

**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 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**

**AGENCY:** U.S. International Trade Commission.

**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](mailto: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.

10,269,995 (“the ’995 patent”); 8,450,599 (“the ’599 patent”); 8,852,981 (“the ’981 patent”); 9,601,640 (“the ’640 patent”); 9,768,331 (“the ’331 patent”); and 10,692,971 (“the ’971 patent”). *Id.* at 38357. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named 28 respondents. *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

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.

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.

A handwritten signature in black ink, appearing to read "Katherine M. Hiner". The signature is written in a cursive style with a large initial "K".

Katherine M. Hiner  
Acting Secretary to the Commission

Issued: October 3, 2022