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3Shape receives favorable Initial Determination in the Second ITC case Once Again Rejecting Align Technology Claims against 3Shape

Copenhagen, May 22, 2019 – 3Shape today announced that the company has received a favorable Notice of Initial Determination, issued by Administrative Law Judge Sandra (Dee) Lord of the U.S. International Trade Commission (ITC) from the ITC’s investigation of the second patent infringement complaint filed by Align Technology against 3Shape at the ITC in November 2017.

On April 26, 2019, Judge Lord found that 3Shape did not commit any unfair acts as asserted by Align, ruling that there was no violation. This is the second time that an ITC Judge finds that 3Shape did not commit any unfair acts as asserted by Align.

In the first ITC case Administrative Law Judge Judge Cheney on March 1, 2019 issued a favorable Notice of Initial Determination. In relation to that ITC case Align has issued a misleading press release suggesting that the Initial Determination confirms that its infringement claims asserted in the ITC have merit. The Initial Determination itself finds that each of the patent claims which 3Shape’s products would potentially infringe, are invalid. The Initial Determination finds that 3Shape has not committed any unfair act and for Align to now claim that their ITC allegations were found to have merit is misleading.

“We are pleased that Judge Lord rejects Align’s claim for an import ban. It is yet another a victory for innovation and the many dental professionals who every day apply innovative dental solutions to provide better dental care for their patients. We are confident that the ITC will follow Judge Lord’s Initial Determination, says Tais Clausen, Co-CEO and Co-founder of 3Shape.”

In reply to Align’s initial infringement claims made with the ITC, the District Court of Delaware, and the United States Patent and Trademark Office, 3Shape has defended its rights. 3Shape additionally filed two patent infringement complaints in May and June last year and an antitrust lawsuit for abuse of monopoly power against Align in August 2018. 3Shape has further challenged the validity of several Align’s patents at the United States Patent and Trademark Office.

In the antitrust lawsuit against Align, 3Shape makes it clear that Align is trying to hold on to its monopoly in the U.S. clear aligner market and attempting to monopolize the U.S. market for scanners for orthodontic treatment, by, among other things, blocking the ability of their strongest scanner competitor (3Shape TRIOS) from being used by dental professionals to order Invisalign clear aligners.

For Immediate Release

Innovation is the driving force behind 3Shape. Since the company was founded eighteen years ago, 3Shape has always had the utmost respect for patents and intellectual property. We employ over 450 developers and some of the most talented engineers and specialists in the industry. We continue to create groundbreaking technology to advance dental care. That ability has made 3Shape a leader, which is supported by our more than 80 patent families and numerous industry awards.

3Shape works together with other companies to grow its open ecosystem of digital dentistry solutions. We integrate with a wide range of clear aligner systems, as well as bracket manufacturers, implant systems, 3D printers, milling machines, and scanners: an open philosophy that leaves it up to the dental professional to decide on what's the best treatment option for their patient. A vision that is on the opposite side of the spectrum of Align Technology's.

As a message to the industry, 3Shape will continue to do what we've always done: Work with companies (the competitors, too) to create exciting and innovative solutions that benefit labs and dentists and improve patient care.

About 3Shape

3Shape is changing dentistry together with dental professionals across the world by developing innovations that provide superior dental care for patients. Our portfolio of 3D scanners and CAD/CAM software solutions includes the multiple award-winning 3Shape TRIOS intraoral scanner, the upcoming 3Shape X1 CBCT scanner, as well as market-leading scanning and design software solutions for both dental practices and labs.

Two graduate students founded 3Shape in Denmark's capital in the year 2000. Today, 3Shape has over 1,600 employees serving customers in over 100 countries from an ever-growing number of 3Shape offices around the world. 3Shape's products and innovations continue to challenge traditional methods, enabling dental professionals to treat more patients more effectively. www.3shape.com