



Billion-Dollar Battle

Last year, Align Technology was the darling of the S&P 500, posting an increase of 131 percent and ending the year at \$222.19 a share. This was a tremendous milestone, considering that the company was founded in 1997 by two Stanford MBA students with no background in orthodontics.

Invisalign was initially available only to board-certified orthodontists, but after a class-action lawsuit led by Philadelphia general dentist Dr. Jon L. Richter, it opened its product to general practitioners. In Invisalign's defense, starting with orthodontists was a logical way to validate the technology before inevitably opening to the larger population of general dentists. The great irony is that Align Technology owns a minority stake in SmileDirectClub, and the American Association of Orthodontists has filed complaints with dental boards and attorneys general in 36 states objecting to its direct-to-consumer model.

In late December 2017, Align canceled its interoperability contract with 3Shape and no longer accepted new scans for Invisalign treatment because of a patent infringement lawsuit filed against 3Shape. The latter continues to vigorously defend itself, and recently filed a patent infringement lawsuit against Align Technology. This legal battle highlights the tremendous value of technology patents and mirrors the fights among large consumer electronics companies.

Some of Align's previous patent battles include a patent infringement suit against OrthoClear, a company started by one of Align's original founders. Invisalign is covered by more than 400 U.S. patents and the recent proliferation of similar products

is the result of 40 of its early patents expiring at the end of last year. In fact, some of these new products were on display at the AAO's annual session:

SLX clear aligner system. This new offering from Henry Schein Orthodontics incorporates sagittal-first/Motion 3D technology. According to HSO's lead clinical adviser, Dr. David Paquette, this technology "can significantly reduce the number of aligners needed for use in a typical case."

Clarity clear aligner system. 3M will use web-based software to plan patient treatment and order aligners at any time. The company will also offer an open platform so clinicians can use the intraoral scanner of their choice.

3Shape clear aligner workflow. 3Shape has a workflow pending FDA 510(k) clearance, and has a number of clear aligner providers in markets around the world connected to its system.

Why are there so many battles in the happy category of clear aligners? Align has treated more than 4 million patients, and in 2016 had sales of \$1 billion for the first time. This is a huge market segment in dentistry, and it might be a fine time to consider your participation. Maybe you have a new scanner and you would like to add a new procedure to your practice. Perhaps you have been on the fence because of the lab costs associated with clear aligners.

Cast aside your preconceived notions and give this category a look. Explore the new and existing offerings, ask for opinions online and speak to your local orthodontist about his or her feelings about the subject. Once you make a commitment to offer clear aligners to your patients, be sure you seek out proper training and make arrangements for local support. ■



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Are you raring to enter the clear-aligner race—or are you already ahead of the curve? Reach Dr. Thomas Giacobbi on Twitter (@ddsTom) or via email: tom@dentaltown.com.

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