

2014-1533

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**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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**ALIGN TECHNOLOGY, INC.,**

Appellant,

v.

**INTERNATIONAL TRADE COMMISSION,**

Appellee,

and

**CLEARCORRECT OPERATING, LLC and  
CLEARCORRECT PAKISTAN (PRIVATE), LTD.,**

Intervenors.

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**Appeal from the United States International Trade Commission in  
Investigation No. 337-TA-833.**

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**BRIEF OF APPELLANT  
ALIGN TECHNOLOGY, INC.**

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## CERTIFICATE OF INTEREST

Counsel for the petitioner Align Technology, Inc. certifies the following:

1. The full name of every party or amicus represented by me is:

Align Technology, Inc.

2. The name of the real party in interest represented by me is:

Align Technology, Inc.

3. Align Technology, Inc. has no parent corporations, and no publicly held company owns 10 percent or more of the stock of Align Technology, Inc.

4. The names of all law firms and the partners or associates that appeared for Align Technology, Inc. in proceedings before the United States International Trade Commission or are expected to appear in this Court are:

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## INTRODUCTION

Align Technology, Inc. (“Align”) designs, makes, and sells clear dental aligners — a pioneering way of treating dental misalignment. Align’s dental aligners, developed and marketed as the Invisalign System, are protected by numerous United States patents, including patents directed to the processes by which incremental sets of aligners are digitally designed and physically created, and patents directed to the output of the digital design process itself — digital data sets and treatment plans.

In an arrangement the presiding Administrative Law Judge (“ALJ”) called “a sham,” Intervenor ClearCorrect Operating, Inc. (“ClearCorrect USA”) and ClearCorrect Pakistan (Private), Ltd. (“ClearCorrect Pakistan”) (collectively, “Intervenor” or “ClearCorrect”) attempted to structure their operations so as to evade infringement liability. Specifically, ClearCorrect Pakistan took on the digital design steps of Align’s process claims and created digital data sets (or treatment plans) representative of the individual incremental physical aligners, which were then electronically transmitted to ClearCorrect USA. ClearCorrect USA then undertook the physical creation steps of Align’s process claims by using these digital data sets to mold, and ultimately sell, incremental aligners in the United States.

After lengthy proceedings, the United States International Trade

The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.