

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN POLYVINYLDENE
FLUORIDE RESINS**

Investigation No. 337-TA-1439

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AND, ON REVIEW,
REVERSE AN INITIAL DETERMINATION GRANTING IN PART
RESPONDENTS' MOTION FOR SUMMARY DETERMINATION OF NO
IMPORTATION OR SALE FOR IMPORTATION AND NO DIRECT INFRINGEMENT
AND AN INITIAL DETERMINATION TERMINATING A RESPONDENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to review and, on review, reverse an initial determination (“ID”) (Order No. 16) of the presiding administrative law judge (“ALJ”), granting in part the respondents’ motion for summary determination of no importation or sale for importation and, as a result, no direct infringement as to respondent Zhejiang Juhua Co., Ltd. of Quzhou City, China (“Juhua”). The Commission has also determined to reverse an ID (Order No. 20) granting a motion to terminate Juhua from the investigation based on Order No. 16.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 21, 2025, based upon a complaint filed on behalf of Syensqo SA of Brussels, Belgium; Solvay Specialty Polymers USA, LLC of Alpharetta, Georgia; and Solvay Specialty Polymers Italy S.P.A. of Bollate, Italy (collectively, “Complainants”). 90 FR 10,082, 10,082-83 (Feb. 21, 2025). The complaint, as supplemented, alleges violations of 19 U.S.C. 1337 (“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 polyvinylidene fluoride resins by reason of

infringement of certain claims of U.S. Patent No. 8,337,725. *Id.* The complaint also alleges that a domestic industry exists or is in the process of being established pursuant to subsection (a)(2) of section 337. *Id.* The Commission’s notice of investigation named as respondents Juhua; Zhejiang Fluorine Chemical New Material Co., Ltd. of Shaoxing, China (“Zhejiang Fluorine”); Hubei Fluorine New Materials Co. Ltd. of Dongtan Village, China (together with Zhejiang Fluorine, “Fluorine”); Sinochem Lantian Co., Ltd. of Hangzhou, China (“Sinochem”) (together with the aforementioned respondents, “Respondents”); and Inner Mongolia 3F Wanhai Fluorochemical Industry Co. Ltd. of Fengzhen, China (“3F”). The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On Apr. 22, 2025, the investigation terminated as to 3F based on settlement. Order No. 8 (Apr. 1, 2025), *unreviewed by Comm’n Notice* (Apr. 22, 2025).

On December 5, 2025, the Commission amended the complaint and notice of investigation to change the name of two complainants to reflect their corporate name changes: (1) Solvay Specialty Polymers, USA LLC to Syensqo Specialty Polymers, USA LLC; and (2) Solvay Specialty Polymers Italy S.P.A. to Syensqo Specialty Polymers Italy S.P.A. Order No. 19 (Nov. 19, 2025), *unreviewed by Comm’n Notice* (Dec. 5, 2025).

On September 5, 2025, Respondents moved for summary determination of no importation, sale for importation, or sale after importation and, consequently, no direct infringement. Respondents argued that they did not import accused products, but rather other entities did so without their involvement. Respondents further argued that they did not sell any accused products for importation because they did not know and had no reason to know that the products sold to other entities would be imported into the United States. On September 17, 2025, Complainants filed an opposition presenting evidence that purported to raise genuine issues of material fact as to importation and sale for importation by Respondents.

On September 29, 2025, the ALJ issued the subject ID (Order No. 16), granting the motion only as to Juhua. Complainants filed a petition for Commission review of the subject ID and Juhua filed a response thereto.

On November 19, 2025, after the issuance of Order No. 16, Juhua filed a motion seeking termination of the investigation as to it based on Order No. 16. On November 24, 2025, the ALJ issued an ID (Order No. 20) granting that motion. On December 1, 2025, Complainants filed a petition for review of Order No. 20. On December 8, 2025, Juhua filed a response thereto.

On December 9, 2025, the Commission received public interest comments from members of Congress regarding Order No. 16. Public Interest Comments from Congressman Rick W. Allen (Dec. 9, 2025); Public Interest Comments from Congressman Keith Self (Dec. 9, 2025); Public Interest Comments from Congressman Rich McCormick (Dec. 9, 2025).

Having reviewed the subject ID (Order No. 16) and the petition and response thereto, the Commission has determined to review the subject ID and, on review, reverse the ID’s grant of

summary determination of no importation and no sale for importation as to Juhua. The Commission finds that there remain genuine issues of material fact regarding (1) whether Juhua had sufficient involvement with the importation of JHS-1020 such that Juhua satisfies the importation requirement of section 337, *see, e.g., Comcast Corp. v. Int'l Trade Comm'n*, 951 F.3d 1301, 1309 (Fed. Cir. 2020); *Leggett & Platt, Inc. v. Hickory Springs Mfg. Co.*, 285 F.3d 1353, 1362 (Fed. Cir. 2002) (reversing grant of summary judgment where final decision on the merits could turn on credibility issues); and (2) whether Juhua knew or should have known that the JHS-1020 it sold to its distributor would subsequently be imported into the United States. *See, e.g., Certain Glass Substrates for Liquid Crystal Displays, Products Containing the Same, and Methods for Manufacturing the Same*, Inv. No. 337-TA-1433 (“Glass Substrates”), Order No. 64 (Jan. 9, 2026), *unreviewed by Comm'n Notice* (Feb. 10, 2026); *Certain Inkjet Ink Cartridges with Printheads & Components Thereof*, Inv. No. 337-TA-723, Final ID at 8 (June 10, 2011), *unreviewed in pertinent part by Comm'n Notice* (Aug. 11, 2011); *Leggett*, 285 F.3d. at 1362.¹ Moreover, to the extent that the ID grants summary determination that there is no direct infringement, which is unclear from the ID’s brief discussion, the Commission reviews and reverses that portion of the ID.

Consequently, the Commission has also determined to reverse the ID (Order No. 20) granting a motion to terminate Juhua from the investigation based on Order No. 16.

The Commission vote for this determination took place on February 11, 2026.

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).

¹ Commissioner Kearns views it as an open question whether the statutory language of section 337(a)(1)(B) requires actual or constructive knowledge to establish importation or sale for importation. He recognizes, however, that “sale for importation” arguably may imply some kind of knowledge concerning the importation. If some form of knowledge is required, it is not clear from the statute what threshold of knowledge would be sufficient to establish importation or sale for importation. For instance, the Commission has previously found knowledge satisfied if it was reasonably foreseeable to a respondent or that a respondent knew or should have known that products it sold to third parties would be subsequently imported into the United States. *See, e.g., Certain Devices for Connecting Computers Via Telephone Lines*, Inv. No. 337-TA-360, 1994 WL 929932, *10-11 (May 24, 1994), *unreviewed by Comm'n Notice*, 1994 WL 929929 (June 29, 1994); *Glass Substrates*, Order No. 64. Commissioner Kearns expects that any future initial determination analyzing importation or sale for importation will identify and apply the relevant legal standard under section 337(a)(1)(B).

By order of the Commission.

A handwritten signature in black ink, appearing to read "LRB", is enclosed in a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: February 11, 2026