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Judge rules in favor of 3Shape and denies dismissal of Lawsuit Against Align Technology for Alleged Abuse of Monopoly Power

Align Technology, the manufacturer of Invisalign®, allegedly illegally maintaining market dominance

COPENHAGEN – November 26, 2020 – 3Shape, a leading innovator and manufacturer of 3D digital scanners and CAD/CAM software solutions for dental practices and labs, announced today that the Chief Judge Leonard P. Stark has denied Align Technology’s motion to dismiss the lawsuit 3Shape filed against Align Technology for allegedly acting illegally to block competition for scanners for orthodontic treatment, including for clear aligners.

The lawsuit, styled *3Shape TRIOS A/S v Align Technology, Inc.*, was filed in the U.S. District Court for the District of Delaware on August 28, 2018.

“3Shape believes that this ruling clearly shows that our claims against Align for monopoly abuse in the United States have merit. Align’s anticompetitive behavior needs to stop, and we are now even more confident that the court will agree with us in its final verdict,” said Jakob Just-Bomholt, CEO of 3Shape.

Align’s actions have raised costs for both dentists and patients

Align’s conduct has harmed competition in both the intraoral scanner for orthodontic treatment and clear aligner markets by excluding rivals, increasing barriers to entry, and imposing costs on rivals. This conduct makes it more difficult for rivals to compete, resulting in less consumer choice and higher consumer cost.

These higher costs fall on both the doctors who need to purchase intraoral scanners and provide clear aligners, as well as patients who seek affordable clear aligner treatment. This means that many people, who could truly have a better life quality by improving their oral situation, are paying more than necessary, or even missing out on treatment which is not affordable to them.

“It appears that the last thing Align wants is for dentists and patients to have choices or save money,” Jakob Just-Bomholt said. “Their only goal is to maintain their market monopoly to preserve high margins and benefit Align shareholders.”

It's about giving dentists and patients choices rather than limiting them

In the lawsuit, 3Shape is accusing Align of illegally holding on to its monopoly by blocking the ability of their strongest scanner competitor from being used in the fitting of Invisalign®, and thereby effectively blocking dentists from choosing any other scanner than Align's iTero for clear aligner treatments. By forcing dentists to use Align's iTero scanner with Invisalign, they are creating for all intents and purposes impenetrable closed markets that obstruct competition.

The 3Shape TRIOS intraoral scanner has been named the best intraoral scanner by the industry for 8 years in a row, and the most accurate in various independent studies. TRIOS is also the world's only wireless intraoral scanner.

Unlike Align's scanner, the 3Shape TRIOS scanner is an open platform that directly interfaces to multiple clear aligner and orthodontic solution providers, allowing dentists and patients to choose the best treatment solution for each case while ultimately driving down costs.

"3Shape believes in cooperation between dental solution providers, to give doctors and patients more treatment options so that they can make choices according to the specific case and budget. This is how we see the dental industry evolving for the benefit of doctors as well as their patients," concluded Jakob Just-Bomholt, CEO of 3Shape.

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 and 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.

*Contact 3Shape resellers regarding availability of products in your region or country