

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 DETERMINATION TO REVIEW IN PART A FINAL
INITIAL DETERMINATION FINDING A VIOLATION OF SECTION 337; REQUEST
FOR WRITTEN SUBMISSIONS ON REMEDY, THE PUBLIC INTEREST, AND
BONDING**

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 in part a final initial determination (“FID”) of the presiding administrative law judge (“ALJ”) finding a violation of section 337. The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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: The Commission instituted this investigation on February 18, 2025, based on a complaint filed by Shoals Technologies Group, LLC (“Shoals”) of Portland, Tennessee. 90 FR 9730-31 (Feb. 18, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photovoltaic trunk bus cable assemblies and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 12,015,375 (“the ’375 patent”) and 12,015,376 (“the ’376 patent”) (collectively, the “Asserted Patents”). *Id.* at 9731. The complaint further alleges that a domestic industry (“DI”) exists. *Id.* The notice of investigation names two respondents: Voltage, LLC of Chapel Hill, North Carolina and Ningbo Voltage

Smart Production Co. of Ningbo, China (collectively, “Voltage”). *Id.* The Office of Unfair Import Investigations is not named as a party. *Id.*

On August 19, 2025, the Commission affirmed an ID granting summary determination that Voltage has failed to show that the Asserted Patents are unenforceable based on inequitable conduct under a theory of but-for materiality. Order No. 19 (July 21, 2025), *unreviewed by* Comm’n Notice (Aug. 19, 2025). In that same order, the ALJ denied summary determination on Voltage’s other unenforceability allegations based on inequitable conduct (under a theory of egregious misconduct) and based on unclean hands, finding that genuine issues of material fact exist as to those allegations. *Id.*

On September 18, 2025, the Commission terminated the investigation as to the following asserted claims based on withdrawal of the complaint: (i) claims 2-4, 6, 7, 9, 11, 15-19, and 21-24 of the ’375 patent and (ii) claims 2-6, 9, 13-16, and 18-20 of the ’376 patent. Order No. 29 (Aug. 26, 2025), *unreviewed by* Comm’n Notice (Sept. 18, 2025).

On February 6, 2026, the ALJ issued a combined FID and recommended determination (“RD”) on remedy and bonding. The FID finds violations of section 337 with respect to the remaining asserted claims 1, 8, 12, and 20 of the ’375 patent and claims 1, 10, and 12 of the ’376 patent. Specifically, the FID finds that: (i) Shoals has standing to assert both Asserted Patents; (ii) the asserted claims listed above are directly infringed by Voltage; (iii) Voltage both induced and contributed to the infringement of each of the asserted claims listed above; (iv) none of the remaining asserted claims is invalid; (v) Voltage has failed to show that the Asserted Patents are unenforceable due to unclean hands; and (vi) Shoals has satisfied the technical and economic prongs of the DI requirement as to both Asserted Patents. The RD recommends that, should the Commission determine that a violation of section 337 has occurred, the Commission should: (i) issue a limited exclusion order against Voltage’s infringing products; (ii) not issue cease and desist orders against the Voltage respondents; and (iii) impose a 100 percent bond for importations of infringing products during the period of Presidential review.

On February 20, 2026, Voltage filed a petition seeking review of certain findings in the FID concerning (i) claim construction and infringement of the asserted claims of the Asserted Patents, and (ii) Voltage’s allegations that the Asserted Patents are unenforceable due to unclean hands. That same day, Shoals filed a petition seeking review of the FID’s adjudicability findings concerning certain alternative designs submitted by Voltage in this investigation that the FID finds do not infringe the Asserted Patents. On March 2, 2026, Shoals and Voltage each filed a response opposing the other’s petition.

On March 9, 2026, Shoals filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). The Commission did not receive a submission from Voltage. The Commission also received three public interest submissions in response to the Commission’s *Federal Register* notice from Senators Blackburn and Hagerty, from the Tennessee Chamber of Commerce and Industry, and from Representative Rose. *See* 91 FR 6662-63 (Feb. 12, 2026).

On April 15, 2026, Voltage filed a motion pursuant to Commission Rules 210.15(a)(2) and 210.38(a) (19 CFR 210.15(a)(2) and 210.38(a)), asking the Commission to reopen the record to admit as evidence four documents purportedly relating to its unclean hands defense. On April 27, 2026, Shoals filed a response opposing Voltage's motion.

Having reviewed the record of this investigation, including the FID, the parties' submissions to the ALJ, and the parties' petitions for Commission review of the FID and responses thereto, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review the FID's finding that Shoals has satisfied the economic prong of the DI requirement as to the Asserted Patents. The Commission has determined not to review the remaining findings in the FID.

The Commission also has determined to deny Voltage's motion to reopen the record. The Commission finds Voltage's motion untimely given that Voltage was aware of the existence of the subject documents before the evidentiary record closed in this investigation (Voltage admits they are listed on a privilege log produced by third-party Maschoff Brennan, served about one month before the deposition of its representative, Mr. Paul Johnson), questioned Mr. Johnson about these documents at his deposition, had the opportunity before the ALJ to move to compel the production and request *in camera* review of these documents—but chose not to do so—despite successfully compelling the production and requesting *in camera* review of other documents listed on Mr. Johnson's privilege log, and offers no compelling excuse for its decision not to pursue these documents during discovery before the ALJ. In addition, the Commission finds that these documents are cumulative of the evidence already of record and Voltage fails to adequately explain how these documents would affect the FID's finding that the Asserted Patents have not been shown to be unenforceable for unclean hands.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the Voltage respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial written submission, Shoals is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Shoals is further requested to state the dates that the Asserted Patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from Shoals the parties must be filed no later than close of business on **May 15, 2026**. All reply submissions must be filed no later than the close of business on **May 22, 2026**. Opening submissions from the parties are limited to **25** pages. Reply submissions from the parties are limited to **15** pages. All submission from third parties and/or interested government agencies are limited to **10** pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1438) in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and

Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 1, 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: May 1, 2026