

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PHOTOVOLTAIC CELLS
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1151

**NOTICE OF COMMISSION DECISION TO EXTEND THE DATE FOR
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION
GRANTING RESPONDENTS' MOTIONS FOR SUMMARY DETERMINATION ON
INFRINGEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend to June 3, 2020, the date for determining whether to review an initial determination ("ID") (Order No. 40) of the presiding administrative law judge ("ALJ") granting respondents' motions for summary determination on infringement.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 9, 2019, based on a complaint filed on behalf of Hanwha Q CELLS USA, Inc. of Dalton, Georgia and HQC-AMC of Seoul, Republic of Korea (collectively, "Hanwha"). 84 FR 14134-35 (April 9, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photovoltaic cells and products containing same by reason of infringement of certain claims of U.S. Patent No. 9,893,215. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named several respondents including JinkoSolar Holding Co., Ltd., c/o Conyers Trust Company (Cayman) Limited of Grand Cayman KY1-111, Cayman Islands; JinkoSolar (U.S.) Inc. of San Francisco, California; Jinko Solar (U.S.) Industries Inc. of

San Francisco, California; Jinko Solar Co., Ltd. of Jiangxi, China; Zhejiang Jinko Solar Co., Ltd. of Haining City, China; Jinko Solar Technology Sdn. Bhd. of Persekutuan, Malaysia (“Jinko”); LONGi Solar Technology Co., Ltd. of Shaanxi, China; LONGi Green Energy Technology Co., Ltd. of Shaanxi, China; LONGi (H.K.) Trading Ltd. of Wanchai, Hong Kong; LONGi (Kuching) Sdn. Bhd. of Sarawak, Malaysia; Taizhou LONGi Solar Technology Ltd. of Jiangsu, China; Zhejiang LONGi Solar Technology Ltd. of Zhejiang, China; Hefei LONGi Solar Technology Ltd. of Anhui, China; LONGi Solar Technology (U.S.) Inc. of San Ramon, California (“LONGi”); and REC Solar Holdings AS of Oslo, Norway; REC Solar Pte. Ltd. of Tuas, Singapore; and REC Americas, LLC of San Mateo, California (“REC” and collectively, “Respondents”). The Office of Unfair Import Investigations (“OUII”) is participating in the investigation.

On August 19, September 13, and September 18, 2019, the LONGi respondents, Jinko respondents, and the REC respondents, respectively, filed motions for summary determination on infringement. On September 26, 2019, the ALJ issued a *Markman* Order. See *Construing Certain Terms of the Asserted Claims of the Patents at Issue*, Order No. 24 (Sept. 26, 2019).

The subject ID (Order No. 40) issued on April 10, 2020, granting respondents’ motions for summary determination on infringement.

On April 22, 2020, Hanwha filed a petition for review of the subject ID and underlying Order No. 24. On April 24, 2020 respondents and OUII jointly moved to extend the date for filing a response to Hanwha’s petition for review by six days to May 5, 2020, and the Commission granted the joint motion. The Commission has determined to extend the date for determining whether to review the subject ID by one week to June 3, 2020.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission’s Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: May 1, 2020