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3Shape Files Lawsuit Against Align Technology for Alleged Abuse of Monopoly Power

COPENHAGEN – Aug. 28, 2018 – 3Shape, a leading innovator and manufacturer of 3D digital scanners and CAD/CAM software solutions for dental practices and labs, today filed a lawsuit against Align Technology for allegedly acting illegally to block competition in the marketplace for scanners for orthodontic treatment, including 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.

“Align is illegally holding on to their monopoly of clear aligners after expiry of many of their patents, by effectively forcing dental professionals to buy Align’s intraoral scanner which, with regard to clear aligners and for most practical purposes, is only used for Align’s own clear aligner product Invisalign,” said Wendelynn J. Newton, Counsel for 3Shape.

Align is the manufacturer of the Invisalign brand of clear aligners for orthodontic treatment, as well as the iTero intraoral scanner. As Align’s patents for Invisalign have already begun to expire, among others 4 of the world’s largest and most esteemed dental companies have challenged Align’s dominant position with alternative clear aligner products.

3Shape innovated the 3Shape TRIOS intraoral scanner which has been named the best intraoral scanner by the industry for five years in a row, and the most accurate in an independent ADA study. TRIOS is also the world’s only wireless intraoral scanner. 3Shape TRIOS has thus become a favorite among doctors for restorative treatment as well as for clear aligners, competing directly with Align’s own iTero scanner. This appears to have stimulated a series of anticompetitive actions by Align.

According to the lawsuit, Align is trying to hold on to its monopoly in the clear aligner market 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. This is also underlined by the launch of Align’s new Invisalign GO Treatment system, which is accessible with iTero only.

“3Shape believes in fair competition and in giving doctors choices rather than limiting them. Align’s behavior represents the opposite of how 3Shape sees the dental industry should evolve for the benefit of doctors and their patients,” said Lars Christian Lund, Vice President,

Corporate Business Development and Marketing at 3Shape. “More and more dentists are expressing outrage at Align’s methods that ultimately make their services more expensive for their patients.”

Unlike Align’s scanner, the 3Shape TRIOS scanner is an open platform that directly interfaces to multiple clear aligner and orthodontic solution providers. An open platform allows dentists and patients to choose the best treatment solution for each case while driving down costs. By forcing dentists to use Align’s iTero scanner with Invisalign, they are creating for all intents and purposes an impenetrable closed market that obstructs competition.

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 1,400 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