



May 6, 2013

ITC Judge Finds ClearCorrect Infringes All of Align's Asserted Patents

SAN JOSE, CA -- (Marketwired) -- 05/06/13 -- Align Technology, Inc. (NASDAQ: ALGN) today announced that it has received notice that the International Trade Commission ("ITC") Administrative Law Judge (ALJ) has issued his Initial Determination finding that the ClearCorrect entities (ClearCorrect Operating, LLC, based in Houston, Texas and ClearCorrect Pakistan (Private) Ltd., based in Lahore, Pakistan) infringe all seven of the patents asserted by Align in the ITC investigation. The ALJ found that all 40 of the asserted claims contained in the seven asserted patents are valid, and that ClearCorrect infringes 37 of the 40 claims. The notice does not include the recommended remedy, but Align requested that in the event the ALJ found infringement, a cease and desist order be entered by the ITC prohibiting ClearCorrect from using the digital data and treatment plans prepared by ClearCorrect Pakistan to manufacture ClearCorrect aligners. The Initial Determination, which will include a recommended remedy, is one of the final steps in the resolution of the ITC action brought by Align to remedy ClearCorrect's infringement of Align's patented processes for designing and manufacturing clear plastic aligners. Align expects to receive the ALJ's complete Initial Determination later this week.

The final decision in this case, based on the deliberation of the full ITC Commission, is expected by September 4, 2013. Align's federal court patent infringement case in Houston against ClearCorrect Operating remains stayed pending the ITC process and remains an available remedy to Align should ClearCorrect attempt to use domestic technicians to provide its digital treatment services.

"The presiding ALJ's recommendation is an important step in the vindication of our patent rights against this persistent foreign infringement. We are extremely pleased with this result," said Roger E. George, Align Technology vice president and general counsel. "In addition, the attorneys at the ITC's Office of Unfair Import Investigations, who examined this case separately, agree with Align and the ALJ that the patents are valid and infringed by ClearCorrect. We believe the ITC Commission will agree with the ITC Staff, the presiding ALJ, and Align that the patents at issue are valid and infringed by ClearCorrect."

Mr. George went on to say, "We remain committed to protecting our intellectual property rights. We support fair competition, but competitors should be required to compete on the basis of their own original technology."

Align initially filed an ITC complaint against ClearCorrect on March 1, 2012, asserting that ClearCorrect's aligners are made using digital data and treatment plans imported from Pakistan that infringe Align's patents. Align also has a patent infringement action pending against ClearCorrect in the United States District Court for the Southern District of Texas alleging infringement of nine Align patents, including four additional patents not included in the ITC litigation.

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 teens. Align Technology was founded in March 1997 and received FDA clearance to market Invisalign in 1998. The Invisalign product family includes Invisalign, Invisalign Teen, Invisalign Assist, Invisalign Express 10, Invisalign Express 5, Invisalign Lite, and Vivera Retainers. To learn more about Invisalign or to find an Invisalign trained doctor in your area, please visit www.invisalign.com.

Source: Align Technology

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