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UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Bryan F. Moore
Administrative Law Judge

In the Matter of	
CERTAIN POWER CONVERTER MODULES AND COMPUTING SYSTEMS CONTAINING THE SAME	**Investigation No. 337-TA-1370**

COMPLAINANT VICOR CORPORATION'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO RESPONDENTS' FIRST SET OF JOINT INTERROGATORIES (NOS. 1-20)

Pursuant to 19 C.F.R. §§ 210.27 and 210.29, Complainant Vicor Corporation ("Complainant" or "Vicor") objects and responds as follows to Respondents' First Set of Joint Interrogatories to Complainant (Nos. 1-20), dated August 18, 2023.

The responses provided herein are submitted on behalf of Vicor and reflect Vicor's continuing investigation of facts and discovery of information and documents relating to the claims and defenses at issue in this Investigation. Accordingly, Vicor's responses to these Interrogatories are based only upon Vicor's current knowledge and reasonable belief. Vicor expressly reserves the right to modify, update, and/or supplement any response and to assert additional objections to these Interrogatories as necessary or appropriate.

Vicor has responded to these Interrogatories in accordance with its interpretation and understanding of each Interrogatory. If Respondents subsequently assert an interpretation of any Interrogatory or part thereof that differs from Vicor's understanding of that Interrogatory or part thereof, Vicor reserves the right to supplement its responses and/or objections.

Nothing in these responses shall be deemed an admission by Vicor regarding the existence of any information; the relevance or admissibility of any information for any purpose; or the truth

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INTERROGATORY NO. 10:

Separately for each of the Asserted Patents, identify the pertinent field of art and describe the level of ordinary skill in the art with respect to each Asserted Claim, including the date as of which you contend the level of ordinary skill in the art is to be measured, and identify all legal and factual support for your contentions.

ANSWER

Vicor objects to this Interrogatory to the extent it seeks information or documents protected by any applicable privilege, including, but not limited to, the attorney-client privilege, the work product doctrine or immunity, the joint defense privilege, the common interest or community of interest privilege, and any other applicable privilege, protection, or exemption from discovery.

Vicor further objects to this Interrogatory as overbroad and unduly burdensome to the extent it seeks the identification of "all" facts, documents, and other information that refer or relate to a particular subject. Vicor will make a reasonable search for information relevant to the subject matter of the Interrogatory. If any additional, non-privileged, non-protected, relevant, and responsive information is discovered in the course of any further or continuing searches, it will be identified and/or produced in accordance with 19 C.F.R. §§ 210.27 and 210.29 and any other applicable Rules.

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Vicor also objects to this Interrogatory as premature insofar as it seeks Vicor's contentions at this early stage of the Investigation, without the Respondents having provided any discovery and before any deadline for responses to contention interrogatories has been established. *See* 19 C.F.R. § 210.29(b)(3); Ground Rule 6.4.2 ("[R]esponses to contention interrogatories must be served by the dates set forth in the procedural schedule."). Vicor's prehearing investigation is ongoing and, until Vicor receives appropriate discovery from the Respondents and a deadline is established for the parties' responses to contention interrogatories, this Interrogatory will continue to be premature. Vicor further objects to this Interrogatory as premature to the extent that it calls for expert opinions and legal conclusions that are more appropriately the subject of expert disclosure and discovery in this Investigation. The Administrative Law Judge will issue, or the parties will agree to, a schedule for this Investigation indicating when the parties must provide their expert contentions.

Subject to and without waiver of the foregoing specific objections and the General Statement and General Objections, which are hereby incorporated by reference, Vicor responds as follows:

Vicor will provide reasonable responses to this Interrogatory in accordance with the schedule and deadlines established by the Administrative Law Judge and/or the parties for responses to contention interrogatories and/or expert disclosures. Under 35 U.S.C. § 282, each of the Asserted Patents is entitled to a presumption of validity, and the burden of establishing invalidity of any patent or claim rests squarely on Respondents. Vicor will provide arguments and evidence to rebut Respondents' specific invalidity arguments as necessary, and in accordance with the deadlines set forth in the Procedural Schedule. Vicor further refers to and incorporates the

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Markman briefs it will file in this Investigation, and the specifications of the Asserted Patents and their prosecution histories.

Discovery is ongoing and Vicor reserves the right to supplement its response as discovery progresses, which may include the identification of responsive, non-privileged documents, located after a reasonable search and investigation pursuant to 19 C.F.R § 210.29(c).

FIRST SUPPLEMENTAL ANSWER (10/16/23):

Subject to and without waiver of the foregoing specific objections and the General Statement and General Objections, which are hereby incorporated by reference, Vicor further responds as follows:

For the ’481 Patent, the field of art generally relates to the design and control of switching power converters. A person of ordinary skill in the art with respect to the asserted claims of the ’481 Patent would have at least a Masters degree in electrical engineering and two or more years of work experience relating to power electronics and the design and control of switching power converters, with more experience potentially substituting for education, or vice-versa. The date the level of ordinary skill in the art is to be measured is at least around April 2010 (when the invention was conceived) or, in the alternative, March 2013 (when the application was filed).

For the ’761 Patent, the field of art generally relates to the layout, packaging, and manufacture of power converters and power modules. A person of ordinary skill in the art with respect to the asserted claims of the ’761 Patent would have at least a Masters degree in electrical engineering and two or more years of work experience relating to power electronics and the manufacture of power converters or printed circuit board design for power converters, with more experience potentially substituting for education, or vice-versa. The date the level of ordinary skill

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in the art is to be measured is at least around April 2010 (when the invention was conceived) or, in the alternative, May 2011 (when the application was filed).

For the ’950 Patent, the field of art generally relates to power distribution architectures using switching power converters. A person of ordinary skill in the art with respect to the asserted claims of the ’950 Patent would have at least a Masters degree in electrical engineering and two or more years of work experience relating to power electronics and the design of switching power converters, with more experience potentially substituting for education, or vice-versa. The date the level of ordinary skill in the art is to be measured is at least around July 2013.

Discovery is ongoing and Vicor reserves the right to supplement its response as discovery progresses, which may include the identification of responsive, non-privileged documents, located after a reasonable search and investigation pursuant to 19 C.F.R § 210.29(c).

INTERROGATORY NO. 11:

For each Asserted Claim, explain and identify on a limitation-by-limitation basis in chart or table format by column and line number(s) (or by page and paragraph if the document does not include line numbers) the portion(s) of the Asserted Patent and any other documents or things that you contend evidence that each claim limitation meets the written description and enablement requirements of pre-AIA 35 U.S.C. § 112, ¶ 1, including an identification of the specific portions of the specification that you contend provide written description for the claim element, and enable a person of ordinary skill in the art to practice the claim.

ANSWER

Vicor objects to this Interrogatory to the extent it seeks information or documents protected by any applicable privilege, including, but not limited to, the attorney-client privilege, the work product doctrine or immunity, the joint defense privilege, the common interest or community of interest privilege, and any other applicable privilege, protection, or exemption from discovery.