

Jury Renders Verdict for Ormco - Align's Invisalign® Product Infringes Ormco Patent

PRNewswire
ORANGE, Calif.

Ormco Corporation, a subsidiary of Danaher Corporation, announced today that it received a favorable jury verdict in its patent infringement case against Align Technology, Inc., the maker of Invisalign®, a clear, removable appliance used to straighten teeth. The jury unanimously found that Align's process for creating its Invisalign® aligners infringed several claims of a patent held by Ormco. The claims at issue cover a process for creating 3D representations of the teeth of a patient for use in modeling tooth movement, a technique used in orthodontic treatment.

In addition to finding Align infringed the patent claims asserted by Ormco, the jury rejected Align's assertions that the claims at issue in the lawsuit were invalid and unenforceable. "We are pleased that the jury reached a verdict in favor of Ormco," said Don Tuttle, President of Ormco Corporation. He then added that, "We have long maintained that Align's process for creating aligners used our intellectual property and that the attacks on the enforceability of our patent claims were unfounded."

The Court has not yet entered judgment in the case. Although Ormco expects that Align will file post-trial motions with the Court trying to alter the jury's decision, Ormco believes a judgment on the verdict will be entered. Following the entry of the judgment on the verdict, Ormco will be entitled to request the court issue a permanent injunction to enjoin Align's continued infringement and to seek a reasonable royalty on all of their US sales made since January of 2003 by Align of its Invisalign® aligners.

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