



Align Technology Amends Complaint, Adds More Evidence in Multi-Claim Lawsuit Against OrthoClear

SANTA CLARA, Calif., June 15, 2005 /PRNewswire-FirstCall via COMTEX/ -- Align Technology, Inc. (Nasdaq: ALGN), the inventor of Invisalign(R), a proprietary method of straightening teeth without wires and brackets, today announced that it recently filed an amended Complaint in the Company's multi-claim lawsuit against defendants OrthoClear, Inc., OrthoClear Holdings, Inc., and individual defendants and former Align employees Muhammad Ziaullah Chishti, Bao Tran, Peter Riepenhausen, Joe Breeland, Jeff Tunnell, Christopher Kawaja, and Charles Wen. Align amended the complaint to consolidate several original causes of action and to update the original Complaint by including additional, specific evidence introduced in support of Align's successful Application for Temporary Restraining Order (TRO) granted by the Court after the filing of Align's original Complaint.

Last month, the San Francisco County Superior Court ruled on "demurrers" or technical challenges to the original Complaint and Cross-Complaint filed by OrthoClear and Align, respectively. The Court did not dismiss any of Align's substantive claims, and denied OrthoClear's challenges to the core of Align's Complaint -- Align's claims of Misappropriation of Trade Secrets and Breach of Contract -- by overruling the OrthoClear defendants' demurrers to these causes of action. In addition, the Court granted Align's request for permission to amend its original Complaint to consolidate several duplicative causes of action and to add specific evidence not available to Align when the original Complaint was filed on February 2, 2005, including evidence later presented in support of Align's successful application for a Temporary Restraining Order and Preliminary Injunction. Additions to the amended Complaint include evidence demonstrating that:

- Zia Chishti recruited current and former Align employees for OrthoClear as early as 2002, while he was still Chairman of Align's Board of Directors. These actions are known to Align because former employees provided sworn statements regarding Chishti's conduct.
- Zia Chishti, apparently aware of the nature of his prior conduct, fraudulently sought to obtain a contractual release from all claims by Align in 2004.
- Bao Tran, Align's in-house patent counsel, and Joe Breeland, Align's Vice President of Sales, participated in telephone conferences and in-person meetings with Chishti and the other defendants, while Tran and Breeland were still employed by Align, for the purpose of recruiting other current Align employees to join OrthoClear. These actions are known to Align only because OrthoClear was unsuccessful in recruiting its targets, who have provided sworn statements regarding the recruitment efforts.

"As a public company, we have a responsibility to always share the truth regarding our litigation with the marketplace, without hype or spin or misleading claims regarding legal victories or losses," said Roger E. George, Align's Vice President, Legal Affairs and General Counsel. "The only substantive evidentiary ruling in this case to date is the Temporary Restraining Order awarded by the Court in February, after reviewing the sworn evidence submitted by both Align and OrthoClear. In order to obtain a TRO and preliminary injunction, the party seeking the orders must demonstrate that it is likely to succeed on the merits of the case at trial. The Court's Order granting Align's TRO application, in the face of vigorous opposition by OrthoClear and its former law firms, speaks for itself. We remain confident in Align's ultimate success in pursuing existing and anticipated litigation against OrthoClear."

The OrthoClear defendants chose not to oppose Align's demurrer objecting to their Cross-Complaint and have since filed an amended Cross-Complaint. Align intends to vigorously oppose the Cross-Complaint, which it believes is wholly without merit, and will file another demurrer to the amended Cross-Complaint in the coming weeks.

More information and a copy of Align's Amended Complaint and the Order on Demurrers are available by selecting "Litigation Information" at http://investor.aligntech.com/litigation_OC.cfm

About Align Technology, Inc.

Align Technology designs, manufactures and markets Invisalign, a proprietary method for treating malocclusion, or the misalignment of teeth. Invisalign corrects malocclusion using a series of clear, nearly invisible, removable appliances that gently

move teeth to a desired final position. Because it does not rely on the use of metal or ceramic brackets and wires, Invisalign significantly reduces the aesthetic and other limitations associated with braces. Invisalign is appropriate for treating adults and older teens. Align Technology was founded in March 1997 and received FDA clearance to market Invisalign in 1998.

To learn more about Invisalign or to find a certified Invisalign doctor in your area, please visit www.invisalign.com or call 1-800-INVISIBLE.

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