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	**Docket No. 3936**

COMPLAINANT VICOR CORPORATION'S RESPONSE TO THE PROPOSED RESPONDENTS LUXSHARE PRECISION INDUSTRY CO., LTD. AND DONGGUAN LUXSHARE TECHNOLOGY CO., LTD. A/K/A LUXSHARE-TECH PUBLIC INTEREST STATEMENT

The Commission should reject the Luxshare Purposed Respondents' request that the Commission decline institution or delegate public-interest factfinding to the ALJ. In arguing that the requested remedial orders covering vertical power delivery ("VPD") systems would threaten the artificial intelligence ("AI") industry, Luxshare relies on generalized policy rhetoric and speculation, but points to no evidence of prospective harm. Luxshare ignores the supply alternatives Vicor identified in the Complaint, including that the Proposed Respondents *can and do sell to* OEMs and hyperscalers who are licensed under the '734 patent. Luxshare also ignores that the Commission previously instituted and did not delegate public-interest factfinding in two other Vicor-initiated Investigations, both of which involved AI power-delivery technology. Inv. Nos. 337-TA-1370; 337-TA-1484. Indeed, in the 1370 Investigation, the Commission determined that the relevant public interest factors did not preclude issuance of a limited exclusion order, and after the remedial orders there went into effect in 2025, the AI industry *expanded*, further refuting Luxshare's speculation. The requested remedial orders here, like in the 1370 Investigation, would protect Vicor's patent rights without harming the AI industry or the public interest.[1]

I. A limited exclusion order will not have a meaningful impact on supply or customers.

Luxshare's supply-shortage theory fails. Luxshare speculates that exclusion would remove "significant market supply for VPD modules, threatening shortages in the rapid build-out of AI and cloud data centers." PI Stmt. at 4-5. But Luxshare simply does not address two of the three facts alleged in Vicor's Complaint demonstrating that no market disruptions will result because (1) all Proposed Respondents can sell to those leading OEMs and AI hyperscalers who are currently licensed under the '734 patent; (2) currently unlicensed OEMs and hyperscalers can

[1] Vicor takes no position on Luxshare's request that Staff be assigned to the Investigation, but notes the Commission did not assign Staff in the 1370 and 1484 Investigations.

license the ’734 patent; and (3) OEM’s and hyperscalers who decline to license the ’734 patent can obtain substitutes, including from Vicor, or can also continue using currently prevalent, albeit less efficient, lateral power delivery systems. *See* Vicor PI Stmt. at 3-4. Luxshare ignores the first two points, and its arguments as to the third are wrong.

First, leading OEMs and AI hyperscalers have licensed the ’734 Patent, preserving authorized sources of VPD supply. Compl. ¶ 61 & Ex. 3C. There is no adverse public-interest impact where a Complainant “has clearly expressed its willingness to license other . . . suppliers directly, or indirectly through [an OEM].” *Spring Assemblies & Components Thereof*, Inv. No. 337-TA-88, Comm’n Order at 54 (Aug. 1981); *see Certain Semiconductor Chips Having Synchronous DRAM Controllers*, Inv. No. 337-TA-661, Comm’n Op. at 14-15 (Aug. 10, 2010) (finding that, due to licensing arrangements “this case does not present the rare instance where the statutory public interest factors preclude issuance of remedial orders”). And here, Vicor is not merely willing to license—it has licensed leading consumers of the VPD systems. Furthermore, Vicor’s licensee base continues to grow: Vicor signed an additional OEM license days after filing the Complaint. *See* Supp. to Ex. 3C. Luxshare’s assertion that Vicor identifies no “‘licensee’ or OEM capable of meeting demand” is nonsensical and wrong. PI Stmt. at 4. The point is that the leading hyperscalers and OEMs have already avoided any potential supply risk by securing a license from Vicor, allowing them to obtain otherwise-infringing products from suppliers, including from the Proposed Respondents.

Second, any currently unlicensed OEMs and AI hyperscalers can also take a license, preserving supply without replacing or requalifying products already in use. *Spring Assemblies*, Comm’n Order at 54 (willingness to license “indirectly through [OEM] [General Motors]” weighed against adverse public-interest finding). No “extended design and qualification cycles”

are required, and no "switching costs" arise if a license is taken. PI Stmt. at 4. Licensing preserves competition while respecting the intellectual-property rights that drive domestic innovation. *See Certain Wireless Devices With 3G And/Or 4G Capabilities & Components Thereof*, Inv. No. 337-TA-868, 2018 WL 11202793, at *122 (Dec. 1, 2018) ("It is equally unlikely that any of the Respondents would abandon efforts to continue in the US market, either designing around the patents or by taking a license.").

Third, competitive substitutes exist. *See Wireless Devices*, 2018 WL 11202793, at *122 ("there is an alternative handset manufacturer, HTC that makes WPOS products."). Vicor makes VPD systems, and does so exclusively at facilities in the U.S. Compl. ¶ 11, Ex. 5C. Unlicensed OEMs and hyperscalers that do not take a license can buy VPD systems from Vicor. And Vicor has invested millions in its manufacturing plants, equipment, and labor—which reflect an expanding domestic capacity base capable of meeting the supply for any OEM or hyperscaler who chooses not to take a license. *Id.* at 13–15, 23–24.

Luxshare's citation to figures related to Vicor's reported order backlog, lead times, and customer prioritization do not show an inability to supply. PI Stmt. at 5–6. These figures reflect strong demand and ongoing capacity allocation, and Luxshare does not explain how they reflect an inability to supply VPD systems. Notably, Vicor recently announced acquisition of sites in New Hampshire to build two new fabs for additional capacity to fulfill demand.[2]

The record identifies multiple supply sources, and Luxshare identifies no customer or order that would ever go unfilled. And even if some customers experienced "short term" lead-time or allocation effects, that is no reason to deny institution. *See Wireless Devices*, 2018 WL 11202793,

[2] *See Vicor acquires sites for additional ChiP fabs*, *available at* https://www.vicorpower.com/press-room/2026/vicor-acquires-sites-for-additional-chip-fabs (Sept. 11, 2026).

at *122; *Certain Eprom, Eeprom, Flash Memory, & Flash Microcontroller Semiconductor Devices & Prods. Containing Same*, Inv. No. 337-TA-395, Comm'n Op., 2000 WL 1810084, at *72 (Dec. 11, 2000) (finding that complainant's potential "delays" in filling domestic orders would likely not "any significant impact on the domestic economy in light of the existence of other major semiconductor manufacturers that are licensed").[3]

The Vicor-initiated 1370 Investigation also provides direct proof that exclusion will not harm AI. There, the 1370 Respondents made the same arguments as Luxshare does here, and the Commission found "the public interest factors" did not preclude its limited exclusion order. Inv. No. 337-TA-1370*,* Comm'n Op. at 119-124 (Feb. 13, 2025). After the 1370 LEO issued, AI computing *expanded*. The public-interest factors analysis here is no different.

II. Patent enforcement promotes—not erodes—public interest and the AI industry.

Having failed to identify an actual supply shortfall or consumer harm, Luxshare dresses its speculation in references to general Executive Orders about the importance of AI and argues that AI's importance should weaken patent rights. PI Stmt. at 2-4. Luxshare's argument reverses domestic AI policy. AI's importance makes reliable patent protection more important, not less. Policy rhetoric cannot substitute for evidence that Vicor's requested remedy would harm public health, safety, or welfare.

None of the Executive Orders Luxshare cites suggests that intellectual-property rights should take a back seat. To the contrary, Executive Order No. 14363 emphasizes the importance of respecting "intellectual property protections."[4] Executive Order No. 14409 likewise declares

[3] The two Commission decisions that Luxshare cites in footnote 12 are two of only three where the Commission "found public interest considerations to outweigh the need for injunctive relief in protecting intellectual property rights," all of which involved permanent or indefinite harm to supply. *Spansion, Inc. v. Int'l Trade Comm'n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010).
[4] EO No. 14363, *Launching the Genesis Mission*, 90 Fed. Reg. 55035 (Nov. 28, 2025).

that U.S. policy is "to protect American ingenuity and intellectual property from exploitation and theft by adversaries," not to permit importers to override those rights.[5]

Luxshare's central premise is wrong: AI's strategic importance does not justify weaker patent enforcement; it makes reliable patent rights more important. Domestic AI innovation depends on the investment and risk-taking that strong patent protection encourages. Patent protection—the very purpose of Vicor's request for institution—is not in tension with the domestic AI industry; it is essential to it. Enforcement serves national interests by rewarding invention and protecting the value of "the value of the intellectual property." *Certain Digital Models, Digital Data, & Treatment Plans for Use in Making Incremental Dental Positioning Adjustment Appliances, the Appliances Made Therefrom, & Methods of Making the Same*, Inv. No. 337-TA-833, Comm'n Op., 2014 WL 12935963, at *29 (Apr. 9, 2014).

The DOJ and USPTO have recognized the same principle: that "reliable patent rights have fueled America's technological dominance," including with respect to "artificial intelligence systems." *Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, And Components Thereof*, Inv. No. 337-TA-1472, Joint Comment on the Public Interest of the USPTO and DOJ, at 1–2 (Nov. 25, 2025), *available at* https://www.justice.gov/atr/media/1419496/dl.

III. Conclusion

Because Vicor's requested remedial orders would not threaten (and would instead serve) public interest, the Commission should institute the Investigation against Luxshare and all Proposed Respondents and decline to delegate public interest fact-finding to the ALJ.

[5] EO No. 14409, *Promoting Advanced Artificial Intelligence Innovation and Security*, 91 Fed. Reg. 34565 (June 2, 2026).

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Respectfully submitted,

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I hereby certify that on September 25, 2026, copies of the foregoing were served upon the following as indicated:

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