

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR
DEVICES, AND METHODS OF
MANUFACTURING SAME AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1366

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET DATE
FOR COMPLETION OF THIS INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend the target date for completion of this investigation from November 5, 2024, to November 7, 2024.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 3, 2023, based on a complaint filed by Efficient Power Conversion Corporation of El Segundo, California (“EPC”). 88 FR 42756–77 (Jul. 3, 2023). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, or sale within the United States after importation of certain semiconductor devices, and methods of manufacturing same, and products containing the same by reason of the infringement of one or more claims of U.S. Patent Nos. 10,312,335 (“the ’335 patent”); 8,350,294 (“the ’294 patent”); 8,404,508 (“the ’508 patent”); and 9,748,347 (“the ’347 patent”). *Id.* The complaint further alleged that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondents Innoscience (Zhuhai) Technology, Company, Ltd., of Zhuhai, Guangdong, China; and Innoscience America, Inc. of Santa Clara, California (together “Innoscience” or “Respondents”). The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On October 13, 2023, Chief Administrative Law Judge (“CALJ”) held a *Markman* hearing.

On December 13, 2023, the Commission terminated the investigation as to all asserted claims of the ’347 patent. Order No. 9 (Dec. 13, 2023), *unreviewed by Comm’n Notice* (Jan. 11, 2024).

On February 12, 2024, the Commission terminated the investigation as to all asserted claims of the ’335 patent. Order No. 12 (Feb. 12, 2024), *unreviewed by Comm’n Notice* (Mar. 12, 2024).

The CALJ held an evidentiary hearing from February 26, 2024 to March 1, 2024, and received post-hearing briefs thereafter.

On July 5, 2024, the CALJ issued the final Initial Determination (“ID”) finding a violation of section 337 as to claims 2 and 3 of the ’294 patent and no violation of section 337 as to claim 1 of the ’294 patent. The CALJ also found no violation of section 337 as to the only asserted claim of the ’508 patent, claim 1.

On July 19, 2024, EPC and Innoscience filed respective petitions for review of the final ID. On July 29, 2024, the parties, including OUII, filed responses to the petitions.

On August 6, 2024, Respondents filed a motion for sanctions against EPC and its counsel for their alleged breach of the CALJ’s administrative protective order (“APO”) based on an alleged disclosure EPC made in IPR proceedings before the Patent Office. Respondents requested a sanction of non-enforcement of the ’294 patent. Respondents also requested a stay of the proceedings pending disposition of the sanctions motion. On August 15, 2024, OUII filed a response, opposing Respondents’ motion. On August 16, 2024, Complainant file an opposition to Respondents’ motion. On September 19, 2024, Respondents filed a motion for leave to file a reply brief in support of its motion for sanctions. On September 24, 2024, EPC filed an opposition to Respondents’ motion for leave to file a reply. On October 2, 2024, OUII filed an opposition to Respondents’ motion for leave to file a reply.

On September 5, 2024, the Commission determined to review the final ID in its entirety and requested the parties to brief certain issues. 89 Fed. Reg. 73719-21 (Sept. 11, 2024).

On September 23, 2023, the parties filed initial submissions in response to the Commission’s request for briefing. On September 30, 2023, the parties filed reply submissions.

The Commission has determined to extend the target for completion of the investigation from November 5, 2024 to November 7, 2024.

The Commission vote for this determination took place on November 5, 2024.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of

Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", enclosed within a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: November 5, 2024