

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN POLYVINYLIDENE
FLUORIDE RESINS**

Investigation No. 337-TA-1439

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW IN PART
A FINAL INITIAL DETERMINATION FINDING A VIOLATION OF SECTION 337;
REQUEST FOR WRITTEN SUBMISSIONS ON THE ISSUES UNDER REVIEW AND
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”). The Commission requests written submissions from the parties on the issues under review and 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: Noah Priluck, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3107. 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 on a complaint filed by 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 10082-83 (Feb. 21, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain polyvinylidene fluoride resins by reason of infringement of claims 1-7, 10, and 12 of U.S. Patent No. 8,337,725 (“the ’725

patent”). *Id.* The complaint further alleges that a domestic industry exists or is in the process of being established. *Id.* The Commission’s notice of investigation named as respondents: (1) Inner Mongolia 3F Wanhao Fluorochemical Industry Co. Ltd. of Fengzhen, China (“3F”); (2) Zhejiang Juhua Co., Ltd. of Quzhou City, China (“Juhua”); (3) Zhejiang Fluorine Chemical New Material Co. Ltd. of Shaoxing, China; and Hubei Fluorine New Materials Co., Ltd. of Dongtan Village, China (collectively, “Fluorine”); and (4) Sinochem Lantian Co., Ltd. (“Sinochem”) of Hangzhou, China. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On July 14, 2025, the Commission amended the complaint and notice of investigation to include allegations asserting infringement of claims 8 and 9 of the ’725 patent. Order No. 9 (June 23, 2025), *unreviewed by* Comm’n Notice (July 14, 2025), 90 FR 33394-95 (July 17, 2025). The Commission also amended the complaint and notice of investigation to change the name of two complainants from Solvay Specialty Polymers, USA LLC to Syensqo Specialty Polymers, USA LLC, and Solvay Specialty Polymers Italy S.P.A. to Syensqo Specialty Polymers Italy S.P.A. to reflect corporate name changes. Order No. 19 (Nov. 19, 2025), *unreviewed by* Comm’n Notice (Dec. 9, 2025), 90 FR 57485 (Dec. 11, 2025).

The Commission previously terminated the investigation with respect to 3F. Order No. 8 (Mar. 28, 2025), *unreviewed by* Comm’n Notice (Apr. 21, 2025). The Commission also previously terminated the investigation with respect to claim 7 of the ’725 patent. Order No. 24 (Dec. 4, 2024), *unreviewed by* Comm’n Notice (Jan. 5, 2026).

On September 29, 2025, the ALJ granted Respondents’ motion for summary determination of no importation or sale for importation as to Juhua, but not as to Fluorine or Sinochem. Order No. 16 (Sept. 29, 2025). On November 24, 2025, the ALJ granted Juhua’s motion to terminate itself from the investigation based on Order No. 16. Order No. 20 (Nov. 24, 2025).

From December 8-12, 2025, the ALJ held an evidentiary hearing involving Complainants and Respondents Fluorine and Sinochem.

On February 11, 2026, the Commission determined to review and, on review, reverse Order Nos. 16 and 20, thus reinstating Juhua as a party. Comm’n Notice (Feb. 11, 2026).

The ALJ held a supplementary evidentiary hearing on May 6, 2026.

On August 7, 2026, the ALJ issued the FID finding a violation of section 337 based on: (1) Complainants proving infringement of claims 1, 3, 6, 8, and 9 of the ’725 patent with respect to all of the accused products; (2) Complainants proving importation of one accused product by respondent Fluorine but no importation of any other accused product¹; (3) Respondents failing to

¹ Although the FID does not state so specifically, because the FID does not find importation by Juhua or Sinochem, the FID does not find a violation with respect to those respondents.

prove any asserted claims invalid; (4) Complainants satisfying the technical prong of the domestic industry requirement with respect to claims 1, 3, and 6 of the '725 patent; and (5) Complainants proving that an economic domestic industry is in the process of being established as required by section 337(a)(2). The FID also includes the ALJ's Recommended Determination should the Commission find a violation, recommending issuance of a limited exclusion order with a standard certification provision. The ALJ also recommended that the Commission set a bond of 4.5 percent bond of the value of infringing imports during the period of Presidential review.

On August 21, 2026, Complainants and the named respondents filed petitions for review of the FID, with responses filed on August 31, 2026.

On September 8, 2026, Complainants filed a public interest submission pursuant to Commission Rule 210.50(a)(4)(i), 19 C.F.R. § 210.50(a)(4)(i). No submissions were filed in response to the Commission notice published in the *Federal Register* requesting submissions on the public interest from the public should the Commission find a section 337 violation. 91 Fed. Reg. 52711-12 (Aug. 14, 2026).

Having reviewed the record of the investigation, including the FID and the parties' submissions to the ALJ and to the Commission, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review the FID's finding that the asserted claims of the '725 patent are not invalid for indefiniteness and for failure to satisfy the written description requirement. The Commission has also determined to review the FID's findings as to whether Complainants have established importation or sale for importation with respect to Juhua, Sinochem, and Fluorine. The Commission has determined not to review the remainder of the FID's findings.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. Explain whether the term "sale for importation" requires knowledge (actual or constructive) of the importation. Did Congress intend to prevent the Commission from excluding infringing imports in the absence of such knowledge? Provide support with reference to the statute (including the provisions regarding violation and remedy establishing the Commission's statutory authority over the imported articles), the legislative history, and/or applicable precedent. If some kind of knowledge is required, what evidence should be considered in determining whether the sale for importation is satisfied?

2. Address whether the asserted claims of the '725 patent are invalid for indefiniteness under 35 U.S.C. 112 taking into account the parties' electrode-based and acetone-based arguments, and, in particular whether the FID correctly focuses on the global maximum rate of change, rather than the local maximum rates of change in analyzing the relevant titrations.

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

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 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 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: The parties to the investigation are requested to file written submissions on the issues identified in this notice. 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 submission, Complainants are also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainants are further requested 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 the parties must be filed no later than the close of business on November 6, 2026. All reply submissions must be filed no later than the close of business on November 13, 2026. Opening submissions from the parties are limited to **25** pages. Reply submissions from the parties are limited to **15** pages. All submissions 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.

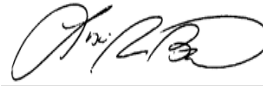
Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1439) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/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 October 23, 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', enclosed within a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: October 23, 2026