

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN TOPCON SOLAR CELLS,
MODULES, PANELS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME (II)**

Inv. No. 337-TA-1425

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 23, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of Trina Solar (U.S.), Inc. of Fremont, California; Trina Solar US Manufacturing Module 1, LLC of Wilmer, Texas; and Trina Solar Co., Ltd. of China. Supplements to the complaint were filed on November 8, 2024, and November 15, 2024. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain TOPCon solar cells, modules, panels, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent No. 9,722,104 (“the ’104 patent”) and U.S. Patent No. 10,230,009 (“the ’009 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2024).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 3, 2024, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether 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 1-11 of the '104 patent and claims 1-17 of the '009 patent, 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;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "Tunnel Oxide Passivated Contact ('TOPCon') solar cells that include an isolation portion in an edge portion of a silicon semiconductor substrate and that prevents contact between two opposite type conductive semiconductor regions and solar modules and panels that include such solar cells";

(3) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Trina Solar (U.S.), Inc.
7100 Stevenson Blvd
Fremont, CA 94538

Trina Solar US Manufacturing Module 1, LLC
Tradeport 45 West,
1200 Sunrise Road
Wilmer, TX 75172

Trina Solar Co., Ltd.
No. 2 Tianhe Road,
Trina PV Industrial Park, Xinbei District,
Jiangsu Province, China, 213031

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

CSI Solar Co., Ltd.
199 Lushan Road
Suzhou National & Hi-Tech Industrial
Development Zone, Suzhou,
Jiangsu Province, China, 215129

Canadian Solar Inc.
545 Speedvale Avenue
West Guelph, Ontario, N1K 1E6

Canadian Solar (USA) Inc.
1350 Treat Blvd. Ste 500,
Walnut Creek, CA 94597

Canadian Solar Manufacturing (Thailand)
Co., Ltd.
168, Bo Win, Si Racha District
Chon Buri 20230, Thailand

Canadian Solar US Module Manufacturing
Corporation
3000 Skyline Drive
Mesquite, TX 75149

Recurrent Energy Development Holdings,
LLC
98 San Jacinto Boulevard, Suite 750
Austin, TX 78701

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge, and the Chief Administrative Law Judge is authorized to consider whether to consolidate Inv. No. 337-TA-1425 with Inv. No. 337-TA-1422, and to consolidate them if he deems it appropriate.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

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: December 4, 2024