

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PHOTOVOLTAIC TRUNK BUS
CABLE ASSEMBLIES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1438

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING IN PART A MOTION
FOR SUMMARY DETERMINATION**

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. 19) of the presiding Administrative Law Judge (“ALJ”) granting in part a motion for summary determination pertaining to patent unenforceability and unclean hands.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 February 18, 2025, the Commission instituted this investigation based on a complaint filed by Shoals Technologies Group, LLC of Portland, Tennessee (“Shoals”). 90 FR 9730-31 (Feb. 18, 2025). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), by reason of the infringement of certain claims of U.S. Patent Nos. 12,015,375 and 12,015,376. *Id.* The Commission’s notice of investigation named the following respondents: Voltage, LLC of Chapel Hill, North Carolina; and Ningbo Voltage Smart Production Co. of Ningbo, China (collectively, “Voltage”). The Office of Unfair Import Investigations is not participating in the investigation.

On June 20, 2025, Shoals moved for summary determination of no unenforceability or unclean hands. On July 2, 2025, Voltage responded in opposition to the motion, and on July 14, 2025, Shoals filed a reply.

On July 21, 2025, the ALJ issued the subject ID (Order No. 19) granting the motion in part. The ID finds in relevant part that to prove inequitable conduct, “a party must show that the patentee withheld material information from the” United States Patent and Trademark Office (“PTO”) “and did so with the specific intent to deceive.” ID at 6 (citing, *inter alia*, *Luv n’ Care, Ltd. v. Laurain*, 98 F.4th 1081, 1096-97 (Fed. Cir. 2024)). Generally, “but-for materiality is the standard for evaluating” materiality, *i.e.*, whether the PTO would not have allowed a claim if it had been aware of the withheld material. *Id.* (quoting *Therasense, Inc. v. Becton, Dickinson & Co.*, 649 F.3d 1276, 1291 (Fed. Cir. 2011) (en banc)). In certain cases of egregious misconduct, “materiality is established per se, without need to prove its impact on the PTO’s patentability determination.” *Id.* (quoting *Luv n’ Care*, 98 F.4th at 1097).

The ID grants Shoals’ motion for summary determination of no patent unenforceability only as to a lack of but-for materiality of the withheld information at issue. *Id.* at 11. The ALJ found that there are genuine issues of material fact as to other aspects of unenforceability (including egregious misconduct) and as to unclean hands and denied summary determination as to those allegations. *Id.* at 12-17.

No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

The Commission’s vote for this determination took place on August 19, 2025.

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', with a stylized, flowing script.

Lisa R. Barton
Secretary to the Commission

Issued: August 19, 2025