

OASIS Medical
Premier Edge Microkeratome Blades
You Have The Right To Choose!

Customer Rights

The Supreme Court has held that sellers with sufficient market power cannot exploit their control over one product or service to force buyers into purchasing another product that the buyer preferred to purchase elsewhere on different terms. When such “forcing” is achieved by tying the sale of a first product or service to a second, competition on the merits in the market is restrained and the antitrust laws are violated *Jefferson Parish Hospital District No. 2 v. Hyde*, 466 U.S. 2, 12 (1984). A seller must prove a reasonable “business justification” for forcing buyers to purchase a second product as a condition to providing the first product or service.

Although under appropriate circumstances, a concern about the quality of replacement parts can be a sufficient business justification for canceling a service agreement, there must be a no less restrictive alternative that would assure the quality of the product. See *Mozart Co. v. Mercedes-Benz of North America*, 833 F.3d 1342, 1349-50 (9th Cir. 1987). In determining whether a business justification exists, the Supreme Court has scrutinized sellers’ alleged concerns about the quality of their competitors’ replacement parts to determine whether the competitors’ parts were of equal quality. See *Eastman Kodak Co. v. Image Technical Services, Inc.*, 504 U.S. 451, 483-84 (1991) (requiring Kodak to prove the factual support for its argument that it prevented customers from using other companies to service its product to “maintain high quality service” and “avoid being ‘blamed for an equipment malfunction’”); *International Business Machines Corp. v. United States*, 298 U.S. 131, 139-40 (1936) (rejecting IBM’s argument that other companies’ computer cards would cause “injury to the reputation of the machines” because the other companies were capable of manufacturing suitable cards); *International Salt Co. v. United States*, 332 U.S. 392 (1947) (rejecting argument that manufacturer of salt machine could require customers to buy high-quality salt exclusively from the manufacturer when competitors had been able to supply salt of equal quality).

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