

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
(Modification)**

**NOTICE OF A COMMISSION DETERMINATION DENYING RESPONDENTS'
PETITION TO MODIFY OR TEMPORARILY RESCIND REMEDIAL ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to deny the petition of respondents Innoscience (Zhuhai) Technology, Company, Ltd., of Zhuhai, Guangdong, China; and Innoscience America, Inc. of Santa Clara, California (together “Innoscience”) to modify or temporarily rescind the limited exclusion order and cease and desist orders issued in the above-captioned investigation due to the Patent Trial and Appeal Board’s *inter partes* review final written decision finding the asserted claims of the patent at issue, U.S. Patent No. 8,350,294 (“the ’294 patent”), unpatentable.

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”); 8,404,508 (“the ’508 patent”); 9,748,347 (“the ’347 patent”) and the ’294 patent. *Id.* The complaint further alleged that a domestic industry exists. *Id.* The Commission’s notice

of investigation named the Innoscience entities as respondents. The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

The Commission terminated the investigation as to all asserted claims of the ’347 patent and all asserted claims of the ’335 patent. Order No. 9 (Dec. 13, 2023), *unreviewed by* Comm’n Notice (Jan. 11, 2024); Order No. 12 (Feb. 12, 2024), *unreviewed by* Comm’n Notice (Mar. 12, 2024).

On July 5, 2024, the Chief Administrative Law Judge (“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 September 5, 2024, the Commission determined to review the final ID in its entirety. 89 FR 73719-21 (Sept. 11, 2024). On review, the Commission affirmed the CALJ’s finding of a violation of section 337 as to claims 2 and 3 of the ’294 patent and issued a limited exclusion order and cease and desist orders against Innoscience. 89 FR 90051-53 (Nov. 14, 2024).

On March 18, 2025, the Patent Trial and Appeals Board (“PTAB”) of the United States Patent and Trademark Office (“PTO”) issued a Final Written Decision finding all challenged claims in the ’294 patent, including claims 2 and 3, unpatentable. *See Innoscience (Zhuhai) Tech., Co. v. Efficient Power Conversion Corp.*, IPR2023-01381, Patent 8,350,294, Final Written Decision Determining All Challenged Claims Unpatentable (Mar. 18, 2025).

On April 11, 2025, Innoscience filed a petition asking the Commission to modify or temporarily rescind the remedial orders in light of the PTAB decision. On April 23, 2025, OUII filed an opposition to Innoscience’s petition. On April 25, 2025, EPC moved for leave to file its response out of time. On April 29, 2025, the Chair determined that good cause exists to grant the motion. On May 2, 2025, Innoscience moved under 19 CFR 210.15 for leave to file a reply to Innoscience’s response. The Commission has determined to grant Innoscience’s motion.

Upon consideration of Innoscience’s petition, EPC’s response, and Innoscience’s reply, the Commission has determined to deny Innoscience’s petition to modify or temporarily rescind the remedial orders for failing to satisfy the requirements of 19 U.S.C. 1337(k) and 19 CFR 210.76. Specifically, the Commission finds that the PTAB’s final written decision in IPR2023-01381 may still be appealed or modified by the PTO Director, and the legal status of the claims at issue will not change unless and until the PTO issues a certificate cancelling the claims following the exhaustion of all appeals. 35 U.S.C. 318; *Certain Network Devices, Related Software and Components Thereof (II)*, Inv. No. 337-TA-945 (“*Network Devices*”), Comm’n Op. at 9-14 (Jun. 1, 2017). The Commission, however, may determine to later suspend enforcement of its remedial orders once all appeals from the PTAB are exhausted but before the certificate of cancellation is issued by the PTO. *See Network Devices*, Modification 2 Comm’n Op. at 9-10 n.10 (July 12, 2018); *Network Devices*, Notice of Commission Determination to Modify the Remedial Orders to Suspend Enforcement as to U.S. Patent No. 7,224,668 (April 5, 2018); *see also Kroy IP Holdings, LLC v. Groupon, Inc.*, 127 F.4th 1376, 1381 (Fed. Cir. 2025) (holding

that “once a claim is already and finally held unpatentable as a result of an IPR, the claim is subject to a wholly ministerial, inevitable, irreversible cancellation”).

The Commission vote for this determination took place on May 9, 2025.

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, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: May 12, 2025