

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PHOTOVOLTAIC
CONNECTORS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1365

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING SUMMARY DETERMINATION THAT
COMPLAINANT HAS NOT SATISFIED THE TECHNICAL PRONG
OF THE DOMESTIC INDUSTRY REQUIREMENT
FOR U.S. PATENT NO. 10,553,739**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 20) issued by the presiding administrative law judge (“ALJ”) granting the respondents’ motion for summary determination that complainant Shoals Technologies Group LLC (“Shoals”) has not satisfied the technical prong of the domestic industry requirement for U.S. Patent No. 10,553,739 (“the ’739 patent”) in the above-captioned investigation. The investigation is terminated as to the ’739 patent with a finding of no violation.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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: On June 9, 2023, the Commission instituted this investigation based on a complaint filed on behalf of Shoals. 88 FR 37905-06 (June 9, 2023). 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, or sale within the United States after importation of certain photovoltaic connectors and components thereof by reason of infringement of certain claims of the ’739 Patent and U.S. Patent No. 10,992,254 (“the ’254 patent”). The Commission’s notice of investigation (“NOI”) named the following eight

respondents: 1) Hikam America, Inc. of Chula Vista, CA; 2) Hikam Electrónica de México, S.A. de C.V. of Mexicali, Mexico; 3) Hikam Tecnologia de Sinaloa of Guasave, Mexico; 4) Hewtech Philippines Corp. of Laguna, Philippines; 5) Hewtech Philippines Electronics Corp. of Pampanga, Philippines; 6) Hewtech (Shenzhen) Electronics Co., Ltd. of Shenzhen, China; 7) Voltage, LLC of Chapel Hill, North Carolina (“Voltage”); and 8) Ningbo Voltage Smart Production Co. (“Ningbo Voltage”) of Ningbo, China (collectively “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.* at 37906.

On August 15, 2023, the Commission determined not to review an ID (Order No. 5) granting Shoals’ motion to amend the complaint and NOI to add allegations of infringement against respondents Voltage and Ningbo Voltage related to claims 1, 2-3, 6, 8, 11-18, 21, 23, and 24 of U.S. Patent No. 11,689,153 (“the ’153 patent”). *See* Order No. 5 (Jul. 18, 2023), *unreviewed by* Comm’n Notice (Aug. 16, 2023); *see also* 88 FR 56882-83 (Aug. 21, 2023).

On March 11, 2024, the Commission terminated the following claims from this investigation based on Shoals’ withdrawal of the complaint as to those claims: claims 2, 3, 6, 8, 9, 11, 12, and 15-18 of the ’739 patent; claims 2-4, 8-12, 14, and 15 of the ’254 patent; and claims 2, 3, 6, and 15-17 of the ’153 patent. *See* Order No. 15 (Feb. 9, 2024), *unreviewed by* Comm’n Notice (March 11, 2024). On March 25, 2024, the Commission terminated the ’254 patent in its entirety from this investigation. *See* Order No. 19 (Feb. 28, 2024), *unreviewed by* Comm’n Notice (Mar. 26, 2024).

On January 19, 2024, Respondents filed a motion seeking summary determination that Shoals has not satisfied the technical prong of the domestic industry requirement for the ’739 patent. On January 29, 2024, Shoals filed an opposition to the motion.

On February 20, 2024, the presiding ALJ issued a *Markman* order construing certain terms of the ’739, ’254, and ’153 patents. *See* Order No. 16 (Feb. 20, 2024).

On March 6, 2024, the presiding ALJ issued the subject ID (Order No. 20) granting Respondents’ motion for summary determination pursuant to Commission Rule 210.18(b) (19 CFR 210.18(b)). The ID finds that under the proper claim construction, Shoals has not shown that genuine issues of material fact exist regarding whether Shoals has satisfied the technical prong of the domestic industry requirement with respect to the ’739 patent.

On March 13, 2024, Shoals filed a petition for review of the subject ID. On March 26, 2024, Respondents and OUII each filed separate responses to Shoal’s petition for review of the subject ID.

The Commission has determined not the review the subject ID. Because Shoals has not satisfied the technical prong of the domestic industry requirement for the ’739 patent, the investigation is terminated as to the ’739 patent with a finding of no violation.

The Commission vote for this determination took place on April 19, 2024.

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 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: April 19, 2024