



## **Align Technology Files ITC Section 337 Complaint Against OrthoClear**

### **Complaint Seeks Permanent Exclusion Order and Cease and Desist Orders Parallel Patent Litigation Seeking Injunction and Damages Filed In Federal Court in Western District of Wisconsin**

SANTA CLARA, Calif., Jan 11, 2006 /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, announced today that it has filed a formal complaint with the United States International Trade Commission (ITC) against OrthoClear Holdings, Inc. and its related subsidiaries, based in San Francisco and Lahore, Pakistan, seeking to halt the importation into the United States of infringing aligners manufactured by OrthoClear in violation of Align's patents and other intellectual property rights.

Align asserts that OrthoClear utilizes Align's trade secrets and infringes twelve Align patents, comprising more than 200 patent claims, in the production of the OrthoClear aligners at a facility in Lahore, Pakistan. The complaint requests the ITC institute an immediate 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 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. If the complaint is accepted by the ITC, the ITC will institute a formal Section 337 investigation within 30 days.

Align also today filed a parallel federal court patent infringement action in the Western District of Wisconsin (Madison). The Company seeks monetary damages and an injunction to augment the exclusionary relief available from the ITC.

"Align chose to enforce its intellectual property rights in an ITC action because of the expedited treatment of complaints filed under Section 337 and the ITC's experience in responding to the importation of infringing products," said Roger E. George, Align's Vice President, Legal Affairs and General Counsel. "The recent US Patent Office ruling regarding Align's '880 patent validates the strength of our patent portfolio. Our Complaint alleges infringement of more than 200 patent claims, including some of the '880 patent claims. A determination of infringement by OrthoClear of even one claim is sufficient to receive an exclusionary order against OrthoClear products."

The patents-in-suit cover a wide range of Align's processes, including those described in Align's US Patent No. 6,722,880 (the '880 patent). None of the patent claims-in-suit are in reexamination in the U.S. Patent and Trademark Office. As recently reported, on December 23, 2005 the US Patent Office issued an Order denying an anonymous party's request for reexamination of Align's U.S. Patent No. 6,722,880, finding that the request for reexamination "failed to raise a substantial new question of patentability as to any one of the '880 patent claims."

More information and a copy of the Court order are available by selecting "Litigation Information" at <http://investor.aligntech.com/litigation.cfm>. Pursuant to ITC rules, Align's formal complaint contains non-technical descriptions of each of the 12 patents asserted in the complaint.

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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