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 PUBLIC INTEREST STATEMENT AND REQUEST NOT TO INSTITUTE OF PROPOSED RESPONDENT INFINEON TECHNOLOGIES AG

Proposed Respondent Infineon Technologies AG's ("Infineon") Request for Non-Institution provides no basis for the relief it seeks. Its jurisdictional challenge ignores the Complaint's specific allegations that Infineon both imports and sells for importation the Accused Products, which Infineon makes overseas, imports to the United States, and sells for importation via Infineon's domestic affiliate and domestic customers. Its public-interest challenge ignores Vicor's substantial evidence of licensing arrangements and competitive substitutes that ensure no risk to domestic supplies. And its request to exclude alleged "staple" components from the Investigation's scope improperly seeks to bypass merits adjudication of Infineon's indirect infringement. Because the Complaint and governing law foreclose each of Infineon's arguments, the Commission should deny Infineon's request and institute the Investigation.

I. Infineon manufactured and sold for importation infringing articles.

Infineon incorrectly claims that Vicor failed to plead "specific instances [of] unlawful importation or sales by Infineon AG." Request at 1-2. Infineon misreads the Complaint, and ignores the text of Section 337, which declares as unlawful "[t]he importation into the United States, the sale for importation, or the sale within the United States after importation by the owner, importer, or consignee" of articles that infringe patent rights. 19 U.S.C. §1337(a)(1)(b). The Commission "has jurisdiction to act if there is *some nexus* between a respondent's activities and the importation of the products accused." *Certain Cigarettes & Packaging Thereof* ("*Cigarettes*"), Inv. No. 337-TA-643, Comm'n Op. at 8 (Oct. 1, 2009) (emphasis added) ("[A] foreign entity . . . need not be an 'owner, importer, or consignee' of an article" to satisfy "importation" or "sale for importation"); *Certain Digital Video Receivers and Hardware and Software Components Thereof*, Inv. No. 337-TA-1001, Comm'n Op. at 10 (Nov. 21, 2017) (finding Comcast to be an importer because it was "sufficiently involved with the design, manufacture, and importation of

the accused products" even though Comcast was not "importer of record").

Contrary to Infineon's arguments, Vicor explicitly pleads Infineon's importation and sale for importation of infringing articles. The Complaint pleads that Infineon's "manufacturing facilities are located outside of the United States." Compl. ¶ 83; Ex. 37C at ¶ 6. It also alleges that Infineon is involved at two levels of the supply chain: (1) it supplies its own VPD modules (*e.g.*, the TDM24545S, Compl. ¶¶ 81-83, and (2) it sells components (*e.g.*, the OptiMOS power-stage) to Proposed Respondent Delta, which Delta incorporates into its own foreign-made, U.S.-imported VPD modules, Compl. ¶ 84. Products from both levels were imported into the U.S., satisfying Section 337's importation requirement. Compl. ¶¶ 78, 82, 84, 108.

First, as to Infineon's own VPD modules, Infineon manufactures the TDM24545S, which it promotes as "optimized for VPD." Compl. ¶¶ 81-82. Infineon displayed a TDM24545S in a VPD assembly in the U.S. *Id.* Infineon does not dispute that it manufactured the TDM24545S abroad, or that it appeared in the United States. Instead, it attempts to minimize the scope of importation by claiming the TDM24545S appeared in "a single trade show booth." Request at 1. But Section 337 requires only "importation of a single product." *Certain Chem. Mech. Planarization Slurries & Components Thereof*, Inv. No. 337-TA-1204, Comm'n Op. at 9 (Jan. 6, 2022). Infineon also argues the TDM24545S was "display[ed]" by its domestic subsidiary, Infineon Americas. Setting aside that it is entirely irrelevant who "displays" an article after it is imported, exclusion orders may encompass affiliate conduct to prevent circumvention. *See Certain Cast Steel Ry. Wheels*, Inv. No. 337-TA-655, Comm'n Op, at 6-7 (Mar. 19, 2010) (to eliminate circumvention, issuing limited exclusion order that "prohibits *affiliate companies and companies related to Respondents* from engaging in conduct that Respondents are prohibited from engaging in"). Infineon's manufacture, advertising, and transfer to the United States of a single

TDM24545S—including to its American subsidiary—establishes "sufficient involvement" for a finding of importation. *Cigarettes*, Inv. 337-TA-643, Comm'n Op. at 8-9 (finding sufficient involvement where respondent advertised, took orders, and arranged shipping).

Second, as to the Delta VPD modules, the Complaint pleads (and Infineon does not dispute) that Infineon provides OptiMOS power-stage solutions to Delta for inclusion in Delta's own VPD modules. Compl. ¶ 84 & Ex. 11. The Complaint also pleads (and Infineon does not dispute) that these OptiMOS components are sold for importation into the United States. Compl. ¶¶ 84, 77-80. Infineon's only response is that "Delta—*not Infineon*—[i]s the importer" of these VPD modules. Request at 2. This misses the point. Section 337 prohibits both importation and "sale for importation." 19 U.S.C. § 1337(a)(1)(B). Infineon's overseas manufacture of OptiMOS components and sale of those components to Delta, who then imports VPD modules incorporating OptiMOS components into the United States, is a textbook sale for importation. *See Enercon GmbH v. Int'l Trade Comm'n*, 151 F.3d 1376, 1380-83 (Fed. Cir. 1998) (manufacturer's sale of an infringing article to an importer qualified as a sale for importation).

Infineon does not deny that it makes the TDM24545S abroad and imports it; and does not deny that it makes OptiMOS components for Delta VPD Modules and sells those components to Delta for importation. Infineon refusal to deny these allegations speaks volumes. Vicor does not rest its Complaint on an "inference" of importation. Request at 2. Vicor alleges overseas manufacture of Accused Products by Infineon and importation and sale for importation of those products into the United States. That is more than sufficient to establish jurisdiction here.

II. A limited exclusion order will protect the innovation that fuels the AI industry.

Infineon's public-interest argument mirrors that of Luxshare and fails for the same reasons. *See* Vicor's Resp. to Luxshare PI Stmt. In short, Infineon ignores three concrete supply alternatives

detailed by Vicor: (1) licensed OEMs and AI hyperscalers can continue purchasing from authorized sources, including Proposed Respondents; (2) unlicensed OEMs and hyperscalers can obtain licenses; and (3) customers that decline to license can obtain substitutes, including VPD systems made by Vicor in the U.S. *See* Vicor PI Stmt. at 3–4.

First, leading OEMs and AI hyperscalers have licensed the '734 Patent, preserving authorized sources of VPD supply. Compl. ¶ 61 & Ex. 3C. Vicor's willingness to license precludes a finding of an adverse public-interest impact. *Spring Assemblies & Components Thereof*, Inv. No. 337-TA-88, Comm'n Order at 54 (Aug. 1981). Vicor licensed an additional OEM days after filing the Complaint. *See* Supp. Ex. 3C, EDIS Doc. 894387. Leading hyperscalers and OEMs have already avoided any potential supply risk by securing a license, allowing them to obtain otherwise-infringing products, including from Infineon. ***Second***, any currently unlicensed OEMs and AI hyperscalers can also take a license, eliminating the need to replace or requalify VPD systems already in production. ***Third***, competitive substitutes are also available. Vicor manufactures VPD systems in the United States, and its millions of dollars in investments in plant, equipment, and labor reflect an expanding domestic capacity capable of meeting the needs of OEMs and hyperscalers that choose not to take a license. Unlicensed parties can also continue using currently prevalent, albeit less efficient, lateral power delivery systems.

Infineon does not address these alternatives. It instead cites Vicor's reported order backlog, lead times, and customer prioritization—which are evidence of demand and capacity allocation, not inability to supply VPD systems. Request at 2-3. Vicor recently announced acquisition of sites in New Hampshire to build two new fabs for additional capacity to fulfill demand. [1]

[1] *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).

Infineon also ignores the actual effect of the remedial orders issued in the 1370 Investigation, brought by Vicor, which provides direct proof that exclusion will not harm the AI industry. There, the respondents made the same arguments that Infineon does here, and the Commission found the public interest factors did not preclude the limited exclusion order. *See* Inv. No. 337-TA-1370, Comm'n Op. at 119-124 (Feb. 13, 2025). After the 1370 Investigation remedial orders went into effect in 2025, the AI industry *expanded*, further refuting Infineon's speculation.

Unable to identify an actual effect on supply or consumers, Infineon invokes AI's importance to argue—without support—that importance should weaken patent rights. *See* Request at 3-4. That turns U.S. policy on its head. Patent protection—the foundation of the relief Vicor seeks—is not in tension with a strong AI industry; it is essential to it, as the DOJ and USPTO have recognized.[2]

III. Infineon's narrowing request seeks to bypass adjudication of infringement.

Infineon seeks to narrow the Investigation's scope by excluding allegedly "staple" components that Infineon claims are "not specific to VPD." Request at 5. The Complaint alleges otherwise. Compl. ¶¶ 82-85. And Infineon cannot avoid adjudicating infringement simply by declaring that these allegedly "staple" articles have non-infringing uses. That is Infineon's burden to prove on the merits—not a shortcut to avoid adjudication entirely. Indeed, contrary to Infineon's request, the "components thereof" is ubiquitous in the Commission's limited exclusion orders.

IV. Conclusion

The Commission should institute the Investigation, decline delegation of public interest fact-finding to the ALJ, and reject Infineon's improper scope-narrowing request.

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[2] *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 the DOJ at 1-2 (Nov. 25, 2025), *available at* https://www.justice.gov/atr/media/1419496/dl.

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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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