

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN POWER CONVERTER
MODULES AND COMPUTING SYSTEMS
CONTAINING THE SAME**

Investigation No. 337-TA-1370

**NOTICE OF COMMISSION DETERMINATION TO AUTHORIZE
JUDICIAL ENFORCEMENT OF SUBPOENAS AD TESTIFICANDUM**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to authorize judicial enforcement of subpoenas *ad testificandum* issued by the presiding administrative law judge (“ALJ”) in this investigation, and has authorized its Office of the General Counsel to seek such enforcement.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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: On August 17, 2023, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Vicor Corporation (“Vicor” or “Complainant”) of Andover, Massachusetts. *See* 88 FR 56050-51 (Aug. 17, 2023). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power converter modules and computing systems containing the same by reason of the infringement of certain claims of U.S. Patent Nos. 9,166,481; 9,516,761; and 10,199,950. *See id.* The notice of investigation names the following respondents: Delta Electronics, Inc. of Taipei, Taiwan; Delta Electronics (Americas) Ltd. of Fremont, California; Delta Electronics (USA) Inc. of Plano, Texas; Cyntec Co., Ltd. of Hsinchu, Taiwan; Quanta Computer Inc. and Quanta Cloud Technology Inc., both of Taoyuan City, Taiwan; Quanta Cloud Technology USA LLC of San Jose, California; Quanta Computer USA Inc. of Fremont, California; Hon Hai Precision Industry

Co. Ltd. (d/b/a, Foxconn Technology Group) of Taipei City, Taiwan; Foxconn Industrial Internet Co. Ltd. of Shenzhen, China; FII USA Inc. (a/k/a Foxconn Industrial, Internet USA Inc.) of Milwaukee, Wisconsin; Ingrasys Technology Inc. of Taoyuan City, Taiwan; and Ingrasys Technology USA Inc. of Fremont, California (collectively, “Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On January 25, 2024, the Commission partially terminated the investigation as to respondents Delta Electronics (USA) Inc., Quanta Cloud Technology Inc., and Quanta Cloud Technology USA LLC. *See* Order No. 16 (Dec. 22, 2023), *unreviewed by* Comm’n Notice (Jan. 25, 2024).

On January 26, 2024, the Commission amended the complaint and notice of investigation to add DET Logistics (USA) Corporation of Fremont, California as a respondent. *See* Order No. 18 (Jan. 2, 2024), *unreviewed by* Comm’n Notice (Jan. 26, 2024).

On February 2, 2024, the Commission granted the ALJ’s request for enforcement of a subpoena directed to Google seeking information relating to “objective indicia of non-obviousness,” “redesigns of accused products,” and “Google’s ‘decision’ to ‘develop’ and import the accused products.” *See* Comm’n Notice (Feb. 2, 2024) (granting request in Order No. 23 (Jan. 26, 2024)).

On January 24, 2024, Complainant Vicor filed a motion (“Motion”) to certify a request for judicial enforcement of subpoenas *ad testificandum* directed to Google, two current Google employees (Mobashar Yazdani and Shuai Jiang), and a former Google employee (Runruo “Ted” Chen). On January 30, 2024, Google, the two Google employees, and the former employee filed responses in opposition to Vicor’s Motion. That same day, Respondents filed comments in response to Vicor’s Motion. No other responses to the Motion were received.

On January 31, 2024, the ALJ issued Order No. 28 granting Complainant Vicor’s Motion. The ALJ certified the request to the Commission to obtain judicial enforcement of the subpoenas on February 2, 2024. The ALJ found that the subpoenas are: (1) sought for a proper purpose, namely to obtain discovery that non-party Google or its current and former employees are able to provide; (2) relevant to at least the issues of objective indicia of non-obviousness and infringement; and (3) reasonable in scope. *See* Order No. 28 at 2.

The Commission has determined to grant the ALJ’s request for judicial enforcement of the subpoenas *ad testificandum* and to authorize its Office of the General Counsel to seek judicial enforcement of the subpoenas.

The Commission vote for this determination took place on February 13, 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: February 13, 2024