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Compaq Corporation files lawsuit against rival

□ Packard Bell Electronics Inc. is accused of selling merchandise with used parts and selling them as new.

HOUSTON (AP) — Compaq Computer Corp. filed a lawsuit Monday accusing rival Packard Bell Electronics Inc. of selling products that contain used components and representing them as new.

Houston-based Compaq alleges that Packard Bell fails to disclose to potential customers that they may be buying computers that include used parts.

Compaq claims its competitor disassembled many of its returned products and used the parts in building certain computers which are then sold as new.

Packard Bell spokeswoman Liz O'Donnell declined to comment on the lawsuit, filed in federal court in Wilmington, Del. Compaq spokeswoman Yvonne Donaldson also refused to discuss it.

"They're focusing with a mi-

croscope on Packard Bell," said Richard Zwetckkenbaum, an industry analyst with International Data Corp. in Framingham, Mass.

Zwetckkenbaum said Compaq, the world's largest supplier of personal computers, apparently was investigating Packard Bell because the fast-growing Westlake Village, Calif.-based company threatens Compaq's drive to be No. 1.

"I'm not suggesting they fabricated this. I'm suggesting they were tearing down these systems chip by chip. ... I'm not saying they were strictly looking for golden nuggets."

David Goldstein, an analyst with Channel Marketing Corp. in Dallas, said Compaq would not use a lawsuit to address a competitive issue with Packard Bell.

"They have a lot more class than to bring unwarranted, frivolous suits as a way of fighting the competition. They're better competitors than that," Goldstein said.

"They obviously must have substantial evidence and docu-

mentation to support their allegations or they wouldn't be making them."

Compaq said in a statement it has a system to distinguish between its own new and used computers. When a computer is returned to Compaq in an unopened, original box, the compa-

no apparent prior use, technicians run a program to determine whether it has been used. If they have indeed been used, the tests show no use, the machines are repaired or upgraded if necessary, and sold as new.

"Compaq has a very stringent

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— David Goldstein
 analyst with Channel Marketing Corp.

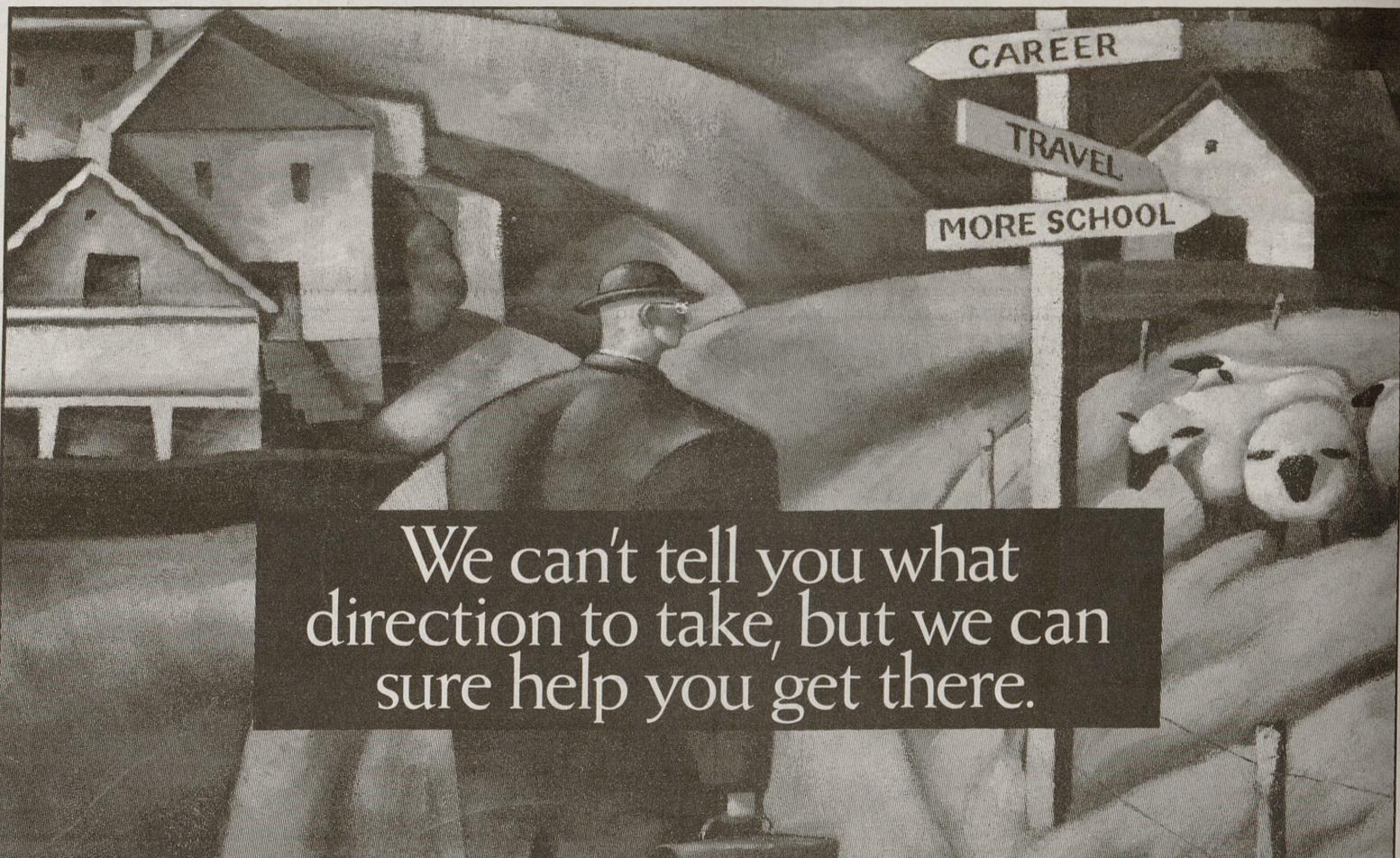
ny treats it as a new product, Compaq said.

But if the computer is returned in an opened box, Compaq tests it to determine if it has been used. If a computer appears to have been used, it is sold with a clear notice that it has been refurbished, Compaq said.

If a cursory inspection reveals

policy of re-marketing any returns — even if there was nothing wrong with them — as a turned product and refurbished product, not as new product," Goldstein said.

"If Packard Bell for some reason doesn't have that same policy, it is deceptive," he said.



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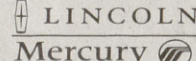
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