



## **ITC to Institute Section 337 Investigation Based on Align Technology Claims of OrthoClear Patent Infringement & Trade Secret Misappropriation**

Feb 09, 2006 /PRNewswire-FirstCall via COMTEX News Network/ -- Align Technology, Inc. (Nasdaq: ALGN), the inventor of Invisalign<sup>®</sup>, a proprietary method of straightening teeth without wires or brackets, announced today that the United States International Trade Commission (ITC) has voted to institute an investigation of alleged patent infringement and trade secret misappropriation by OrthoClear Holdings, Inc. and its related subsidiaries. The ITC's decision is based on a formal complaint filed by Align last month.

In a complaint filed with the ITC on January 11, 2006, Align alleges that OrthoClear utilizes Align's trade secrets and infringes twelve Align patents, comprising more than 200 patent claims, in the production of OrthoClear aligners at a facility in Lahore, Pakistan. In the complaint, Align requests that the ITC institute an immediate section 337 investigation and ultimately issue an exclusionary order, enforced by U.S. Customs and Border Protection, excluding OrthoClear aligners from importation into the United States. The complaint also requests that the ITC issue two cease and desist orders specifically preventing OrthoClear from importing infringing aligners and from selling in the United States imported OrthoClear aligners. The ITC may issue an exclusionary order and/or cease and desist orders if the Commission determines that OrthoClear has violated just one of the more than 200 patent claims included in Align's complaint.

According to the Notice of Investigation issued by the ITC, within 45 days after institution of the investigation, the ITC will set a target date for completing the investigation.

More information and a copy of the ITC's Notice of Investigation are available at <http://investor.aligntech.com/litigation.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](http://www.invisalign.com) or call 1-800-INVISIBLE.

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