



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1151]

Certain Photovoltaic Cells and Products Containing Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 4, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Hanwha Q CELLS USA Inc. of Dalton, Georgia and Hanwha Q CELLS & Advanced Materials Corporation of Korea. Letters supplementing the complaint were filed on March 12, 14, and 21, 2019. The complaint, as supplemented, alleges violations of 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 photovoltaic cells and products containing same by reason of infringement of certain claims of U.S. Patent No. 9,893,215 (“the ’215 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

Addresses: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to

the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 3, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 12-14 of the '215 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “solar cells and solar modules”;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Hanwha Q CELLS USA Inc.

300 Nexus Drive

Dalton, GA 30721

Hanwha Q CELLS & Advanced Materials

Corporation

86 Cheonggyecheon-ro, Jung-gu

Seoul, Republic of Korea 04541

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

JinkoSolar Holding Co., Ltd.

c/o Conyers Trust Company (Cayman)

Limited

P.O. Box 2681

Cricket Square, Hutchins Drive
George Town, Grand Cayman KY1-111
Cayman Islands

JinkoSolar (U.S.) Inc.
595 Market Street, Suite 2200
San Francisco, CA 94105

Jinko Solar (U.S.) Industries Inc.
595 Market Street, Suite 2200
San Francisco, CA 94105

Jinko Solar Co., Ltd.
No. 1 Jingke Road
Shangrao Economic Development Zone
Jiangxi, 334100
China

Zhejiang Jinko Solar Co., Ltd.
No. 58 Yuanxi Road
Yunhua Industrial Park
Yunhua Town
Haining City, 314416
China

Jinko Solar Technology Sdn. Bhd.

14A Jalan Tun Mohd Fuad

Taman Tun Dr Ismail

Kuala Lumpur,

Wilaya, 60000

Persekutuan, Malaysia

LONGi Solar Technology Co., Ltd.

No. 8369 Shangyuan Road

Caotan Shengtai Industrial Park

Xi'an Economic and Technological

Development Zone

Xi'an, Shaanxi, 710018

China

LONGi Green Energy Technology Co., Ltd

388 Hangtian Middle Road, Chang'an

District Xi'an,

Shaanxi, 710100

China

LONGi (H.K.) Trading Ltd.

11/F, Capital Centre

151 Gloucester Road

Wanchai, 00000

Hong Kong

LONGi (Kuching) Sdn. Bhd.

Lot 2118 Jalan Usaha Jaya

Sama Jaya Free Industrial Zone

Kuching, Sarawak, 93350

Malaysia

Taizhou LONGi Solar Technology Ltd.

No. 268 Xingtai South Road

Taizhou, Jiangsu, 225300

China

Zhejiang LONGi Solar Technology Ltd.

No. 2 Bailing Middle Road

Donggang Industrial Function Area

Economic Development Zone

Quzhou, Zhejiang, 324000

China

Hefei LONGi Solar Technology Ltd.
S1 Workshop, No. 888 Changning Avenue
High-Tech Zone
Hefei, Anhui, 230088
China

LONGi Solar Technology (U.S.) Inc.
2603 Camino Ramon, Suite 423
San Ramon, CA 94583

REC Solar Holdings AS
Drammensveien 169
Oslo, 0277
Norway

REC Solar Pte. Ltd.
20 Tuas South Ave. 14
Tuas, 637312
Singapore

REC Americas, LLC
1820 Gateway Drive, Suite #170
San Mateo, CA 94404

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 3, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019-06942 Filed: 4/8/2019 8:45 am; Publication Date: 4/9/2019]