



U.S. Patent Office Confirms Validity of Align Technology, Inc. '880 Patent

Patent Office Issues First Actions on Two Additional Patents Under Reexamination

SANTA CLARA, Calif., Dec 29, 2005 /PRNewswire-FirstCall via COMTEX News Network/ -- Align Technology, Inc. (Nasdaq: ALGN), the inventor of Invisalign(R), a proprietary method of straightening teeth without wires or brackets, today announced that on December 23, 2005 the US Patent Office issued an Order denying an anonymous party's request for reexamination of Align's US Patent No. 6,722,880.

US Patent No. 6,722,880

In a non-appealable, final Order, a panel of three examiners from the US Patent Office Central Reexamination Unit denied the anonymous party's Request for Reexamination with respect to all twenty-one claims of Align's US Patent No. 6,722,880 (the '880 patent) and ruled that "the references set forth in the request have been considered both alone and in combination. They fail to raise a substantial new question of patentability as to any one of the '880 patent claims."

Accordingly, the validity of all twenty-one claims of Align's '880 patent stand reaffirmed by the US Patent Office. These significant claims in the '880 patent include, among others, Claim 12, which covers:

12. A method for making a system to reposition teeth, comprising:

- a) obtaining an initial digital data set representing an initial tooth arrangement;
- b) obtaining a series of successive digital data sets based on the initial digital data set, wherein the series of successive digital data sets represents a series of successive tooth arrangements progressing from the initial tooth arrangement to a repositioned tooth arrangement; and
- c) fabricating a predetermined series of dental incremental position adjustment appliances for incrementally repositioning teeth based on the series of successive digital data sets, and wherein said appliances comprise polymeric shells having cavities shaped to receive and resiliently reposition teeth.

US Patent Nos. 6,217,325 and 6,309,215

On December 23 and December 27, the Patent Office also issued initial Office Actions with regard to Align's US Patent Nos. 6,217,325 (the '325 patent) and 6,309,215 (the '215 patent). In these initial Office Actions, the examiners confirmed the validity of three of the twenty-six claims of the '325 patent and five of the eleven claims of the '215 patent without amendment and preliminarily rejected the remaining claims of the patent. These non-final initial Office Actions are considered routine in patent reexaminations, and now present Align with its first opportunity to respond to the Patent Office's review and interpretation of the prior art. The Patent Office invited Align to submit "amendments, affidavits or declarations, or other documents as evidence of patentability" in response to its actions on the '325 and '215 patents. Align is prepared to and will respond promptly to the Patent Office's invitation.

"The Patent Office's action regarding our '880 patent further strengthens our patent position and reinforces our confidence in our patent portfolio," said Roger E. George, Align's Vice President, Legal Affairs and General Counsel. "In addition, we know that it is common in a reexamination proceeding for the first office action to preliminarily reject previously issued claims. We welcome the opportunity to respond to the patent examiner's review and interpretation of the prior art related to patents '325 and '215, and are confident that the patents in question will be even stronger as a result of those proceedings."

The '880, '325 and '215 patents are only three of the more than sixty issued US patents that protect Align's technology. Reexamination of three additional patents is currently pending. Align intends to continue to expand its patent portfolio and vigorously enforce its intellectual property rights.

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.

Forward-Looking Statements

This press release contains forward-looking statements regarding Align's planned response to the Patent Office and the outcome of such proceedings. Forward-looking statements contained in this news release relating to expectations about future events are based upon information available to Align as of the date hereof. Readers are cautioned that these forward-looking statements are only predictions and are subject to risks, uncertainties and assumptions that are difficult to predict. Factors that might cause such a difference include, but are not limited to, Align's ability to protect its intellectual property rights and the inherent uncertainty of legal proceedings. These risks are detailed from time to time in Align's periodic reports filed with the Securities and Exchange Commission, including, but not limited to, its Annual Report on Form 10-K for the fiscal year ended December 31, 2004, which was filed with the Securities and Exchange Commission on March 3, 2005, and its Quarterly Reports on Form 10-Q. Align undertakes no obligation to revise or update publicly any forward-looking statements for any reason.

Investor Relations Contact

Barbara Domingo
Align Technology, Inc.
+1-408-470-1000
investorinfo@aligntech.com

Press Contact

Shannon Mangum Henderson
Ethos Communication, Inc.
+1-678-417-1767
shannon@ethoscommunication.com

SOURCE Align Technology, Inc.

investors, Barbara Domingo of Align Technology, Inc., +1-408-470-1000, or investorinfo@aligntech.com; or media, Shannon Mangum Henderson of Ethos Communication, Inc., +1-678-417-1767, or shannon@ethoscommunication.com, for Align Technology, Inc.

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