Form **1120-F**
Department of the Treasury
Internal Revenue Service

U.S. Income Tax Return of a Foreign Corporation

For calendar year 2022, or tax year beginning _____, 2022, and ending _____, 20_____
Go to *www.irs.gov/Form1120F* for instructions and the latest information.

OMB No. 1545-0123

2022

Type or Print	Name	Employer identification number
	DIVA Laboratories, Ltd.	
	Number, street, and room or suite no. (see instructions)	Check box(es) if:
	9F., No.351, Sec. 2, Zhongshan Rd., Zhonghe Dist., New Taipei City 235, Taiwan (R.O.C.)	☐ Initial return
	City or town, state or province, country, and ZIP or foreign postal code	☐ Name or address change ☐ Final return
	New Taipei City 235, Taiwan (R.O.C.)	☐ First post-merger return ☐ Amended return
		☐ Schedule M-3 attached ☑ Protective return

A Country of incorporation New Taipei City 235, Taiwan (R.O.C.)

B Foreign country under whose laws the income reported on this return is also subject to tax Taiwan (R.O.C.)

C Date incorporated 1995/04/11

D **(1)** Location of corporation's primary books and records (city, province or state, and country) New Taipei City 235, Taiwan (R.O.C.)

(2) Principal location of worldwide business
New Taipei City 235, Taiwan (R.O.C.)

(3) If the corporation maintains an office or place of business in the United States, check here ☐

E If the corporation had an agent in the United States at any time during the tax year, enter:
(1) Type of agent
(2) Name
(3) Address

F See the instructions and enter the corporation's principal:
(1) Business activity code number
(2) Business activity
(3) Product or service

G Check method of accounting: **(1)** ☐ Cash **(2)** ☐ Accrual **(3)** ☐ Other (specify)

Computation of Tax Due or Overpayment

1	Tax from Section I, line 11, page 3		1		
2	Tax from Section II, Schedule J, line 9, page 5		2		
3	Tax from Section III (add lines 6 and 10 on page 6)		3		
4	**Total tax.** Add lines 1 through 3				4
5a	2021 overpayment credited to 2022	5a			
b	2022 estimated tax payments	5b			
c	Less 2022 refund applied for on Form 4466	5c	( )		
d	Combine lines 5a through 5c		5d		
e	Tax deposited with Form 7004		5e		
f	Credit for tax paid on undistributed capital gains (attach Form 2439)		5f		
g	Credit for federal tax paid on fuels (attach Form 4136). See instructions		5g		
h	Reserved for future use		5h		
i	U.S. income tax paid or withheld at source (add line 12, page 3, and amounts from Forms 8288-A and 8805 (attach Forms 8288-A and 8805))		5i		
j	Total payments. Add lines 5d through 5i				5j
6	Estimated tax penalty (see instructions). Check if Form 2220 is attached ☐				6
7	**Amount owed.** If line 5j is smaller than the total of lines 4 and 6, enter amount owed				7
8a	**Overpayment.** If line 5j is larger than the total of lines 4 and 6, enter amount overpaid				8a
b	**Amount of overpayment on line 8a resulting from tax deducted and withheld under Chapters 3 and 4** (from Schedule W, line 7, page 8)				8b
9	Enter portion of line 8a you want **Credited to 2023 estimated tax**		**Refunded**		9

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer	Date	Title
		Chairman of the Board

May the IRS discuss this return with the preparer shown below (see instructions)? ☐ **Yes** ☐ **No**

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
Firm's name			Firm's EIN	
Firm's address			Phone no.	

Additional Information *(continued from page 1)*

		Yes	No
H	Did the corporation's method of accounting change from the preceding tax year? . . . . . If "Yes," attach a statement with an explanation.		
I	Did the corporation's method of determining income change from the preceding tax year? . . . . . If "Yes," attach a statement with an explanation.		
J	Did the corporation file a U.S. income tax return for the preceding tax year?		
K	**(1)** At any time during the tax year, was the corporation engaged in a trade or business in the United States? . . . . . **(2)** If "Yes," is taxpayer's trade or business within the United States solely the result of a section 897 (FIRPTA) sale or disposition?		
L	Did the corporation have a permanent establishment in the United States for purposes of any applicable tax treaty between the United States and a foreign country? . . . . . If "Yes," enter the name of the foreign country: _____		
M	Did the corporation have any transactions with related parties? . . . . . If "Yes," Form 5472 may have to be filed (see instructions). Enter number of Forms 5472 attached _____		
N	Is the corporation a controlled foreign corporation? (See section 957(a) for definition.)		
O	Is the corporation a personal service corporation? (See instructions for definition.)		
P	Enter tax-exempt interest received or accrued during the tax year (see instructions) $ _____		
Q	At the end of the tax year, did the corporation own, directly or indirectly, 50% or more of the voting stock of a U.S. corporation? (See section 267(c) for rules of attribution.) . . . . . If "Yes," attach a statement showing **(1)** name and EIN of such U.S. corporation; **(2)** percentage owned; and **(3)** taxable income or (loss) before NOL and special deductions of such U.S. corporation for the tax year ending with or within your tax year.		
R	If the corporation has an NOL for the tax year and is electing to forego the carryback period, check here (see instructions) . . . . . ☐		
S	Enter the available NOL carryover from prior tax years. (Do not reduce it by any deduction on line 30a, page 4.) $ _____		
T	Is the corporation a subsidiary in a parent-subsidiary controlled group? . . . . . If "Yes," enter the parent corporation's: **(1)** EIN _____ **(2)** Name _____ _____		
U	**(1)** Is the corporation a dealer under section 475? . . **(2)** Did the corporation mark to market any securities or commodities other than in a dealer capacity? . .		

		Yes	No
V	At the end of the tax year, did any individual, partnership, corporation, estate, or trust own, directly or indirectly, 50% or more of the corporation's voting stock? (See section 267 (c) for rules of attribution.) . . . . . If "Yes," attach a statement showing the name and identifying number. (Do not include any information already entered in item **T**.) Enter percentage owned _____		
W	**(1)** Is the corporation taking a position on this return that a U.S. tax treaty overrules or modifies an Internal Revenue law of the United States, thereby causing a reduction of tax? . If "Yes," the corporation is generally required to complete and attach Form 8833. See Form 8833 for exceptions. **Note:** *Failure to disclose a treaty-based return position may result in a $10,000 penalty (see section 6712).* **(2)** Is the corporation claiming treaty benefits pursuant to, or otherwise filing its return pursuant to, a Competent Authority determination or an Advance Pricing Agreement? . . . If "Yes," attach a copy of the Competent Authority determination letter or Advance Pricing Agreement to your return.		
X	During the tax year, did the corporation own any entity that was disregarded as an entity separate from its owner under Regulations sections 301.7701-2 and 301.7701-3? . . If "Yes," attach a statement listing the name, country under whose laws the entity was organized, and EIN (if any) of each such entity.		
Y	**(1)** Did a partnership allocate to the corporation a distributive share of income from a directly owned partnership interest, any of which is ECI or treated as ECI by the partnership or the partner? . . . . . If "Yes," attach Schedule P. See instructions. **(2)** During the tax year, did the corporation own, directly or indirectly, at least a 10% interest, in any foreign partnership? If "Yes," see instructions for required attachment.		
Z	**(1)** Has the corporation engaged in any transactions the results of which are subject to the arm's-length standard under section 482 and its regulations? . . . . . **(2)** Has the corporation recognized any interbranch amounts? If "Yes," attach statement (see instructions)		
AA	Is the corporation required to file Schedule UTP (Form 1120), Uncertain Tax Position Statement (see instructions)? If "Yes," complete and attach Schedule UTP.		
BB	During the corporation's tax year, did the corporation make any payments that would require it to file Forms 1042 and 1042-S under chapter 3 (sections 1441 through 1464) or chapter 4 (sections 1471 through 1474) of the Code? . .		
CC	Is the corporation (including the home office or any branch) a qualified derivatives dealer (QDD)? . . . . . **(1)** If "Yes," attach Schedule Q (Form 1120-F) (see instructions) **(2)** If "Yes," enter the QI-EIN _____		
DD	Does the corporation have gross receipts of at least $500 million in any of the 3 preceding tax years (see sections 59A(e)(2) and (3))? . . . . . If "Yes," complete and attach Form 8991.		
EE	During the tax year, did the corporation pay or accrue any interest or royalty for which a deduction is not allowed under section 267A (see instructions)? . . . . . If "Yes," enter the total amount of the disallowed deductions . . . . $		

Additional Information *(continued from page 2)*

	Yes	No
FF Did the corporation have an election under section 163(j) for any real property trade or business or any farming business in effect during the tax year (see instructions)?		
GG Does the corporation satisfy **one or more** of the following (see instructions)?		
(1) The corporation owns a pass-through entity with current, or prior year carryover, excess business interest expense.		
(2) The corporation's aggregate average annual gross receipts (determined under section 448(c)) for the 3 tax years preceding the current tax year are more than $27 million and the corporation has business interest expense.		
(3) The corporation is a tax shelter and the corporation has business interest expense. If "Yes," to any, complete and attach Form 8990.		
HH During the tax year, did the corporation dispose of an interest in a partnership that directly or indirectly engaged in a trade or business within the United States?		
II Is the corporation attaching Form 8996 to certify as a Qualified Opportunity Fund?		
If "Yes," enter amount from Form 8996, line 15 $		

SECTION I—Income From U.S. Sources Not Effectively Connected With the Conduct of a Trade or Business in the United States—Do not report items properly withheld and reported on Form 1042-S. See instructions.

Report all gross transportation income subject to 4% tax on line 9. Report other column (a) income items only if not properly withheld and reported on Form 1042-S. The rate of tax on these **gross** income items is 30% or such lower rate specified by tax treaty. No deductions are allowed against these types of income. Enter treaty rates where applicable. **If the corporation is claiming a lower treaty rate, also complete item W on page 2.** If multiple treaty rates apply to a type of income (for example, subsidiary and portfolio dividends or dividends received by disregarded entities), attach a statement showing the amounts, tax rates, and withholding for each.

Name of treaty country, if any

	(a) Class of income (see instructions)	(b) Gross amount	(c) Rate of tax (%)	(d) Amount of tax liability	(e) Amount of U.S. income tax paid or withheld at the source
1	Interest				
2a	Dividends (excluding payments received by QDDs in their equity derivatives dealer capacity)				
2b	Dividend equivalents (excluding payments received by QDDs in their equity derivatives dealer capacity)				
3	Rents				
4	Royalties				
5	Annuities				
6	Gains from disposal of timber, coal, or domestic iron ore with a retained economic interest (attach supporting statement)				
7	Gains from sale or exchange of patents, copyrights, etc.				
8	Fiduciary distributions (attach supporting statement)				
9	Gross transportation income (see instructions)		4		
10	Other items of income				
11	Total. Enter here and on line 1, page 1				
12	Total. Enter here and include on line 5i, page 1				

13 Is the corporation fiscally transparent under the laws of the foreign jurisdiction with respect to any item of income listed above? ☐ Yes ☐ No

If "Yes," attach a statement that provides the information requested above with respect to each such item of income.

SECTION II—Income Effectively Connected With the Conduct of a Trade or Business in the United States (see instructions)

Important: *Fill in all applicable lines and schedules. If you need more space, see* ***Assembling the Return*** *in the instructions.*

Income	**1a**	Gross receipts or sales	**b** Less returns and allowances	**c** Bal	**1c**	
	2	Cost of goods sold (attach Form 1125-A)			**2**	
	3	Gross profit (subtract line 2 from line 1c)			**3**	
	4	Dividends (Schedule C, line 13)			**4**	
	5	Interest			**5**	
	6	Gross rents			**6**	
	7	Gross royalties			**7**	
	8	Capital gain net income (attach Schedule D (Form 1120))			**8**	
	9	Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)			**9**	
	10	Other income (see instructions—attach statement)			**10**	
	11	**Total income.** Add lines 3 through 10			**11**	
Deductions (See instructions for limitations on deductions.)	**12**	Compensation of officers (see instructions—attach Form 1125-E)			**12**	
	13	Salaries and wages (less employment credits)			**13**	
	14	Repairs and maintenance			**14**	
	15	Bad debts (for bad debts over $500,000, attach a list of debtors and amounts)			**15**	
	16	Rents			**16**	
	17	Taxes and licenses			**17**	
	18	Interest expense from Schedule I, line 25 (see instructions)			**18**	
	19	Charitable contributions			**19**	
	20	Depreciation from Form 4562 not claimed on Form 1125-A or elsewhere on return (attach Form 4562)			**20**	
	21	Depletion			**21**	
	22	Advertising			**22**	
	23	Pension, profit-sharing, etc., plans			**23**	
	24	Employee benefit programs			**24**	
	25	Reserved for future use			**25**	
	26	Deductions allocated and apportioned to ECI from Schedule H, line 20 (see instructions)			**26**	
	27	Other deductions (attach statement)			**27**	
	28	**Total deductions.** Add lines 12 through 27			**28**	
	29	Taxable income before NOL deduction and special deductions (subtract line 28 from line 11)			**29**	
	30	**Less: a** Net operating loss deduction (see instructions)	**30a**			
		b Special deductions (Schedule C, line 14)	**30b**			
		c Add lines 30a and 30b			**30c**	
	31	Taxable income or (loss). Subtract line 30c from line 29			**31**	

SECTION II—Income Effectively Connected With the Conduct of a Trade or Business in the United States *(continued)*

Schedule C Dividends and Special Deductions (see instructions)

		(a) Dividends	(b) %	(c) Special deductions: (a) × (b)
1	Dividends from less-than-20%-owned domestic corporations (other than debt-financed stock)		50	
2	Dividends from 20%-or-more-owned domestic corporations (other than debt-financed stock)		65	
3	Dividends on certain debt-financed stock of domestic and foreign corporations (section 246A)		see instructions	
4	Dividends on certain preferred stock of less-than-20%-owned public utilities		23.3	
5	Dividends on certain preferred stock of 20%-or-more-owned public utilities		26.7	
6	Dividends from less-than-20%-owned foreign corporations		50	
7	Dividends from 20%-or-more-owned foreign corporations		65	
8	**Subtotal.** Add lines 1 through 7. See instructions for limitation		see instructions	
9	Dividends from foreign corporations not included on line 3, 6, or 7			
10	IC-DISC and former DISC dividends not included on line 1, 2, or 3 (section 246(d))			
11	Other dividends			
12	Deduction for dividends paid on certain preferred stock of public utilities			
13	**Total dividends.** Add column (a), lines 8 through 11. Enter here and on line 4, page 4			
14	**Total special deductions.** Add column (c), lines 8 and 12. Enter here and on line 30b, page 4			

Schedule J Tax Computation (see instructions)

1	Check if the corporation is a member of a controlled group (attach Schedule O (Form 1120)) ☐				
2	Income tax			2	
3	Base erosion minimum tax amount (attach Form 8991)			3	
4	Add lines 2 and 3			4	
5a	Foreign tax credit (attach Form 1118)	5a			
b	General business credit (attach Form 3800)	5b			
c	Credit for prior year minimum tax (attach Form 8827)	5c			
d	Bond credits from Form 8912	5d			
6	**Total credits.** Add lines 5a through 5d			6	
7	Subtract line 6 from line 4			7	
8	Other taxes. Check if from: ☐ Form 4255 ☐ Form 8611 ☐ Form 8697 ☐ Form 8866 ☐ Form 8902 ☐ Other (attach statement)			8	
9	**Total tax.** Add lines 7 and 8. Enter here and on line 2, page 1			9	

SECTION III—Branch Profits Tax and Tax on Excess Interest

Part I—Branch Profits Tax (see instructions)

1	Enter the amount from Section II, line 29	**1**	
2	Enter total adjustments to line 1 to get effectively connected earnings and profits. (Attach required statement showing the nature and amount of adjustments.) (See instructions.)	**2**	
3	Effectively connected earnings and profits. Combine line 1 and line 2	**3**	
4a	Enter U.S. net equity at the end of the current tax year. (Attach required statement.)	**4a**	
b	Enter U.S. net equity at the end of the prior tax year. (Attach required statement.)	**4b**	
c	Increase in U.S. net equity. If line 4a is greater than or equal to line 4b, subtract line 4b from line 4a. Enter the result here and skip to line 4e	**4c**	
d	Decrease in U.S. net equity. If line 4b is greater than line 4a, subtract line 4a from line 4b	**4d**	
e	Non-previously taxed accumulated effectively connected earnings and profits. Enter excess, if any, of effectively connected earnings and profits for preceding tax years beginning after 1986 over any dividend equivalent amounts for those tax years	**4e**	
5	Dividend equivalent amount. Subtract line 4c from line 3. If zero or less, enter -0-. If no amount is entered on line 4c, add the lesser of line 4d or line 4e to line 3 and enter the total here	**5**	
6	**Branch profits tax.** Multiply line 5 by 30% (0.30) (or lower treaty rate if the corporation is a qualified resident or otherwise qualifies for treaty benefits). (See instructions.) Enter here and include on line 3, page 1. **Also complete item W on page 2**	**6**	

Part II—Tax on Excess Interest (see instructions for this Part and for Schedule I (Form 1120-F))

7a	Enter the interest from Section II, line 18	**7a**	
b	Enter the inverse of the total amount deferred, capitalized, and disallowed from Schedule I, line 24g (i.e., if line 24g is negative, enter as a positive number; if line 24g is positive, enter as a negative number)	**7b**	
c	Combine lines 7a and 7b (amount must equal Schedule I, line 23)	**7c**	
8	**Branch Interest** (see instructions for definition): Enter the sum of Schedule I, line 9, column (c), and Schedule I, line 22. If the interest paid by the foreign corporation's U.S. trade or business was increased because 80% or more of the foreign corporation's assets are U.S. assets, check this box ☐	**8**	
9a	Excess interest. Subtract line 8 from line 7c. If zero or less, enter -0-	**9a**	
b	If the foreign corporation is a bank, enter the excess interest treated as interest on deposits (see instructions for rules for computing this amount). Otherwise, enter -0-	**9b**	
c	Subtract line 9b from line 9a	**9c**	
10	**Tax on excess interest.** Multiply line 9c by 30% (0.30) (or lower treaty rate if the corporation is a qualified resident or otherwise qualifies for treaty benefits). (See instructions.) Enter here and include on line 3, page 1. **Also complete item W on page 2**	**10**	

Part III—Additional Information

		Yes	No
11	Is the corporation claiming a reduction in, or exemption from, the branch profits tax due to:		
a	A complete termination of all U.S. trades or businesses?		
b	The tax-free liquidation or reorganization of a foreign corporation?		
c	The tax-free incorporation of a U.S. trade or business?		

If **11a** or **11b** applies and the transferee is a domestic corporation, attach Form 8848. If **11c** applies, attach the statement required by Temporary Regulations section 1.884-2T(d)(5).

Note: *Check if completing on* ☐ U.S. basis or ☐ Worldwide basis

Schedule L Balance Sheets per Books

Assets	Beginning of tax year (a)	Beginning of tax year (b)	End of tax year (c)	End of tax year (d)
1 Cash				
2a Trade notes and accounts receivable				
b Less allowance for bad debts	( )		( )	
3 Inventories				
4 U.S. government obligations				
5 Tax-exempt securities (see instructions)				
6a Interbranch current assets*				
b Other current non-U.S. assets*				
c Other current U.S. assets*				
7 Loans to shareholders				
8 Mortgage and real estate loans				
9a Other loans and investments—non-U.S. assets*				
b Other loans and investments—U.S. assets*				
10a Buildings and other depreciable assets				
b Less accumulated depreciation	( )		( )	
11a Depletable assets				
b Less accumulated depletion	( )		( )	
12 Land (net of any amortization)				
13a Intangible assets (amortizable only)				
b Less accumulated amortization	( )		( )	
14 Assets held in trust				
15 Other non-current interbranch assets*				
16a Other non-current non-U.S. assets*				
b Other non-current U.S. assets*				
17 Total assets				
Liabilities				
18 Accounts payable				
19 Mortgages, notes, bonds payable in less than 1 year:				
a Interbranch liabilities*				
b Third-party liabilities*				
20 Other current liabilities*				
21 Loans from shareholders				
22 Mortgages, notes, bonds payable in 1 year or more:				
a Interbranch liabilities*				
b Third-party liabilities*				
23 Liabilities held in trust				
24a Other interbranch liabilities*				
b Other third-party liabilities*				
Equity				
25 Capital stock: a Preferred stock				
b Common stock				
26 Additional paid-in capital				
27 Retained earnings—Appropriated*				
28 Retained earnings—Unappropriated				
29 Adjustments to shareholders' equity*				
30 Less cost of treasury stock		( )		( )
31 Total liabilities and shareholders' equity				

*Attach statement—see instructions.

Schedule W Overpayment Resulting From Tax Deducted and Withheld Under Chapters 3 and 4

1	**Total Chapter 3 and 4 payments.** Enter the amount from page 1, line 5i		1	
2	Enter the tax amount from page 1, line 1	2		
3	Enter the portion of the tax amount shown on page 1, line 2, pertaining to income associated with amounts deducted and withheld under sections 1445 and 1446 (see instructions for general guidelines)	3		
4	**Total Chapter 3 and 4 tax.** Combine lines 2 and 3		4	
5	**Tentative overpayment resulting from tax deducted and withheld under Chapters 3 and 4.** Subtract line 4 from line 1		5	
6	Enter the amount from page 1, line 8a		6	
7	**Overpayment resulting from tax deducted and withheld under Chapters 3 and 4.** Enter the smaller of line 5 or line 6. Enter the result here and on page 1, line 8b		7	