UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of **CERTAIN VERTICAL POWER DELIVERY SYSTEMS, COMPONENTS THEREOF, AND COMPUTING SYSTEMS CONTAINING THE SAME**	**Investigation No. 337-TA-__ Dkt. No. 3936**

PROPOSED RESPONDENT INFINEON TECHNOLOGIES AG'S REQUEST NOT TO INSTITUTE AS TO INFINEON TECHNOLOGIES AG AND PUBLIC INTEREST STATEMENT

Proposed Respondent Infineon Technologies AG ("Infineon AG") respectfully submits this response to the Commission's Notice regarding the September 9, 2026 Complaint filed by Vicor Corporation (Vicor). 91 Fed. Reg. 58175 (Sept. 14, 2026). The Commission should not institute as to Infineon AG because the Complaint fails to allege any specific instances of importation of an Accused Product by Infineon AG. Vicor seeks a broad and sweeping investigation against Infineon AG based on a single trade show booth with employees from a different company, and without any allegations of specific instances of unlawful importation or sales by Infineon AG.

Vicor seeks to exclude vertical power delivery (VPD) systems that are integral to modern datacenter infrastructure which sits at the core of several critical U.S. industries. The Accused Products are essential to the advancement and deployment of artificial intelligence (AI), an area the Administration has repeatedly identified as a national priority.[1] Vicor itself characterizes the Accused Products as "artificial intelligence hardware" and as "power[ing] artificial intelligence accelerators, tensor processing units (TPU), graphical processing units (GPU) and central processing units (CPU), which in turn fuel modern artificial intelligence implementations." Vicor PI Statement at 3. Should the Commission institute an investigation, Infineon AG requests that the Commission delegate consideration of the public interest to the presiding Administrative Law Judge (ALJ).

I. The Commission Should Deny Institution as to Infineon AG Because Vicor Fails to Describe Specific Instances of Importation or Sale as Required by Rule 210.12

A complaint for violation of Section 337 "shall… [d]escribe specific instances of alleged unlawful importations or sales." 19 C.F.R § 210.12(a)(3). It must likewise show infringing imports or sales by each proposed respondent. *Id.* § 210.12(a)(9)(viii). The Commission has declined to institute investigations against respondents whose alleged importations are not described with

[1] Advancing United States Leadership in Artificial Intelligence Infrastructure, Federal Register (Jan. 14, 2025), *available at* https://www.federalregister.gov/documents/2025/01/17/2025-01395/advancingunited-states-leadership-in-artificial-intelligence-infrastructure.

particularity in the complaint. *See, e.g.*, *Certain Disposable Vaporizer Devices*, Inv. No. 337-TA-1410, EDIS Doc. ID 826183, Ltr. from L. Barton to Compl'ts (July 17, 2024) (decision not to institute requested investigation against certain respondents because "the complaint...does not sufficiently allege unfair acts in the importation of the accused articles"); *Certain Elec. Devices*, Inv. No. 337-TA-1340, EDIS Doc. ID 784017, Ltr. from K. Hiner (Nov. 8, 2022) (same).

Vicor fails to plead any specific instances of importation by the proposed respondent, Infineon AG. Instead, the allegations of a purported "specific instance" (Compl. ¶ 82) relate to the display of a product at a trade show by employees of Infineon ***Americas***, an entity not named in the Complaint, and which the Complaint does not connect to any act by Infineon AG. Furthermore, the mere display at a tradeshow is insufficient to plead importation or a sale. Vicor's remaining allegation is an ***inference*** that products manufactured abroad are used in the United States (Compl. ¶ 85), but an inference is not a described instance, and Rule 210.12(a)(3) requires the latter. The Complaint also describes the potential inclusion of Infineon's "OptiMOS" component within "Delta's Vertical Power Delivery Modules." (Compl. ¶ 84). But the Complaint neither alleges nor describes that Infineon AG actually imports or sells the OptiMOS component into the United States—***because it does not***. Vicor refers to a webpage that describes Infineon AG's collaboration with Delta Electronics, Inc. *Id.*; Ex. 11. Yet nowhere does the webpage mention any specific instance of importation or sale into the U.S. ***by Infineon***. Indeed, the complaint identifies Delta—***not Infineon***—as the importer of the accused Delta modules. Compl. ¶84. Vicor has failed to meet its burden. *See* 19 C.F.R. § 210.12(a)(3).

II. The Requested Remedial Relief Implicates Public Interest Insofar as Exclusion of the Accused Products Contradicts National Policy Favoring AI Innovation

The relief sought here would exclude major suppliers of VPD systems in a capacity-constrained, qualification-bound market. Such relief risks disrupting AI deployment at a time when AI capability is strategically critical to the public interest. The Commission has long recognized that there are circumstances when exclusionary relief would impose disproportionate harm on the public.

See, e.g., *Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60, USITC Pub. 1022 (1979). More often, the Commission has developed a full public interest record and tailored its remedial orders accordingly. *See, e.g., Certain Baseband Processor Chips*, Inv. No. 337-TA-543, Comm'n Op. (June 19, 2007) (exempting handset models); *Certain Lithium Ion Batteries*, Inv. No. 337-TA-1159, Comm'n Op. (Mar. 4, 2021) (multi-year transition periods for electric vehicles).

Here, the requested relief would create a real and immediate risk of disrupting the supply of specialized power-delivery components used in U.S. hyperscale data centers and AI systems. Even on the preliminary record, multiple factors weigh strongly against exclusion: (i) AI is treated by the U.S. government as a strategically important national interest and capability; (ii) exclusion would harm competitive conditions and pricing in a foundational infrastructure market; (iii) Vicor's own disclosures show long lead times and capacity constraints that preclude timely replacement of displaced supply; and (iv) U.S. consumers increasingly rely on AI and cloud services supported by this infrastructure, while the respondents' products are used in those deployments, such that broad exclusionary relief would harm U.S. consumers, jobs, and investment.

Executive Order 14179 recently announced a national policy "to sustain and enhance America's global AI dominance" and directed the executive branch to "remov[e] barriers" to AI leadership.[2] The Administration's July 2025 release of "Winning the AI Race: America's AI Action Plan" identified AI acceleration and infrastructure build-out as key national strategy favoring AI innovation.[3] In March and June 2026[4], the Administration unveiled a National AI Legislative Framework and Executive Order, reaffirming the Administration's "commit[ment] to winning the AI

[2] Exec. Order No. 14179, 90 Fed. Reg. 8741 (Jan. 23, 2025), available at https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence/.

[3] White House, Winning the AI Race: America's AI Action Plan (July 23, 2025), available at whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf.

[4] White House, National AI Legislative Framework (Mar. 20, 2026), at whitehouse.gov/releases/2026/03/president-donald-j-trump-unveils-national-ai-legislative-framework/; Exec. Order No. 14363, Promoting Advanced Artificial Intelligence Innovation and Security (June 2026), at whitehouse.gov/presidential-actions/2026/06/promoting-advanced-artificial-intelligence-innovation-and-security.

race to [secure] economic competitiveness, and national security."

The requested remedial relief would directly interfere with the Administration's national policy emphasizing AI growth by disrupting the supply of critical power-delivery components to leading contributors to domestic AI innovation and infrastructure.[5] The requested relief thus directly threatens the national imperative of enhancing "America's global AI dominance" to promote economic competitiveness and national security.[6] The requested relief would also harm competitive conditions. The relevant market is served by a limited number of qualified power-supply vendors. The complaint targets the key vendors at multiple stages of the supply chain for the power-supply modules that make up domestic AI infrastructure servers. Excluding multiple-qualified suppliers at once would materially reduce supply options, increase switching costs, and weaken competitive constraints in a market where hyperscale customers rely on an already narrow set of pre-qualified suppliers. That contraction would adversely affect competitive conditions by increasing pricing pressure, forcing costly redesigns, and delaying deployment of AI data-center infrastructure.

There is no indication that other market participants could replace respondents' supply of these specialized components within commercially reasonable timeframes if the Accused Products were excluded from the U.S. market. Vicor asserts without support that substitutes abound and that it could readily replace the accused products. Vicor PI Statement at 4. That claim is inconsistent with Vicor's own public disclosures[7], which reflect long lead times (22-28 weeks), substantial backlogs (approximately $176.9M), capacity constraints, and extended design and qualification cycles. This undermines any suggestion that supply could be replaced with commercially reasonable substitutes.

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[5] *See*, *e.g.*, White House, President Trump Solidifies U.S. Position as Leader in AI (Jul. 15, 2025), available at https://www.whitehouse.gov/releases/2025/07/president-trump-solidifies-u-s-position-as-leader-in-ai/.

[6] Exec. Order No. 14179, 90 Fed. Reg. 8741 (Jan. 23, 2025), available at https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence/.

[7] Vicor Corporation, Annual Report (Form 10-K) 7-8, U.S. Securities and Exchange Commission, available at https://www.sec.gov/Archives/edgar/data/751978/000119312526085102/vicr-20251231.htm.

Disruptions in the supply of specialized power-delivery components delay deployment of computing capacity, increase the cost of providing cloud and AI services, and reduce service availability and performance. U.S. consumers increasingly rely on cloud and AI services supported by hyperscale datacenters. Exacerbating supply chain delays would materially affect consumer access to critical services including communications, productivity, education, healthcare, and other AI-enabled systems that the public increasingly relies on. Furthermore, in view of AI computing's position as a national-security sensitive domain, the downstream consumer welfare impacts overlap directly with strategic welfare considerations. The public interest factors weigh against a remedy here.

III. The Commission Should Define the Scope of Any Investigation to Exclude General-Purpose Power Semiconductor Components That Are Not Specific to VPD

Vicor's plain language description of the accused products, which will define the scope of any investigation and of any remedial order, reaches "vertical power delivery systems ***and components thereof***." Compl. ¶ 51. The limited exclusion order in Inv. No. 337-TA-1370 was directed to "power converter modules." The addition of "components thereof" here would broadly sweep-in discrete staple-commodity power components that are sold in volume for automotive and industrial applications and that are not specific to VPD. Here, Vicor accuses Infineon's general-purpose commodity power stage solely because a third party may incorporate it into a module. Compl. ¶ 84.

An exclusion order of that breadth would harm competitive conditions and U.S. consumers well beyond the accused application, and it could not be administered because Customs cannot determine whether a discrete component is intended for a VPD module. Infineon AG therefore requests that, if the Commission institutes an investigation, it define the scope of the investigation in the notice of investigation to exclude discrete power semiconductors and power stages that are not specifically designed for vertical power delivery, or at a minimum omit "and components thereof" from the plain language description. The breadth of the requested relief also confirms that the public interest issues should be delegated to the ALJ for development of a full record.

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Respectfully submitted,

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