

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 DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART RESPONDENTS' MOTION FOR
SUMMARY DETERMINATION OF NO INFRINGEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 37) of the presiding Administrative Law Judge (“ALJ”) granting in part the respondents’ motion for summary determination of no infringement.

FOR FURTHER INFORMATION CONTACT: Joelle Justus, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 617-1998. 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”) 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 (“the ’761 patent”); 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. (“Cyntec”) 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) (“Hon Hai”) 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. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On December 22, 2023, the ALJ granted Vicor’s unopposed motion to terminate the investigation as to respondents Delta Electronics (USA) Inc., Quanta Cloud Technology Inc., and Quanta Cloud Technology USA LLC. *See Order No. 16, unreviewed by Comm’n Notice (Jan. 25, 2024).*

On January 2, 2024, the ALJ granted Vicor’s unopposed motion to add DET Logistics (USA) Corporation (“DET”) as a respondent. *See Order No. 18, unreviewed by Comm’n Notice (Jan. 29, 2024).*

On February 27, 2024, respondents Delta Electronics, Inc., Delta Electronics (Americas) (together with Delta Electronics, Inc., “Delta”), DET, Cytotec, Hon Hai, Foxconn Industrial Internet Co. Ltd., FII USA Inc., Ingrasys Technology Inc., Ingrasys Technology USA Inc., Quanta Computer Inc., and Quanta Computer USA Inc. (collectively, “Respondents”) filed a motion for summary determination as to (1) no infringement of any asserted patent under the doctrine of equivalents; (2) no infringement of the ’761 patent by Delta’s and Cytotec’s redesigned products; and (3) no infringement of any asserted patent by any product formerly, but no longer, accused of infringement. Respondents filed a “corrected” motion for summary determination on March 5, 2024. Vicor filed an opposition to the motion on March 8, 2024, and the Commission Investigative Staff filed a response to the motion on March 19, 2024, opposing the motion as to issues (1) and (3), but supporting the motion as to issue (2).

On March 22, 2024, the ALJ issued the subject ID (Order No. 37) granting the motion in part. Although Respondents did not seek leave to file the “corrected” motion, the ALJ considered the corrected version because Vicor did not expressly object and doing so would not prejudice Vicor. Order No. 37 at 1-2. As to the doctrine of equivalents, the ID finds that Vicor’s final contention interrogatory responses did not allege infringement under the doctrine of equivalents, and that Vicor’s expert did not offer an opinion with respect to the doctrine of equivalents. *Id.* at 2. The ID finds that, while subsequent claim construction rulings might “justify a late supplementation of contentions or expert opinion,” Vicor takes no steps to accomplish that. The ID thus finds that there is no genuine issue of material fact that Vicor failed to present evidence of infringement under the doctrine of equivalents “regardless of how the claims are ultimately construed.” *Id.* at 3. The ID therefore grants summary determination of no infringement under the doctrine of equivalents. *Id.* The ALJ denied the motion as to issues (2) and (3); those findings are not presently before the Commission.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on April 23, 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", written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: April 23, 2024