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Date: November 25, 2019 HQ Copenhagen, Denmark

3Shape wins once again in the ITC - Align Technology vs 3Shape

Copenhagen, November 25, 2019 – 3Shape today announced that the company has received a favorable final ruling from the U.S. International Trade Commission (ITC) in the second patent infringement complaint filed by Align Technology against 3Shape in November 2017.

On November 22, 2019, the ITC issued a final decision confirming ALJ Clark S. Cheney’s opinion in Investigation No. 1091 from March 1, 2019 that 3Shape did not commit any unfair acts as asserted by Align. This is the second time the ITC has provided a favorable outcome for 3Shape. Earlier this year, on August 20th, the ITC terminated in its entirety Investigation No. 1090, which Align also filed against 3Shape. The underlying determination from ALJ Dee Lord in Investigation No. 1090 found that 3Shape did not infringe any valid Align patents.

Align’s attempts to get an import ban through the two ITC cases Align initiated in November 2017 have thus failed.

“We are pleased that the Commission has agreed with Judge Cheney’s opinion and has upheld the Initial Determination finding no violation by 3Shape. Following 3Shape’s favorable outcomes in both the first and the second ITC complaints Align filed in November 2017, this is yet another victory for 3Shape, innovation, and dental professionals,” says Tais Clausen, Co-CEO and Co-founder of 3Shape.

Additionally, 3Shape has filed two patent infringement complaints with the District Court of Delaware to address Align’s infringement of a number of 3Shape patents, 15 petitions for IPRs with the United States Patent and Trademark Office (USPTO) to address the invalidity of a number of Align patents, and an antitrust lawsuit with the District Court of Delaware to address Align’s abuse of monopoly power.

3Shape has been pleased to find that in 14 of the 15 petitions for IPR’s filed, the USPTO Board has decided to initiate review of the challenged Align patents.

3Shape works according to an open ecosystem philosophy together with other companies to provide better and more cost-effective solutions to the benefit of clinicians and patients. 3Shape solutions 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 patients.

About 3Shape

3Shape is changing dentistry together with dental professionals across the world by developing innovations that provide

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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 1,500 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