



## **San Francisco County Superior Court Issues Stipulated Preliminary Injunction in Align Technology and OrthoClear Complaints**

SANTA CLARA, Calif., March 3 /PRNewswire-FirstCall/ -- Align Technology, Inc. (Nasdaq: ALGN), the inventor of Invisalign®, a proprietary method of straightening teeth without wires and brackets, today announced that the San Francisco County Superior Court has issued an order for a Stipulated Preliminary Injunction in Align'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. The Stipulated Preliminary Injunction extends the terms of a February 18, 2005 Temporary Restraining Order against the defendants and, as a result, cancels a March 8, 2005 hearing regarding the requests for preliminary injunction. The Stipulated Preliminary Injunction also extends the terms of a February 18, 2005 Temporary Restraining Order granted in OrthoClear's cross-complaint against Align and specific officers of the Company.

On March 1, 2005, the San Francisco County Superior Court issued a Stipulated Preliminary Injunction Order, whereby the Court ordered that the terms of the existing Temporary Restraining Order (TRO) remain in place until the earlier of either (i) a trial, (ii) written agreement by the parties or further Court order, or (iii) with respect to the preliminary injunction regarding non-solicitation of Align employees or consultants only, until October 27, 2005.

Specifically, on February 18, 2005, the Court granted Align's request for and issued a TRO prohibiting OrthoClear and the individual defendants from "disclosing, using, lecturing upon or publishing any Proprietary Information belonging to Align without the express prior written permission of Align." For the purposes of the TRO, the Court defined "Proprietary Information" as the materials covered by Paragraphs 1 or 1.2 of the Employee Proprietary Information and Inventions Agreements with Align signed by each of the individual defendants. The Court also granted Align's request for and issued a TRO prohibiting OrthoClear and the individual defendants from "engaging, assisting, or participating, directly or indirectly, in soliciting, inducing to leave, recruiting, or encouraging any current Align employee or consultant to terminate or alter his or her employment or business relationship with Align" or attempting to do the same.

In response to a cross-application for TRO filed by certain defendants, the Court enjoined Mr. Chishti and the Align parties from disparaging each other in such a manner as to violate their mutual non-disparagement clause. The Court also enjoined Align and specific officers from advising any Align employee or consultant that he or she will be subject to criminal charges or a civil lawsuit if that person elects to change his or her employment status with Align, unless Align has good cause to believe criminal conduct has been or will be committed or that a civil cause of action will lie against the employee or consultant. The Court also required Align to refrain from taking any actions inconsistent with Federal or State securities laws relating to the issuance or redemption of Align stock.

On February 2, 2005, Align filed a multi-claim lawsuit in San Francisco County Superior Court alleging tort, contract, statutory and common law causes of action arising from OrthoClear and the individual defendants' plan to unlawfully utilize Align's intellectual property, confidential information and employees. The lawsuit also alleges that OrthoClear, Mr. Chishti and other defendants are in breach of contractual obligations, statutory law and common law for attempting to intentionally interfere with and disrupt Align's ongoing business operations and improperly gain access to Align's customer relationships and trade secrets. On February 15, 2005, OrthoClear, Inc. filed a multi-claim lawsuit against Align Technology and certain officers of the Company, alleging conspiracy, multiple accounts of breach of contract, libel, slander, unjust enrichment, intentional interferences with prospective economic advantage, and unfair competition.

More information and a copy of the Stipulated Preliminary Injunction Order issued by the Court on March 1, 2005 are available by selecting "Litigation Information" at [http://www.invisalign.com/generalapp/us/en/corporate/investor\\_frameset.jsp](http://www.invisalign.com/generalapp/us/en/corporate/investor_frameset.jsp).

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](http://www.invisalign.com) or call 1-800-INVISIBLE.

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