

Align Technology is a publicly traded medical device company engaged in the design, manufacture and marketing of the Invisalign® system, the world's leading invisible orthodontic product, and the iTero® Intraoral scanning systems and services. Align Technology went public on the NASDAQ market under the trading symbol ALGN in January 2001.

International Trade Commission Affirms ALJ Finding That 3Shape Infringes Three Align Patents but Declines to Find Section 337 Violation

November 27, 2019

- **ALJ and Commission Both Find 3Shape Infringes Four Claims from Three Align Patents**
- **Commission Declines to Find Violation; Align Reviewing Decision and Will Consider Appropriate Response, Including Possible Federal Circuit Appeal**
- **Five Other Patent Infringement Cases in Delaware Federal District Court Alleging Infringement of Different Patents Not Included in Current ITC Investigations are Not Stayed and are in Active Litigation**

SAN JOSE, Calif., Nov. 27, 2019 (GLOBE NEWSWIRE) -- Align Technology, Inc. (NASDAQ: ALGN) announced today that on November 22, 2019 the United States International Trade Commission (ITC) issued an Opinion reviewing an Administrative Law Judge's Initial Determination in his investigation of 3Shape's infringement of Align's patents. Like the ALJ, the Commission Opinion determined that 3Shape infringes four claims from three Align patents, but declined to find a violation of Section 337 because, based on the ALJ's adopted claim construction, it found that Align's own products do not practice the claims (a requirement unique to the ITC) and that certain claims are invalid.

"While we are pleased that both the ALJ and now the full Commission have found that 3Shape infringes multiple claims from multiple Align patents, we are disappointed that the Commission decision results in no exclusion order for 3Shape's infringement. We are considering all appropriate options, including a possible appeal to the Federal Circuit," said Julie Coletti, senior vice president, chief legal and regulatory officer. "The Commission decision confirms our belief that 3Shape infringes Align's core patents regarding color intraoral scanning technology. As always, we remain committed to protecting our significant investment in innovation."

The parallel federal district court case filed by Align in Delaware, alleging infringement of the same patents but where the requirement that Align practice the patents does not apply, will remain stayed pending any related appeals. Five other patent infringement cases in Delaware federal district court alleging infringement of different Align patents not included in this ITC investigation are not stayed and are in active litigation, with the first trials scheduled for April and June 2020.

About Align Technology, Inc.

Align Technology designs and manufactures the Invisalign® system, the most advanced clear aligner system in the world, and iTero® intraoral scanners and services. Align's products help dental professionals achieve the clinical results they expect and deliver effective, cutting-edge dental options to their patients. Visit www.aligntech.com for more information.

For additional information about the Invisalign system or to find an Invisalign doctor in your area, please visit www.invisalign.com. For additional information about the iTero digital scanning system, please visit www.itero.com.

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The logo for Align Technology, featuring the word "align" in a lowercase, sans-serif font. The letter "i" is stylized with a blue dot above it.

Source: Align Technology, Inc.