In the Matter of

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

Investigation No. 337-TA-1271

NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DEADLINE FOR
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION ON
VIOLATION OF SECTION 337 AND THE TARGET DATE FOR COMPLETION OF
THIS INVESTIGATION


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has
determined to extend until February 15, 2023, the deadline for determining whether to review the
presiding chief administrative law judge’s (“CALJ”) initial determination (“ID”) finding no
violation of section 337 of the Tariff Act of 1930, as amended, and to extend until April 17,
2023, the target date for completion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the
General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C.
20436, telephone (202) 205-3179. 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 July
20, 2021, based on a complaint filed by Advanced Silicon Group Technologies, LLC (“ASGT”)
of Lowell, Massachusetts. 86 FR 38356 (July 20, 2021). The complaint, as supplemented,
alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on
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 U.S. Patent Nos.
On February 22, 2022, the Commission determined to terminate the investigation as to the ’971 patent (Order No. 7) and 14 of the named respondents (Order No. 8) based on ASGT’s withdrawal of the allegations in the complaint as to that patent and those respondents. Order Nos. 7 and 8 (Feb. 1, 2022), unreviewed by Comm’n Notice (Feb. 22, 2022). On June 21, 2022, the Commission determined to terminate the investigation as to the ’995 patent, asserted claims 17 and 25 of the ’599 patent, asserted claims 1, 2, and 26 of the ’981 patent, asserted claims 14 and 16-18 of the ’640 patent, and asserted claims 2 and 10 of the ’331 patent based on ASGT’s withdrawal of the allegations in the complaint as to that patent and those claims. Order No. 12 (May 31, 2022), unreviewed by Comm’n Notice (June 21, 2022).

On September 1, 2022, the CALJ issued a combined ID on violation and a recommended determination (“RD”) on remedy and bond. The ID finds that no violation of section 337 has occurred with respect to the four remaining asserted patents—i.e., the ’599, ’981, ’640, and ’331 patents. The RD recommends that, should the Commission determine that violations of section 337 occurred, the Commission should: (i) issue a limited exclusion order against the remaining respondents’ infringing products; (ii) issue a cease and desist order against certain remaining respondents; and (iii) enter no bond.

The Commission has determined to (i) extend until February 15, 2023, the deadline for determining whether to review the ID on violation, and (ii) extend until April 17, 2023, the target date for completion of this investigation.

The Commission vote for this determination took place on October 3, 2022.

By order of the Commission.

Katherine M. Hiner
Acting Secretary to the Commission

Issued: October 3, 2022