UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN TOPCON SOLAR CELLS, MODULES, PANELS, COMPONENTS THEREOF, AND PRODUCTS CONTAINING SAME**	**Investigation No. 337-TA-1494**

NOTICE OF COMMISSION DECISION TO REVIEW AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION IN ITS ENTIRETY

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 an initial determination ("ID") (Order No. 47) of the presiding administrative law judge ("ALJ") terminating the investigation in its entirety based on withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-4716. 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 March 30, 2026, based on a complaint, as supplemented, filed by First Solar, Inc. ("Complainant") of Phoenix, Arizona. 91 FR 15632-34 (Mar. 30, 2026). The complaint, as supplemented, 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, 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. 9,130,074. *Id*. at 15632. The complaint, as supplemented, further alleges that an industry in the United States exists or is in the process of being established. *Id*. The Commission's notice of investigation named as respondents AXITEC, LLC ("Axitec USA") of Radnor, Pennsylvania; AXITEC Energy GmbH & Co. KG ("Axitec Germany") of Böblingen, Germany; AXITEC SOLAR, LLC ("Axitec Solar") of Newark, Delaware; Canadian Solar Inc.

of Ontario, Canada; CSI Solar Co., Ltd. of Suzhou, China; Canadian Solar (USA) Inc. of Walnut Creek, California; Canadian Solar Manufacturing (Thailand) Co., Ltd. of Bo Win, Thailand; Canadian Solar US Module Manufacturing Corporation of Mesquite, Texas; Canadian Solar International Ltd. of Kowloon, Hong Kong; JA Solar Technology Co., Ltd. of Beijing, China; JA Solar USA, Inc. of San Jose, California; JA Solar AZ, LLC of Phoenix, Arizona; JA Solar International, Ltd. of Kowloon, Hong Kong; JA Solar Vietnam Co., Ltd. of Bac Giang, Vietnam; JinkoSolar Holding Co., Ltd. of Jiangxi Province, China; Jinko Solar Co., Ltd. of Jiangxi Province, China; Jinko Solar (Vietnam) Industries Co. Ltd. of Quang Ninh, Vietnam; Jinko Solar Technology Sdn. Bhd. of Pulau Pinang, Malaysia; Zhejiang Jinko Solar Co., Ltd. of Zhejiang Province, China; JinkoSolar (U.S.) Inc. of Campbell, California; JinkoSolar (U.S.) Manufacturing Inc. of Dover, Delaware; JinkoSolar (U.S.) Industries Inc. of Jacksonville, Florida; Mundra Solar PV Limited of Gujarat, India; Mundra Solar Energy Ltd. of Gujarat, India; Adani Green Energy Ltd. of Gujarat, India; Philadelphia Solar LLC of Amman, Jordan; Philadelphia Solar USA Inc. of San Mateo, California; Hanwha Q CELLS USA Inc. of Dalton, Georgia; Hanwha Q CELLS America Inc. of Irvine, California; Hanwha Q CELLS USA Corp. of Irvine, California; Hanwha Solutions Corporation of Seoul, Korea; Jiangsu Runergy New Energy Technology Co., Ltd. of Jiangsu Province, China; Runergy USA Inc. of Pleasanton, California; Runergy Alabama Inc. of Huntsville, Alabama; Runergy USA Trading LLC of Dover, Delaware; Runergy PV Technology (Thailand) Co., Ltd. of Rayong, Thailand; Trina Solar Co., Ltd. of Jiangsu Province, China; Trina Solar (U.S.), Inc. of Fremont, California; Trina Solar Energy Development Co., Ltd. of Thai Nguyen Province, Vietnam; Changzhou Trina Solar Energy Co., Ltd. of Zhejiang, China; Trina Solar Yiwu Technology Co., Ltd. of Zhejiang; China; Tl Energy, Inc. of Austin, Texas; T1 G1 Dallas Solar Module LLC of Wilmer, Texas; Vietnam Sunergy Joint Stock Company of Bac Giang Province, Vietnam; VSUN Solar USA Inc. of Fremont, California; Toyo Co., Ltd. of Tokyo, Japan; and Toyo Solar Texas, LLC of Humble, Texas (collectively, "Respondents"). *Id*. at 15633. The Office of Unfair Import Investigations ("OUII") is also a party in this investigation. *Id*.

The Commission amended the complaint and notice of investigation to add BYD America LLC, Tesla, Inc., and IC Star Solar (USA) LLC d/b/a Imperial Star as respondents in the investigation by intervention. Order No. 7 (Apr. 27, 2026), *unreviewed by* 91 FR 32434-35 (June 1, 2026); Order No. 10 (May 11, 2026), *unreviewed by* 91 FR 36000-01 (June 15, 2026); Order No. 18 (June 25, 2026), *unreviewed by* 91 FR 48189-90 (July 30, 2026). The Commission also amended the complaint and notice of investigation to change the name of respondent JA Solar AZ, LLC to American Panel Solutions LLC. Order No. 13 (May 28, 2026), *unreviewed by* 91 FR 38455-56 (June 25, 2026). The Commission also terminated respondents Mundra Solar Energy Ltd., Adani Green Energy Ltd., Philadelphia Solar USA Inc., and Changzhou Trina Solar Energy Co, Ltd. from the investigation based on withdrawal of the complaint as to those respondents. Order No. 14 (May 28, 2026), *unreviewed by* Comm'n Notice (June 24, 2026); Order No. 17 (June 24, 2026), *unreviewed by* Comm'n Notice (July 24, 2026).

On October 6, 2026, the Commission determined to find respondents Axitec USA, Axitec Germany, and Axitec Solar in default for failure to respond to the complaint and notice of investigation. Order No. 45 at 2 (Sept. 4, 2026), *unreviewed by* Comm'n Notice (Oct. 6, 2026).

On September 17, 2026, Complainant filed a motion to terminate the investigation in its entirety based on withdrawal of the complaint ("Motion"). On September 28, 2026, the remaining respondents filed a response asserting that the investigation should be terminated "with prejudice." On the same day, OUII filed a response in support of the Motion, asserting that termination with prejudice is not available under Commission precedent.

On September 30, 2026, the ALJ issued the subject ID (Order No. 47) pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), granting Complainant's Motion. As the ID notes, Complainant represents that "there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation." *Id.* at 3. The ID also finds that "no extraordinary circumstances exist that would prevent the requested termination of this Investigation." *Id.* The ID declines to terminate the investigation "with prejudice" noting that "termination with prejudice is barred by binding Commission precedent." *Id.* at 4 (citing *Certain Bar Clamps, Bar Clamp Pads, & Related Packaging, Display, & Other Materials*, Inv. No. 337-TA-429, Comm'n Op., 2001 WL 36114993 (Feb. 13, 2001)).

On October 7, 2026, the remaining respondents filed a petition for Commission review of the subject ID. On October 14, 2026, Complainant and OUII filed responses to the petition.

The Commission has determined to review the subject ID.

The Commission vote for this determination took place on November 20, 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).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: November 20, 2026