

## ITC Judge's Initial Determination Rejects Align Technology Claims against 3Shape

**Copenhagen, March 4, 2019** – 3Shape today announced that the company has received a favorable Notice of Initial Determination, issued by Administrative Law Judge Clark S. Cheney of the U.S. International Trade Commission (ITC) from the ITC's investigation of the first patent infringement complaint filed by Align Technology against 3Shape in November 2017.

On March 1, 2019, Judge Cheney found that 3Shape did not infringe the US Tariff Act commit any unfair acts as asserted by Align, ruling that there was no violation.

“We are pleased that Judge Clark S. Cheney rejects Align's claim for an import ban. This is 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 Cheney'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.

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.



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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.