Align Technology sued OrthoClear (a foreign manufacturer) for patent infringement under Section 337 of the International Trade Commission.

Align Technology’s Invisalign System treats malocclusion using clear, removable dental appliances (known as clear aligners) instead of traditional braces. Align Technology sued OrthoClear (a foreign manufacturer) for patent infringement under Section 337 of the International Trade Commission.

Dr. Keeley showed that the industry had suffered significant damage from OrthoClear’s import of infringing products.

Align Technology alleged that OrthoClear’s clear aligners infringed its U.S. patents and that OrthoClear had misappropriated its trade secrets. Counsel for Align Technology retained Dr. Michael Keeley, a senior vice president of Cornerstone Research, to determine whether a “domestic industry” existed for the Invisalign System and assess whether the industry had suffered injury from OrthoClear’s imports of allegedly infringing clear aligners. Dr. Keeley analyzed Align Technology’s economic activity as it related to the existence of a domestic industry. He provided evidence on the economic prong of the test for the existence of a domestic industry and showed that the industry had suffered significant damage from OrthoClear’s import of infringing products.

For additional information on this matter, please contact Michael C. Keeley, Senior Advisor.