

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SILICON PHOTOVOLTAIC
CELLS AND MODULES WITH
NANOSTRUCTURES, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1271

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO U.S. PATENT
NO. 10,692,971 AND TERMINATING THE INVESTIGATION AS TO CERTAIN
RESPONDENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 7) of the presiding administrative law judge (“ALJ”), which terminated the investigation as to U.S. Patent No. 10,692,971 (“the ’971 patent”) and has determined not to review an ID (Order No. 8), which terminated the investigation as to the Terminated Respondents (see Supplementary Information for definition).

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 20, 2021, based on a supplemented complaint filed on behalf of Advanced Silicon Group Technologies, LLC of Lowell, Massachusetts (“ASGT”). 86 FR 38356 (July 20, 2021). The complaint alleged a violation 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 silicon photovoltaic cells and modules with nanostructures, and products containing the same by reason of infringement of certain claims of the ’971 patent and U.S. Patent Nos. 8,450,599; 8,852,981; 9,601,640; 9,768,331; and

10,269,995. *Id.* at 38357. The complaint further alleged that an industry in the United States exists as required by section 337. *Id.* The complaint named numerous respondents, including, among others: Canadian Solar Inc. of Ontario, Canada; Canadian Solar Manufacturing (Changshu) Co. Inc. of Jiangsu, China; Canadian Solar Manufacturing (Luoyang) Inc. of Henan, China; Canadian Solar Solutions, Inc. of Ontario, Canada; Canadian Solar Construction (USA) LLC of Walnut Creek, California; Recurrent Energy Group Inc. of San Francisco, California; Recurrent Energy, LLC of Walnut Creek, California; Hanwha Q Cells GmbH of Bitterfeld-Wolfen, Germany; Hanwha Q Cells (Qidong) Co., Ltd. of Jiangsu, China; Hanwha Energy USA Holdings Corp. (d/b/a 174 Power Global Corporation) of Irvine, California; Hanwha Q Cells USA Corp. of Irvine, California; HQC Rock River Solar Holdings LLC of Irvine, California; HQC Rock River Solar Power Generation Station, LLC of Beloit, Wisconsin; and Hanwha Q CELLS & Advanced Materials Corp. of Seoul, Republic of Korea (collectively, the “Terminated Respondents”). *Id.* The Office of Unfair Import Investigations was named as a party in this investigation. *Id.*

On December 17, 2021, ASGT filed an unopposed motion to terminate the investigation as to the Terminated Respondents based on the withdrawal of the complaint as to those respondents. And, on December 28, 2021, ASGT filed an unopposed motion to partially terminate this investigation based on withdrawal of the complaint as to the ’971 patent.

On February 1, 2022, the ALJ issued Order No. 7, a subject ID, which granted the December 17, 2021 motion. The ID found that the motion complied with the Commission’s rules and that no extraordinary circumstances warranted denying the motion.

Also on February 1, 2022, the ALJ issued Order No. 8, a subject ID, which granted the December 28, 2021 motion. The ID found that the motion complied with the Commission’s rules and that no extraordinary circumstances warranted denying the motion.

No petitions for review of either ID were filed.

The Commission has determined not to review the subject IDs.

Accordingly, this investigation has been terminated as to the ’971 patent and respondents Canadian Solar Inc.; Canadian Solar Manufacturing (Changshu) Co. Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; Canadian Solar Solutions, Inc.; Canadian Solar Construction (USA) LLC; Recurrent Energy Group Inc.; Recurrent Energy, LLC; Hanwha Q Cells GmbH; Hanwha Q Cells (Qidong) Co., Ltd.; Hanwha Energy USA Holdings Corp. (d/b/a 174 Power Global Corporation); Hanwha Q Cells USA Corp.; HQC Rock River Solar Holdings LLC; HQC Rock River Solar Power Generation Station, LLC; and Hanwha Q CELLS & Advanced Materials Corp.

The Commission vote for this determination took place on February 22, 2022.

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: February 22, 2022