

Notice of Certification of Class Action

If you are a dentist or orthodontist who purchased Invisalign directly from Align, a class action lawsuit may affect your rights.

A federal court directed this Notice. This is not a solicitation from a lawyer.

- A class action lawsuit was filed against Align Technology, Inc. (“Align” or Defendant) by two dental practices alleging that Align engaged in anticompetitive conduct causing those who purchased Invisalign Aligners directly from Align to pay more than they should have for those Aligners. Align denies the allegations. The Court has not decided whether Align has done anything wrong.
- The Court has allowed the lawsuit to proceed as a class action on the claims alleged in the Complaint on behalf of all persons or entities in the United States that purchased Invisalign Aligners directly from Align during the period beginning January 1, 2019 through March 31, 2022 (the “Class Period”). Excluded from the Class are (1) Align, its subsidiaries, affiliate entities, and employees, and (2) all federal or state government entities or agencies.
- There is no money available now and no guarantee there will be. However, your legal rights may be affected, and you have a choice to make now.

LEGAL RIGHTS AND OPTIONS

Do Nothing: Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you remain a class member in this class action lawsuit. If the Plaintiffs obtain money, either because of trial or settlement, you may be able to share in that money, and will be notified of how to obtain your share. If the case proceeds to trial and the Class does not prevail, you will be bound by that judgment. If you stay in the Class, you will be bound by all Orders the Court issues and judgments the Court makes in this class action. By staying in the Class, you give up any rights to sue Align separately for the same legal claims about Invisalign Aligners in this lawsuit.

Exclude Yourself: Get out of this lawsuit. Give up right to share in money obtained from it. Keep your legal rights. You may request to be excluded from this lawsuit. The Court will exclude from the Class any member who requests exclusion. This is the only way you can preserve any right you have to be part of another potential lawsuit seeking money for legal claims arising out of the facts alleged in this lawsuit about Invisalign Aligners. If you timely request exclusion (“opt out”), you will not be legally bound by the Court’s judgments in this class action, will no longer be part of this lawsuit, and you will *not* be able to share in any money that the Class may obtain from any trial or settlement in this lawsuit. If you would like to opt out, you must send a written “Request for Exclusion” to the Class Administrator. To be valid, your Request for Exclusion must be postmarked by **March 15, 2024**, and mailed to: Align Direct Purchaser Antitrust Exclusion Request, c/o Class Administrator, P.O. Box 2418, Portland, OR 97208-2418

- Lawyers must prove the legal claims about Invisalign Aligners against Align at a trial set to start on May 13, 2024. If money is obtained from Align, and you remain in the Class, you will be notified about how to ask for a share.
- **Any questions? Read on and visit www.aligndirectpurchaserantitrust.com.**

Questions? Call 1-888-803-3968 or visit www.aligndirectpurchaserantitrust.com.

BASIC INFORMATION

1. Why did I get this Notice?

Align’s records show that you purchased Invisalign Aligners directly from Align during the period beginning January 1, 2019 through March 31, 2022. This Notice explains that the Court allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial to decide whether the legal claims about Invisalign Aligners being made against Align are correct. Judge Vince Chhabria of the United States District Court for the Northern District of California is overseeing this class action. The lawsuit is known as *Simon and Simon, PC, et al. v. Align Technology, Inc.*, Case No. 3:20-CV-03754-VC.

2. What is a class action and who is involved?

In a class action, people or businesses called Class Representatives (here, Simon and Simon, PC d/b/a City Smiles and VIP Dental Spas) sue not only for themselves but also on behalf of other people or businesses with similar legal claims and interests. Together all people or businesses with similar legal claims and interests form a specifically defined class and are Class Members. The dental practices that sued—on behalf of all Class Members—are called the Plaintiffs. The company they sued (Align) is called the Defendant. One court resolves the issue for all Class Members—except for those people who choose to exclude themselves from the Class.

3. Why is this lawsuit a class action?

The Court decided that this lawsuit can move forward as a class action and move towards trial, because:

- Certain questions of law and facts that are common to the Class predominate;
- Simon and Simon, PC and VIP Dental Spas’ legal claims about Invisalign Aligners are typical of the legal claims of the rest of the Class.

More information about why this Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class, which is available at www.aligndirectpurchaserantitrust.com.

THE LEGAL CLAIMS IN THIS LAWSUIT

4. What is this lawsuit about?

Generally, Plaintiffs allege that Align engaged in anticompetitive conduct in violation of the Sherman Antitrust Act, 15 U.S.C. § 2. Plaintiffs allege that Align has monopoly power in a market for Aligners—custom-manufactured, transparent, removable dental Aligners made from clear plastic—and further allege that Align monopolized that market for Aligners (“Aligner Market”) through two mutually-reinforcing types of anticompetitive conduct: (1) an unlawful refusal to deal involving the unilateral termination of interoperability between Invisalign and the Trios Scanner, sold by Align’s rival, 3Shape Trios A/S, and (2) exclusionary contractual provisions and bundled rebate programs that lock in customers and foreclose rival sellers of Aligners. Plaintiffs also allege that, as a result of this alleged conduct, Align charged higher prices for its Invisalign Aligners than it would have charged without this allegedly anticompetitive conduct. You can read the Plaintiffs’ Amended Class Action Complaint at www.aligndirectpurchaserantitrust.com.

Align denies that it has done anything wrong. Align asserts that the challenged conduct is lawful. Align also asserts that it does not have monopoly power in the alleged Aligner Market. Further, Align

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asserts that it competes vigorously for sales and charges competitive prices for its products. Align's Answer to the Amended Class Action Complaint is also available at www.aligndirectpurchaserantitrust.com.

5. Has the Court decided who is right?

The Court has not decided who will prevail on the legal claims in this case. By certifying the Class and approving the issuance of this Notice, the Court is not suggesting that Plaintiffs will win or lose. The Plaintiffs must prove their legal claims about Align's conduct relating to Invisalign Aligners at a trial, which is currently scheduled to start on May 13, 2024.

6. What are Plaintiffs seeking?

The Plaintiffs are seeking money to compensate for paying allegedly inflated prices for Invisalign Aligners. The Plaintiffs also seek to put an end to the alleged anticompetitive conduct.

7. Is there money available now?

Money is not available now because the Court has not found that Align has done anything wrong, and Plaintiffs and Align have not agreed to settle the lawsuit. There is no guarantee that money will be obtained. If Plaintiffs obtain money on behalf of themselves and the Class, and you remain in the Class, you will be notified of how to obtain your share.

WHO IS IN THE CLASS

8. Am I part of this Class?

Judge Chhabria decided that all persons or entities in the United States that purchased Invisalign Aligners directly from Align during the period beginning January 1, 2019 through March 31, 2022 are Class Members. Judge Chhabria also decided that Align, its subsidiaries, affiliate entities, and employees, and all federal or state government entities or agencies are not Class Members.

If you are not sure whether you are a Class Member, contact the Class Administrator through one of the following means:

Toll-free telephone number: 1-888-803-3968.

Class website: www.aligndirectpurchaserantitrust.com.

United States mail:

Align Direct Purchaser Antitrust
c/o Class Administrator
PO Box 2418
Portland, OR 97208-2418

YOUR RIGHTS AND OPTIONS

You have to decide now whether to stay in the Class or ask to be excluded.

9. What happens if I do nothing at all?

You do not have to do anything now if you want to stay in the Class and participate in the class action. By doing nothing, you are staying in the Class. If the Plaintiffs obtain money, either because of the trial or a settlement, you will be notified of how to obtain a share. Keep in mind that if you do nothing

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now, regardless of whether Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue Align—as part of any other lawsuit—over the same legal claims that are the subject of this lawsuit. You will also be bound by all the Orders the Court issues and the judgments the Court makes in this class action. If the case proceeds to trial and the Class does not prevail, you will be bound any judgment.

10. How do I ask to be excluded from the Class?

The Court will exclude from the Class any member who requests exclusion. To ask to be excluded from the Class, you must send a written “Request for Exclusion” to the Class Administrator. To be valid, your Request for Exclusion must be **postmarked** by **March 15, 2024**, and mailed to:

Align Direct Purchaser Antitrust Exclusion Request
c/o Class Administrator
PO Box 2418
Portland, OR 97208-2418

Your Request for Exclusion must: (i) be in writing (you cannot exclude yourself by telephone or email); (ii) include your signature; (iii) state the full name, address, and telephone number of the Class Member; and (iv) state that “I/we hereby request I/we be excluded from the Class in *Simon & Simon, PC, et al. v. Align Technology, Inc.*, Case No. 3:20-CV-03754-VC.”

11. Why would I ask to be excluded?

If you already have your own lawsuit against Align challenging the same allegedly anticompetitive conduct as in this lawsuit and want to continue with it, you must ask to be excluded from the Class. If you exclude yourself from the Class—also called “opting out” of the Class—you will not be able to share in any money obtained from this lawsuit, even if the Plaintiffs obtain them either at trial or through a settlement.

If you exclude yourself, you may be able to sue or continue to sue Align for the alleged anticompetitive conduct. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you want to file your own lawsuit against Align after you exclude yourself or if you have a pending lawsuit, speak to your lawyer immediately. You will have to hire and may have to pay for your own lawyer.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this lawsuit?

The Court has approved as lawyers for the Class (“Class Counsel”) the following:

Daniel J. Walker Berger Montague PC 2001 Pennsylvania Avenue, NW Suite 300 Washington, DC 20006	John Radice RADICE LAW FIRM, PC 475 Wall Street Princeton, NJ 08540
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More information about these law firms, their practices, and their lawyers’ experience are available at www.bergermontague.com and www.radicelawfirm.com.

Questions? Call 1-888-803-3968 or visit www.aligndirectpurchaserantitrust.com.

13. Should I hire my own lawyer?

You do not have to hire your own lawyer because Class Counsel are working on your behalf. But if you want your own lawyer, you may have to pay that lawyer.

14. How will the lawyers be paid?

If Class Counsel get money for the Class, they will ask the Court to award attorneys' fees and costs and expenses. You will not have to pay for the fees, costs, and expenses.

THE TRIAL

The Court has scheduled a trial to decide who is right in this lawsuit. It is not certain that the trial will occur, as Align has filed a motion for summary judgment requesting that the Court enter judgment in its favor as a matter of law before any trial takes place.

15. How and when will the Court decide who is right?

If the lawsuit is not resolved by Align's Motion for Summary Judgment, a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' legal claims about Align's conduct relating to Invisalign Aligners at trial. The trial is currently scheduled to start on May 13, 2024, in the United States District Court for Northern District of California, Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102 in Courtroom 4. During the trial, a jury will hear the evidence to help reach a decision about the legal claims in this lawsuit. There is no guarantee that the Plaintiffs will win or that they will get any money for the Class.

Note: The date and time of the trial may change without further notice to the class. You should check www.aligndirectpurchaserantitrust.com or the Court's Public Access to Court Electronic Records (PACER) system to confirm the date of the trial has not changed. Instructions on how to access the Court's PACER site are included in Getting More Information section below.

16. Do I have to attend the trial?

You do not need to attend the trial. Class Counsel will present the lawsuit for the Plaintiffs. You or your own lawyer are welcome to attend at your own expense.

17. Will I get money after the trial?

If the Plaintiffs obtain money because of the trial or settlement, you will be notified about how to obtain any share to which you are entitled. We do not know how long the process to obtain money for the Class will take.

GETTING MORE INFORMATION

18. Are more details available?

More details are available for your review at www.aligndirectpurchaserantitrust.com, including the Court's Order Certifying the Class, Plaintiffs' Complaint, Defendant's Answer to the Complaint, as well as other documents relating to the lawsuit. You may also call toll-free 1-888-803-3968 or write the Class Administrator at: Align Direct Purchaser Antitrust, c/o Class Administrator, PO Box 2418, Portland, OR 97208-2418.

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You may also obtain additional information regarding this lawsuit, by going to **www.aligndirectpurchaserantitrust.com**, or by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Phillip Burton Federal Building & United States Courthouse 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

Please Do Not Attempt to Contact Judge Chhabria or the Clerk of Court with Any Questions.