia*, components for remanufactured toner cartridges. Affidavit of William K. Swartz ("Swartz Aff.") ¶¶ 4-5.

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