

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ALIGN TECHNOLOGY, INC.,

Plaintiff,

v.

CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., &
INSTITUT STRAUMANN AG,

Defendants.

Case No. 6:24-cv-00187-ADA-DTG

PATENT CASE

JURY TRIAL DEMANDED

CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., &
STRAUMANN USA, LLC,

Counterclaim-Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Counterclaim-Defendant.

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court’s Scheduling Order (ECF No. 132) and the Court’s Standing Order Governing Proceedings (OGP) 4.4, Plaintiff and Counterclaim-Defendant Align Technology, Inc. (“Align”) and Defendants and/or Counterclaim-Plaintiffs ClearCorrect Holdings, Inc., ClearCorrect Operating, LLC, Institut Straumann AG, and Straumann USA, LLC (collectively, “ClearCorrect”) submit this Joint Claim Construction Statement for claim terms in asserted U.S. Patent Nos. 8,038,444 (“444 patent”), 10,456,217 (“217 patent”), 10,524,879 (“879 patent”), 11,369,456 (“456 patent”), and 10,791,936 (“936 patent”).

I. DISPUTED CLAIM CONSTRUCTIONS

#	Proposed By	Claim Term	Align's Proposed Construction	ClearCorrect's Proposed Construction
1	ClearCorrect	<p>“through at least one of staggering and roundtripping of at least one dental object”</p> <p>'444 patent, cl. 1 (and dependent claims)</p>	by staggering or roundtripping at least one dental object	through assessment of both staggering and roundtripping with respect to avoiding collisions with or obstructions between at least one dental object
2	ClearCorrect	<p>“an optimal number of stages for the order of movement of the dental objects”</p> <p>'444 patent, cls. 5, 19, 33</p>	the largest number of the minimum stages needed to place the patient's teeth in their final, desired position	Indefinite
3	ClearCorrect	<p>“V-shaped pattern”</p> <p>'444 patent, cls. 8, 22, 36</p> <p>'456 patent, cl. 3</p>	No construction necessary (plain and ordinary meaning)	A pattern where teeth having the same and/or similar positions on the arch will be moved beginning at the same stage, and will move continuously until they reach their final position, and where the most posterior-positioned teeth move first (e.g., the molars, or teeth in position 7 and/or 8) then the next anterior-positioned teeth move sequentially until all of the teeth reach their final position, with the next anterior-positioned teeth not scheduled to begin moving until at least approximately the half-way stage of its respective posterior-positioned tooth
4	ClearCorrect	<p>“A-shaped pattern”</p> <p>'444 patent, cls. 9, 23, 37</p> <p>'456 patent, cl. 3</p>	No construction necessary (plain and ordinary meaning)	A pattern where teeth having the same and/or similar positions on the arch will be moved beginning at the same stage, and will move continuously until they reach their final position, with the most anterior-positioned teeth (e.g., the incisors, or teeth in

#	Proposed By	Claim Term	Align's Proposed Construction	ClearCorrect's Proposed Construction
				positions 1 and/or 2) moving first and then the next posterior-positioned teeth sequentially moving until all of the teeth reach their final position
5	ClearCorrect	<p>"M-shaped pattern"</p> <p>'444 patent, cls. 10, 24, 38</p> <p>'456 patent, cl. 3</p>	No construction necessary (plain and ordinary meaning)	A pattern where teeth having the same and/or similar positions on the arch will be moved beginning at the same stage, and will move continuously until they reach their final position, with teeth between the anterior teeth and the posterior teeth (e.g., the bicuspid, or teeth in positions 4 and/or 5) and both the adjacent anterior and/or adjacent posterior teeth then sequentially moving until all of the teeth reach their final position
6	ClearCorrect	<p>"mid-line shift pattern"</p> <p>'444 patent, cls. 11, 25, 39</p> <p>'456 patent, cl. 3</p>	No construction necessary (plain and ordinary meaning)	A pattern where tooth movement begins on one side of the patient's arch to center the teeth with respect to the mid-line of the patient's mouth, with the next tooth/teeth to move not scheduled to begin moving until at least approximately the half way stage of its respective previously scheduled tooth/teeth
7	ClearCorrect	<p>"means for receiving an electronic representation of each dental object of the plurality of dental objects in relation to one another"</p> <p>'444 patent, cl. 15 (and dependent claims)</p>	<p>a computing device and equivalents</p> <p><i>E.g.</i>, '444 patent, 5:12-16</p>	<p>Subject to § 112 ¶ 6</p> <ul style="list-style-type: none"> • <u>Function</u>: receiving an electronic representation of each dental object of the plurality of dental objects in relation to one another • <u>Structure</u>: None <p>Indefinite</p>
8	ClearCorrect	"means for determining an	a computer program that performs the	Subject to § 112 ¶ 6

#	Proposed By	Claim Term	Align’s Proposed Construction	ClearCorrect’s Proposed Construction
		<p>order of movement for each respective dental object such that the dental objects avoid colliding with each other on their respective routes from said initial position to said desired final position”</p> <p>’444 patent, cl. 15 (and dependent claims)</p>	<p>steps identified in Figure 2B and equivalents</p> <p><i>E.g.</i>, ’444 patent, 5:19-22, 5:29-6:46, Fig. 2B</p>	<ul style="list-style-type: none"> • <u>Function</u>: determining an order of movement for each respective dental object such that the dental objects avoid colliding with each other on their respective routes from said initial position to said desired final position. • <u>Structure</u>: None <p>Indefinite</p>
9	ClearCorrect	<p>“means for determining a route each respective dental object will move to achieve its respective final position”</p> <p>’444 patent, cl 16 (and dependent claims)</p>	<p>a computer program that is configured to segment an initial digital dataset into digital models of individual dental objects and gingival tissue, calculate a transformation for each dental object, and then calculate one or more intermediate positions for each dental object, taking into account any constraints imposed on the movement of dental objects and any collisions that might occur between dental objects as the dental objects move from one treatment stage to the next and equivalents</p> <p><i>E.g.</i>, ’444 patent, 3:19-24, 3:36-61</p>	<p>Subject to § 112 ¶ 6</p> <ul style="list-style-type: none"> • <u>Function</u>: determining a route each respective dental object will move to achieve its respective final position • <u>Structure</u>: None <p>Indefinite</p>

#	Proposed By	Claim Term	Align’s Proposed Construction	ClearCorrect’s Proposed Construction
10	ClearCorrect	<p>“means for determining (a), (b), and (c) in relation to each of the other dental objects”</p> <p>’444 patent, cls. 17 (and dependent claim)</p>	<p>a computer program that is configured to segment an initial digital dataset into digital models of individual dental objects and gingival tissue, calculate a transformation for each dental object, and then calculate one or more intermediate positions for each dental object, taking into account any constraints imposed on the movement of dental objects and any collisions that might occur between dental objects as the dental objects move from one treatment stage to the next and equivalents</p> <p><i>E.g.</i>, ’444 patent, 3:19-24, 3:36-61</p>	<p>Subject to § 112 ¶ 6</p> <ul style="list-style-type: none"> • <u>Function</u>: determining (a), (b), and (c) in relation to each of the other dental objects • <u>Structure</u>: None <p>Indefinite</p>
11	ClearCorrect	<p>“means for determining a rate at which each respective dental object will move along its respective route”</p> <p>’444 patent, cls. 16 (and dependent claims)</p>	<p>a computer program that determines a rate at which each respective dental object will move along its respective route</p> <p><i>E.g.</i>, ’444 patent, 4:58-5:10</p>	<p>Subject to § 112 ¶ 6</p> <ul style="list-style-type: none"> • <u>Function</u>: determining a rate at which each respective dental object will move along its respective route • <u>Structure</u>: None <p>Indefinite</p>
12	ClearCorrect	<p>“means for determining a total distance each respective dental object will move”</p> <p>’444 patent, cl. 20</p>	<p>a computer program for determining a total distance each respective dental object will move and equivalents</p>	<p>Subject to § 112 ¶ 6</p> <ul style="list-style-type: none"> • <u>Function</u>: determining a total distance each respective dental object will move

#	Proposed By	Claim Term	Align’s Proposed Construction	ClearCorrect’s Proposed Construction
			<i>E.g.</i> , ’444 patent, 4:58-5:10	<ul style="list-style-type: none"> • <u>Structure</u>: None Indefinite
13	ClearCorrect	“means for adjusting at least one of the route and the rate of at least one dental object to avoid collision with at least one other dental object” ’444 patent, cl. 18	a computer program that performs collision avoidance via round-tripping, staggering, or slowing, wherein the computer program first attempts staggering of the teeth movement, followed by slowing-down/interim key frames if the staggering does not avoid collisions, and then followed by round-tripping as a last resort and equivalents <i>E.g.</i> , ’444 patent, 12:41-65	Subject to § 112 ¶ 6 <ul style="list-style-type: none"> • <u>Function</u>: adjusting at least one of the route and the rate of at least one dental object to avoid collision with at least one other dental object • <u>Structure</u>: None Indefinite
14	ClearCorrect	“means for determining an optimal number of stages for the order of movement of the dental objects” ’444 patent, cl 19 (and dependent claim)	a computer program that determines an optimal number of stages by selecting the largest number of the minimum number of stages needed to place the dental objects in their final, desired positions and equivalents <i>E.g.</i> , ’444 patent, 15:6-20	Subject to § 112 ¶ 6 <ul style="list-style-type: none"> • <u>Function</u>: determining an optimal number of stages for the order of movement of the dental objects • <u>Structure</u>: None Indefinite
15	ClearCorrect	“means for ordering the movement of the dental objects in a V-shaped pattern” ’444 patent, cl. 22	a computer program configured to utilize the pattern depicted in Figure 5 and equivalents <i>E.g.</i> , ’444 patent, 9:12-15, 9:42-44, Fig. 5	Subject to § 112 ¶ 6 <ul style="list-style-type: none"> • <u>Function</u>: ordering the movement of the dental objects in a V-shaped pattern • <u>Structure</u>: None Indefinite

#	Proposed By	Claim Term	Align’s Proposed Construction	ClearCorrect’s Proposed Construction
16	ClearCorrect	“means for round tripping at least one dental object” ’444 patent, cl. 27	a computer program configured to move a first tooth out of the path of a second tooth, and once the second tooth has moved sufficiently, move the first tooth back to its previous position before proceeding to a desired final position of the first tooth and equivalents <i>E.g.</i> , ’444 patent, 12:51-55	Subject to § 112 ¶ 6 <ul style="list-style-type: none"> • <u>Function</u>: round tripping at least one dental object • <u>Structure</u>: None Indefinite
17	ClearCorrect	“replace [replacing] at least a portion of the [removed] surface portion of the model [...] using the received second scan data [at least a portion of the second scan data]” ’936 patent, cls. 1 (and dependent claims), 9 (and dependent claims), 17 (and dependent claims)	No construction necessary (plain and ordinary meaning)	[register] / [registering] the [received] second scan data with a retained portion of the model after removing the scan data of the removed surface portion
18	ClearCorrect	“second scan data of the patient’s teeth” ’936 patent, cl. 17 (and dependent claims)	No construction necessary (plain and ordinary meaning)	new scan data of the patient’s teeth after the patient’s intraoral cavity itself has physically changed

II. AGREED CLAIM CONSTRUCTIONS

#	Proposed By	Claim Term	Agreed Construction
1	Both parties	<p>“Stagger[ing]”</p> <p>’444 patent, cls. 1 (and dependent claims), 12, 26, 40</p>	[delaying / delay] one or more teeth from moving one or more stages where it would otherwise move in order to prevent another tooth from colliding with and/or obstructing the path of the delayed tooth
2	Both parties	<p>“round trip[ping]”</p> <p>’444 patent, cls. 1 (and dependent claims), 13, 27, 41</p> <p>’217 patent, cls. 1 (and dependent claims), 6, 7, 11 (and dependent claims), 16, 17</p> <p>’879 patent, cls. 1 (and dependent claims), 6, 7, 9 (and dependent claims), 20 (and dependent claims)</p>	[moving / move] a first tooth out of the path of a second tooth, and once the second tooth has moved sufficiently, [moving / move] the first tooth back to its previous position before proceeding to a desired final position of that first tooth
3	Both parties	<p>“slow[ing]”</p> <p>’444 patent, cls. 14, 28, 42</p> <p>’217 patent, cls. 5 (and dependent claim), 10, 15 (and dependent claim), 20</p> <p>’456 patent cls. 9-11</p>	[having / have] one or more teeth scheduled to move at a rate less than the rate of other teeth, or even [stopping / stop] using interim key frames, so that collisions and/or obstructions do not occur
4	ClearCorrect	<p>“all-equal pattern”</p> <p>’444 patent, cls. 7, 21, 35</p> <p>’456 patent, cl. 3</p>	A pattern where all of a patient’s teeth move in parallel with one another (i.e., all of the patient’s teeth that need to move begin moving at the same stage, and finish moving at the same stage)

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 3, 2025, a true and correct copy of the foregoing document was served electronically, via ECF, on all counsel of record who are deemed to have consented to such service under the Court's local rules.

/s/ Rich S.J. Hung
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