

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**

Inv. No. 337-TA-1271

Order No. 3: Setting Target Date

By publication of a notice in the *Federal Register* on July 20, 2021, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

[W]hether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 15, 17, 23–25, and 27 of the '599 patent [U.S. Patent No. 8,450,599]; claims 1, 2, 4, 13, 18, 23, 26, and 27 of the '981 patent [U.S. Patent No. 8,852,981]; claims 1, 4, 11–14, and 16–18 of the '640 patent [U.S. Patent No. 9,601,640]; claims 1, 2, and 10 of the '331 patent [U.S. Patent No. 9,768,331]; claims 1, 2, and 7–11 of the '995 patent [U.S. Patent No. 10,269,995]; and claims 1, 7, 8, 10, and 15 of the '971 patent [U.S. Patent No. 10,692,971], and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

86 Fed. Reg. 38356 (July 20, 2021).

Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10(b)(1):

[T]he plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "silicon photovoltaic cells and modules containing

such cells . . . in which at least one surface of the silicon photovoltaic cell has nanostructures.”

Id.

The complainant is Advanced Silicon Group Technologies, LLC of Lowell,

Massachusetts. The respondents are:

1. Canadian Solar, Inc. of Ontario, Canada;
2. Canadian Solar International Limited of Hong Kong, People’s Republic of China;
3. Canadian Solar Manufacturing (Changshu) Co. Inc. of Changshu, Jiangsu, People’s Republic of China;
4. Canadian Solar Manufacturing (Luoyang) Inc. of Luoyang, Henan Province, China;
5. Canadian Solar Manufacturing (Thailand) Co. Ltd. of Chon Buri, Kingdom of Thailand;
6. Canadian Solar Manufacturing Vietnam Co. Ltd. of Hai Phong City, Socialist Republic of Vietnam;
7. Canadian Solar Solutions, Inc. of Ontario, Canada;
8. Canadian Solar Construction (USA) LLC of Walnut Creek, California;
9. Canadian Solar (USA) Inc. of Walnut Creek, California;
10. Recurrent Energy Group, Inc. of San Francisco, California;
11. Recurrent Energy LLC of Walnut Creek, California;
12. Recurrent Energy SH Proco LLC of Walnut Creek, California;
13. Hanwha Q CELLS & Advanced Materials Corp. of Seoul, Republic of Korea;
14. Hanwha Q Cells GmbH of Bitterfeld-Wolfen, Federal Republic of Germany;
15. Hanwha Q Cells Malaysia Sdn. Bhd. of Selangor, Malaysia;
16. Hanwha Q Cells (Qidong) Co., Ltd. of Jiangsu, People’s Republic of China;
17. Hanwha Solutions Corporation of Seoul, Republic of Korea;
18. Hanwha Energy USA Holdings Corp. of Irvine, California;
19. Hanwha Q Cell EPC USA LLC of Irvine, California;
20. Hanwha Q Cells America Inc. of Irvine, California;
21. Hanwha Q Cells USA Corp. of Irvine, California;
22. Hanwha Q Cells USA Inc. of Dalton, Georgia;
23. HQC Rock River Solar Holdings LLC of Irvine, California;

24. HQC Rock River Solar Power Generation Station, LLC of Beloit, Wisconsin;
25. Boviet Solar Technology Co., Ltd. of Bac Giang Province, Socialist Republic of Vietnam;
26. Ningbo Boway Alloy Material Co., Ltd. of Zhejiang Province, People's Republic of China;
27. Boviet Renewable Power LLC of San Jose, California; and
28. Boviet Solar USA Ltd. of San Jose, California.

The Office of Unfair Import Investigations is a party to this investigation. *Id.*

Based upon the complaint, and the notice of investigation, it is determined that the initial determination on alleged violation of section 337 shall be due on June 14, 2022, and that the target date for completion of this investigation is October 14, 2022, which is approximately 14.8 months after institution of the investigation.¹ *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 210.42(a)(1)(i).

DPShaw

David P. Shaw
Administrative Law Judge

Issued: August 13, 2021

¹ The evidentiary hearing in this investigation is tentatively scheduled for February 15 – 18, 2022. Firm hearing dates will be set later after evaluating, among other things, the impact of the COVID-19 pandemic on this investigation.

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Certificate of Service – Page 1

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Vui Bui, Esq.**, and the following parties as indicated, on **August 13, 2021**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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Washington, DC 20436

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Ningbo Boway Alloy Material Co., Ltd.:**

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**On Behalf of Respondents Hanwha Q CELLS & Advanced
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Malaysia Sdn. Bhd., Hanwha Q Cells (Qidong) Co., Ltd.,
Hanwha Solutions Corporation, Hanwha Energy USA
Holding Corp., Hanwha Q Cells EPC USA LLC, Hanwha Q
Cells America Inc., Hanwha Q Cells USA Corp., Hanwha Q
Cells USA Inc., and HOC Rock River Solar Holdings LLC:**

S. Alex Lasher, Esq.

- Via Hand Delivery

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Certificate of Service – Page 2

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(Luoyang) Inc., Canadian Solar Manufacturing (Thailand)
Co. Ltd., Canadian Solar Manufacturing Vietnam Co. Ltd.,
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