



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1494]

Certain TOPCon Solar Cells, Modules, Panels, Components Thereof, and Products Containing Same; Commission Determination Not to Review an Initial Determination Granting a Motion to Intervene

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 7) of the presiding administrative law judge (“ALJ”) granting a motion to intervene filed by non-party BYD America LLC (“BYD”).

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3316. 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 March 30, 2026, based on a complaint, as supplemented, filed by First Solar, Inc. (“First Solar”) of Phoenix, Arizona. 91 FR 15632-34 (Mar. 30, 2026). The complaint, as supplemented, alleged 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 and the sale 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 (“the ’074 patent”). *Id.* at 15632. The complaint, as supplemented, further alleged 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 of Radnor, Pennsylvania; AXITEC Energy GmbH & Co. KG of Böblingen, Germany; AXITEC SOLAR, LLC of Newark, Delaware; Canadian Solar Inc. of Kitchener, 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, GA; 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; TI Energy, Inc. of Austin, Texas; TI GI Dallas Solar Module LLC of Wilmer, TX; 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. *Id.* at 15633. The Office of Unfair Import Investigations (“OUII”) is also a party in this investigation. *Id.*

On April 14, 2026, BYD filed a motion to intervene as a respondent pursuant to Commission Rule 210.19, 19 CFR 210.19. On April 22, 2026, respondents JinkoSolar Holding Co., Ltd., Jinko Solar Co., Ltd., Jinko Solar (Vietnam) Industries Co. Ltd., Jinko Solar Technology Sdn. Bhd., Zhejiang Jinko Solar Co., Ltd., JinkoSolar (U.S.) Inc., JinkoSolar (U.S.) Manufacturing Inc., and JinkoSolar (U.S.) Industries Inc. filed a statement of non-opposition. On April 24, 2026, First Solar filed a statement of non-opposition. Also on April 24, 2026, OUII filed a response in support of the motion.

On April 27, 2026, the ALJ issued the subject ID (Order No. 7) granting BYD’s motion to intervene. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on May 27, 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.

Issued: May 27, 2026.

Lisa Barton,

Secretary to the Commission.