Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

PARIS LOCAL DIVISION

UPC_CFI_684/2025
& UPC_CFI_2279/2025

Decision on the merits of the Court of First Instance of the Unified Patent Court delivered on 16/10/2026

CLAIMANT

ALIGN Technology, Inc.
410 North Scottsdale Road, Suite 1300, Tempe,
85288, Arizona, US

Represented by **John BRUNNER**
And other representatives from the
law firm **CARPMAELS & RANSFORD**

DEFENDANTS

1-ANGELALIGN Technology Inc.
Maples Corporate Services Limited,
PO Box 309, Ugland House,
KY1 1104, Grand Cayman, KY

2-ANGELALIGN France Technology SASU
147 Avenue de Malakoff,
75116, Paris, FR

3-Europe ANGELALIGN Technology B.V.
Herikerbergweg 292,
1101 CT, Amsterdam, NL

4-ANGELALIGN Technology (Germany) GmbH
Wankelstrasse 60,
50996, Cologne , DE

5-Italy ANGELALIGN Technology S.R.L.
Corso Vercelli 40,
CAP 20145, Milan, IT

Represented by **Tim SMENTKOWSKI**
And other representatives from the
law firm **ARNOLD RUESS**

PATENT AT ISSUE

Patent no.	EP2237738
Proprietor	ALIGN Technology, Inc.

DECIDING JUDGE

Presiding judge	**Camille Lignières**
Judge-rapporteur	**Carine Gillet**
Legally qualified judge	**Marjolein Visser**
Technically qualified judge	**Elisabetta Papa**

LANGUAGE OF PROCEEDINGS: English

DECISION

Summary of the facts

1. ALIGN TECHNOLOGY, the Claimant, founded in 1997, is the pioneer since the late 1990's, in the technology of orthodontic treatment, using removable transparent plastic shells, called "clear aligners" as a substitute to traditional mostly metallic "wire-and-bracket" or "fixed" braces, under the INVISALIGN® Trademark, in order to gradually reposition the patient's teeth. ALIGN also provides digital tools for planning orthodontic treatment. It is the proprietor of the European Patent EP2 237 738 B1 (hereafter "the Patent" or EP 738), in force in UPC territories, with Unitary effect and in the United Kingdom.

2. The Defendants belong to the ANGELALIGN Technology Chinese group (hereinafter "ANGELALIGN"), founded in 2003, headquartered in Paris, operating in the field of orthodontic treatment, in several countries and regions and having Customer service across Europe. It is the proprietor of numerous patents, granted or pending, with patent applications covering China, Europe, the United States, Australia and Japan.

3. ALIGN and ANGELALIGN are direct competitors in the field of orthodontic treatment.

4. On 18 August 2025, ALIGN filed an infringement action (UPC_CFI_684/2025), before the Paris Local Division, against ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY SASU (defendant 2), EUROPE ANGELALIGN TECHNOLOGY B.V. (defendant 3), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4), ITALY ANGELALIGN TECHNOLOGY Srl (defendant 5), stating that the AngelAttach system including a Torque Ridge, in its clear aligner system ("Select" and "Pro") replicate the characteristics of Claims 1, 4, 5, 7 and 8 of EP 738 within all UPC territories and in the United Kingdom.

5. Defendants filed a counterclaim for revocation (UPC_CFI_2279/2025).

6. ALIGN submitted a conditional application, to amend the patent in one auxiliary request.

Parties' requests

7. ALIGN requests in the updated statement of its requests (written submissions dated 01 September 2026) that:

   A. It is held that the Defendants infringe Claims 1, 4, 5, 7, and 8 of European Patent EP 2 237 738 B1 by making, offering, placing on the market, and/or using, and/or importing and/or storing for those purposes their clear aligner systems (including Angel Aligner "Select" and Angel aligner "Pro") implementing the AngelAttach system including a Torque Ridge, and by using and/or offering for use a method of fabricating these clear aligner systems in the territories of Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden, and Slovenia, and Defendants 1), 2) and 3) also in the United Kingdom.

   B. The Defendants are ordered,
   in the territories of Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Portugal, Sweden, and Slovenia, and Defendants 1), 2) and 3) also in the United Kingdom, to cease and desist from:

   I- making, offering, placing on the market, and/or using, and/or importing and/or storing for those purposes

      1. a system for repositioning a patient's teeth according to an orthodontic treatment plan, the system comprising:

         -a plurality of appliances shaped to receive and resiliently reposition teeth through a plurality of planned successive tooth arrangements so as to move the patients' teeth along a treatment path from an initial position toward a final position,

         -the appliances having teeth receiving cavities and wherein the cavities of successive appliances have different geometries shaped to receive and reposition teeth from a first position to a successive position,

         -at least one appliance of the plurality comprising a cavity configured to achieve a third order root movement comprising a lingual root torque, the cavity having:

         - a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation; and

         -a lingual surface;

      wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a patient's tooth corresponding to the third order root movement comprising the lingual root torque,

      the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth,

      (Direct infringement of Claim 1)

2. and in particular, the system of Claim 1, wherein the plurality of appliances comprise a first appliance to reposition teeth from an initial tooth arrangement to a first intermediate arrangement; at least one intermediate appliance to progressively reposition teeth from the first intermediate arrangement to successive intermediate arrangements; and a final appliance to progressively reposition teeth from a last intermediate arrangement toward a final arrangement;

(Direct infringement of Claim 4)

3. and in particular, the system of claim 1, wherein the protrusion (12, 18a, 24) is hollow;

(Direct infringement of Claim 5)

specifically, the following systems implementing the AngelAttach system including a Torque Ridge:

-Angel Aligner Select
-Angel Aligner Pro

II- using and/or offering for use, or manufacturing, offering, placing on the market or using, or importing or storing for the aforementioned purposes, orthodontic appliances directly obtained by,

1. a method of fabricating an orthodontic appliance for repositioning a patient's teeth, comprising:

-receiving a model of a patient's dentition in a target arrangement;
-generating an appliance based on the model,
-the appliance having teeth receiving cavities shaped such that when the appliance is worn by the patient the cavities of the appliance receive the patient's teeth in their current positions and resiliently repositions the teeth toward the target arrangement,
- the appliance further comprising at least one tooth receiving cavity configured to achieve a third order root movement comprising a lingual root torque, the cavity having:
-a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation; and
-a lingual surface;

wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a received tooth corresponding to the third order root movement comprising the lingual root torque,

the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth;

(Direct infringement of Claim 7)

2. and in particular, the method of Claim 7, wherein the model comprises a digital model of the patient's dentition;

(Direct infringement of Claim 8)

specifically, a method of fabricating appliances of the following systems implementing the AngelAttach system including a Torque Ridge:

-Angel Aligner Select

-Angel Alignerer Pro.

C. In the event of any violation of the injunction under B. above, the respective Defendants shall pay to the Court a (possibly repeated) penalty payment of up to EUR 10,000 per infringing product and/or, in the case of continuous infringement such as offering the infringing products, of up to EUR 20,000 per day.

D. The Defendants are ordered to pay damages to the Claimant compensating all losses caused by infringing acts referred to in B. above in Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden, and Slovenia, and Defendants 1), 2) and 3) also with respect to the United Kingdom since 29 July 2020.

E. The Defendants are ordered to inform the Claimant to the extent of which the Defendants have committed the infringing acts of EP 2 237 738 B1 referred to in B., stating in a text searchable electronic document in Word, Excel or PDF format

1.the origin and distribution channels;

2.the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained;

in particular

- manufacturing quantities and times;
- the individual deliveries, broken down by delivery quantities, times and prices and the respective product designations as well as the names and addresses of the customers;
- the turnover, the gross margin and the contribution margin generated by the Defendants with the sale of these products;
- the individual offers, broken down by quantities, times and prices and product designations as well as the names and addresses of the commercial offer recipients;
- the advertising carried out, broken down by advertising media, their circulation, distribution period and distribution area, and in the case of Internet advertising, the domain, access figures and placement periods of each campaign;
- the identity of all third parties involved in the distribution, in particular the names and addresses of the commercial buyers and the sales outlets for which the products were intended;

within six weeks of the date of service of the decision under a penalty of EUR 1,000 per delay day.

F. The Defendants are ordered to destroy at their own expense the products, material and/or implements referred to under B.I. which are in their possession and/or ownership within Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden, and Slovenia, and Defendants 1), 2) and 3) also in the United Kingdom.

G. The Defendants are ordered to recall the products referred to under B. which have been placed on the market from the channels of commerce, with reference to the infringement determined by this Court.

H. The Defendants are ordered to definitively remove the products referred to under B. from the channels of commerce at their own expense.

I. The Defendants are ordered, within ten days from the date of service of the decision and at their expense, to publish the decision on their website https://www.angelaliger.com/ and the respective regional subpages for Germany, France, Italy, and Portugal and Defendants 1), 2) and 3) also on the regional subpage for the UK, and in the following journals and magazines:

    1. Dental Tribune,
    2. Orthodontist magazine,
    3. DDS magazine,
    4. Aligners magazine, and
    5. Defendants 1), 2) and 3) in the British Dental Journal and Dentistry,

    and to send to their clients, within ten days from the date of service, a letter informing the clients of the decision.

J. The Defendants are ordered to pay the Claimant's legal costs and other expenses.

K. A technically qualified judge is allocated to the panel.

L. The Counterclaim for revocation of EP 2 237 738 B1 is dismissed;

M. The Defendants shall bear the costs of the Counterclaim for revocation.

In the alternative to L., ALIGN requests that:

N. The Court holds that the Application to Amend EP 2 237 738 B1 submitted as Auxiliary Request 1 is admissible;

O. The Court holds that the Defendants infringe Claims 1, 2, 3, 5, and 6 of Auxiliary Request 1;

P. The Court orders the injunctive and corrective measures as requested under B. to I. in the Reply to the Preliminary Objection of 4 December 2025 based on Auxiliary Request 1;

Q. The Defendants shall bear the costs of the Application to Amend EP 2 237 738 B1.

8. ANGELALIGN requests, in its updated submissions filed on 01 September 2026 that:

A-Requests in the infringement action

With the statement of defense in the infringement action:

I. The action is dismissed.

II. The Claimant shall bear the costs of the infringement action, including reasonable and proportionate legal costs and other expenses incurred by the Defendants.

In the alternative, in the event that the Court should entertain the infringement action, we further request:

III. The judgment is enforceable for the Claimant only once it has provided security in favor of the Defendants in the form of a deposit or a bank guarantee issued by a bank licensed in the European Union in the amount of EUR 15,000,000 (fifteen million euros).

IV. Any confidential details outside of the information to be provided by the Defendants regarding the extent of infringing acts may be redacted. Further, the information that is provided by Defendants (Claimant's request E. in the Statement of Claim)

1. is classified as confidential pursuant to R. 262 and R. 262A RoP;
2. is restricted to be accessed only by the UPC representatives in the present proceedings [~~and their support staff~~][1] and a maximum of four reliable persons on the side of the Defendants, to be named by the Defendants in advance; and
3. may only be used for the purposes of understanding the distribution ways and assessing potential damages incurred by Claimant resulting from infringing acts.

V. The Defendants retain the right to disclose the names and addresses of the non-commercial customers and offer recipients, instead of to the plaintiff, to a certified auditor appointed by the Plaintiff, who is bound to confidentiality towards the plaintiff and is domiciled in the European Union, provided that the Defendants bear the costs and authorize and compel the auditor to inform the Plaintiff, upon specific request, whether a particular customer or offer recipient is included in the information provided by Defendants.

B-Requests in the Counterclaim for Revocation

I. The European patent 2 237 738 with unitary effect is revoked with respect to Claims 1, 4, 5, 7 and 8.

II. In the relation between the present parties, the prerequisite of validity to find for infringement of the UK national part of European patent 2 237 738 with unitary effect is not met.

III. The Claimant shall bear the costs of the counterclaim for revocation, including reasonable and proportionate legal costs and other expenses incurred by the Defendants.

[1] as amended in the Reply to SoD § 147, page 45/89

C-Requests in the application to amend the patent

I. The application to amend European patent 2 237 738 in the form of auxiliary request 1 is dismissed.

II. The Claimant shall bear the costs, including reasonable and proportionate legal costs and other expenses incurred by the Defendants.

In the alternative, in the event that the Court should entertain the application to amend the patent, we request further:

III. The infringement action is dismissed with regard auxiliary request 1.

IV. The Claimant shall bear the costs of the infringement action, including reasonable and proportionate legal costs and other expenses incurred by the Defendants.

D-Procedural requests

Defendants submit four procedural requests in their updated claims.
The one numbered I, based on R.27.1(b) and 25.1(g) of the Rules of Procedure, is devoid of purpose, as no application for exemption from translation had been brought before the Court.
Two of them (numbered II and IV – late filing of equivalence arguments and late filing of further equivalence arguments) have already been decided by the order of 7 August 2026 to which reference is made.

Request III, relating to the late filing of a pleading on UK law, which the judge-rapporteur referred to the panel (paragraphs 21 to 23 of the order of 7 August 26) and to which a response will be given in this decision.

MAIN STEPS IN THE PROCEEDINGS

9. ALIGN filed its written submissions on 21 August 2025, 16 March 2026 and 17 June 2026. ANGELALIGN filed its written submissions on 30 December 2025, 18 May 2026 and 16 July 2026.

10. By Order dated 09 December 2025, the Preliminary Objection raised by the Defendants has been rejected against defendant 1 and it has been noted that the Claimant limited its infringement action to defendants 1) to 3) regarding the alleged infringing acts in the UK (see below in "Jurisdiction and Competence").
Time extensions have been granted to the parties, by orders dated 30 October 2025 and 05 February 2026. Some new non-infringement arguments, raised by the defendants, have been declared inadmissible, as late-filed, in the order on 05 June 2026.

11. On the order following the interim Conference dated 07 August 2026, the judge-rapporteur dismissed the Defendants' request to declare inadmissible the latest Claimant's arguments on infringement by equivalence of main Claim 1 and of Auxiliary Request 1 and referred to the Court the issue of the lack of substantiation of UK applicable law, to the acts committed in this country.

12. The written procedure has been closed on 27 July 2026.

Other proceedings between the parties

13. ALIGN filed two Preliminary Injunction actions, before the Düsseldorf Local Division of the UPC (UPC_CFI_723/2025 and 1747/2025) relating to two different patents. Following UPC_CFI_723/2025, an infringement action on the merits and a counterclaim for revocation have been filed (UPC_CFI_945/2026 and 2716/2026). Proceedings are pending in the USA and in China, also concerning counterparts of the patent-in-suit. ALIGN also filed an action for revocation, against three other Defendants' patents.

GROUNDS FOR THE DECISION

I- JURISDICTION AND COMPETENCE

14. The infringement action, based on a Unitary Patent, is filed against multiple companies belonging to the same group. By order on a preliminary objection dated 9 December 2025, against which no appeal was filed and to which reference is made, the judge-rapporteur held that the Paris Local Division of the Unified Patent Court had jurisdiction against all the Defendants for the acts committed in the UPC territory. It is also noted in this order that there are no claims anymore against Defendants 4) and 5) for alleged infringing acts committed in the UK territory, but only against Defendants 1), 2) and 3) in this country. The judge-rapporteur declared that the UPC has international jurisdiction over Defendant 1 in respect of the acts committed in the United Kingdom.

II- PATENT-IN-SUIT

15. ALIGN is the registered proprietor of the patent EP 2 237 738 B1, filed on 12 December 2008, under a priority application of US 61/024536, filed on 29 January 2008. The patent, entitled "orthodontic repositioning appliances having improved geometry, methods and systems" derives from European patent application n.° 08871783.0, which in turn derives from international (PCT) patent application n°PCT/US2008/086647. The Patent was granted on 12 July 2023 (ALIGN Exhibit CR-09XX), with registered unitary effect on 31 July 2023 and is also in force in the United Kingdom.

16. No opposition has been filed before the European Patent Office (EPO).

17. The Patent attains to the general technical field of systems and methods for incrementally moving one or more teeth from an initial to a final target position as defined by a customized, generally computer-generated treatment plan. The Patent aims to use improved geometries to optimize the application of force to teeth received therein, using a plurality of clear plastic removable shells, each of which conforms closely to the patient's teeth, to be applied in sequence according to a treatment plan.

18. The description of the Patent explains that orthodontic appliances apply forces and torques on a tooth crown to move teeth, but the tooth root and/or other anatomical structures may hinder the desired tooth movement and make certain movements difficult to accomplish by application of force to the tooth crown; in particular, unwanted torque about the center of resistance (CR) may be generated and thereby unwanted tooth movements and root movements, decreasing the effectiveness of the treatment ([0004]). Indeed, the magnitude of each of these forces and their distribution on the surface of the tooth determines the type of orthodontic tooth movement which results. Types of tooth movement are conventionally denoted as "tipping", "translation" and "root movement". "Tipping" is a movement of the crown greater than the movement of the root. "Translation" is obtained with an equivalent movement of the crown and root. "Root movement" denotes a movement of the root greater than that of the crown. ([0012]).

19. More in detail, ideally a force to translate a tooth should be applied at said center of resistance, i.e. a point located at the tooth root (and denoted by CR in Fig. 2A) and defined at para. [0013] of the Patent copied below (emphasis added). However, due to their position on the tooth crown, appliances are often not capable of doing this.

> [0013] The supporting structures of the tooth offer resistance to movement of the tooth. <u>The multitude of resistances offered by the tissues may be considered all as one, effectively offering resistance centered about a point located within the root of the tooth, termed the **center of resistance**</u>. A force imparted directly to the center of resistance would result in translation of the tooth. <u>Appliances are often not capable of providing force at the center of resistance</u>. A force imparted to the crown of the tooth can produce a moment about the center of resistance that results in tipping of the tooth. A second force (and/or additional forces) applied to the crown of the tooth can be selected produce a moment to counteract the initial moment. If the moment produced by the second force is equivalent in magnitude an opposite in direction the moments are cancelled and translation of the tooth is accomplished. <u>Increase of the moment produced by the second force beyond balancing the initial moment will result in root movement</u>.

20. To overcome these difficulties, the Patent proposes a way to improve the efficacy of the appliance, particularly challenging tooth movements, by better controlling the type of tooth movement achieved and increasing the ability of the aligner to achieve all types of tooth movements and by allowing to apply a force upon the tooth crown, more evenly distributed along a surface of the tooth ([0008]).

21. The Patent uses the incorporation of geometries or "shaped features" into appliance design and structure, such as specifically ridges, extending along a certain length within the cavity. Para. [0010] lines 24-43 states (emphasis added):

> […] Appliances according to the present invention further include <u>one or more shaped features disposed in a tooth receiving cavity of the appliance</u>, as further described below. As further described herein, shapes features can be designed, located and distributed to <u>precisely control the moments produced on a patient's tooth</u> as the appliance is worn by the patient. Incorporation of such protrusions and shaped features as described herein can advantageously <u>improve design and</u>

effectiveness of appliances and clinical results by more precisely applying force vectors of necessary magnitude and direction for desired movement. Appliances of the present invention having shaped features as described further provide efficient force distribution mechanism that can more effectively reduce unwanted force and moment. Furthermore, inclusion of a force driven method of treatment design that focuses on the causes of tooth movement provides advantages in effectiveness and movement control compared to existing displacement driven treatment designs

22. According to the Patent, previously existing appliance technology does not provide for the specific selection of the location of force application as the Patent, or the calibrated magnitude of force or moments produced by such forces (para. [0015], [0017]).

23. It is said in the specification of the Patent, that only the embodiments of Fig 1B, 2A and 2D (copied below) in the Patent are in accordance with the claimed invention (para. [0007]).

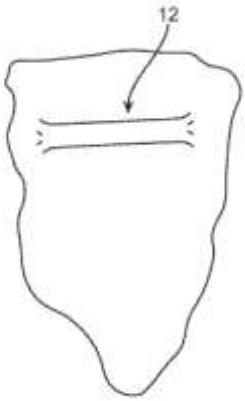


FIG. 1B

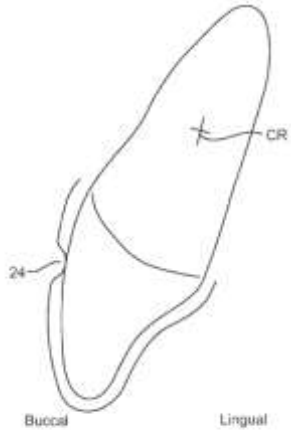


FIG. 2D

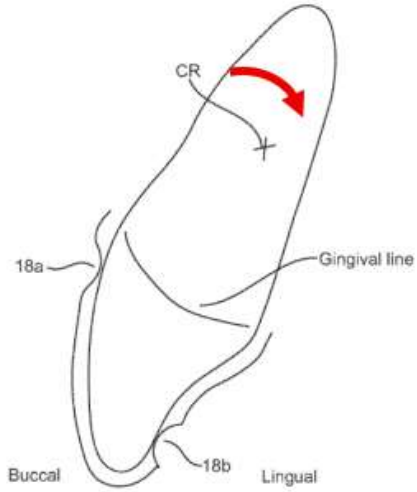


FIG. 2A

Fig. 1B illustrates a horizontally-oriented ridge (denoted by 12) formed by a continuous protrusion in an appliance surface (para [0021]).
Fig. 2A (red arrow added) shows a cavity of an appliance including an interior ridge (18a) on a “buccal” side and an interior ridge (18b) on the lingual side.

The first ridge is positioned closer to the gingival line (or to the center of resistance CR) than the second one, which is closer to the occlusal plane. The parameters of the ridges are selected and designed such that the lingual force generated from the buccal feature is greater than the opposite, buccal force exerted by the lingual feature. The lingual force has a longer distance (i.e. a longer torque arm) from the center of resistance (CR) than the buccal force. By adjusting the positions and parameters of the buccal and lingual ridges, the lingual feature generates a torquing moment greater than the buccal feature, which results in a third order root movement, in particular lingual root torque. In other words, the resulting moment elicits the root to rotate lingually, i.e. towards the right in

the figures below, as denoted by an added red arrow in Fig. 2A. (Paras. [0029], [0037]).
In the embodiment of Fig. 2D, the tooth receiving cavity includes "*only a single protrusion or ridge-shaped feature*". Such protrusion (24) is positioned on the buccal side to impart a lingual force and elicit a counter-balance torque from the contact between the tooth and lingual side of the cavity. In other words, in the embodiment of Fig. 2D there are no features (protrusions) on the lingual surface of the appliance cavity, i.e. such surface is "plain" and works in place of a lingual feature to contribute to said lingual root torque. (Para. [0030]).
The embodiments of Fig. 2B, 2C, 2E and 2F are unclaimed for the type (outward *vs* inward protrusion or tooth attachment *vs* cavity protrusion) or (lingual *vs* buccal) positioning of the cavity features, whereas those of Fig. 3A-5B (also) for the type of tooth movement pursued.

24. The Patent also provides a method of fabricating an orthodontic appliance having geometries designed for repositioning a patient's teeth.

25. EP 738 has 11 claims, comprising two independent claims (Claim 1 and Claim 7) and their respective dependent claims (Claims 2 to 6; Claims 8 to 11) and 14 figures. The infringement action enforces Claims 1 and 7 and dependent Claims 4, 5 and 8.

26. Claims 1, 4, 5, 7 and 8 can be read as follows, using the same feature breakdown adopted by the parties.

Claim 1

1.1 A system for repositioning a patient's teeth according to an orthodontic treatment plan,

the system comprising:

1.2. a plurality of appliances shaped to receive and resiliently reposition teeth through a plurality of planned successive tooth arrangements so as to move the patients' teeth along a treatment path from an initial position toward a final position,

1.2.1 the appliances having teeth receiving cavities and wherein the cavities of successive appliances have different geometries shaped to receive and reposition teeth from a first position to a successive position,

1.3 at least one appliance of the plurality comprising a cavity configured to achieve a third order root movement comprising a lingual root torque,

the cavity having:

1.3.1 a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation;

1.3.2 and a lingual surface;

1.3.3 wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a patient's tooth corresponding to the third order root movement comprising the lingual root torque,

1.3.4 the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth.

Claim 4.

The system of Claim 1, wherein the plurality of appliances comprise a first appliance to reposition teeth from an initial tooth arrangement to a first intermediate arrangement; at least one intermediate appliance to progressively reposition teeth from the first intermediate arrangement to successive intermediate arrangements; and a final appliance to progressively reposition teeth from a last intermediate arrangement toward a final arrangement.

Claim 5.

The system of Claim 1, wherein the protrusion (12, 18a, 24) is hollow.

Claim 7

7.1 A method of fabricating an orthodontic appliance for repositioning a patient's teeth, comprising:

7.2. receiving a model of a patient's dentition in a target arrangement;

7.3 generating an appliance based on the model,

7.4 the appliance having teeth receiving cavities shaped such that when the appliance is worn by the patient the cavities of the appliance receive the patient's teeth in their current positions and resiliently repositions the teeth toward the target arrangement,

7.5 the appliance further comprising at least one tooth receiving cavity configured to achieve a third order root movement comprising a lingual root torque,
the cavity having:

7.5.1 a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation;

7.5.2 and a lingual surface;

7.5.3 wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a received tooth corresponding to the third order root movement comprising the lingual root torque,

7.5.4 the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth.

Claim 8

The method of Claim 7, wherein the model comprises a digital model of the patient's dentition.

-person skilled in the art

27. Both parties (ALIGN SoC p.15 §3.1 and ANGELALIGN SOD p.10 §10) agree on the definition of the relevant skilled person, who is "a person with a background in orthodontics and experience in treating dental malocclusion with clear aligner systems". The Court sees no reason to deviate from this definition.

CLAIM CONSTRUCTION

-principles

28. The principles applicable to claim construction have been set out by this Court (UPC_CoA_335/2023, 26 February 2024, NanoString v 10x Genomics, as rectified; UPC_CoA_1/2024, 13 May 2024, VusionGroup v Hanshow; UPC_CoA_768/2024, 30 April 2025, Insulet v. EOFlow; Upc_CoA 899/2025, 30 March 2026, Sinocare v Menarini Diagnostics Srl). A patent claim is not only the starting point but the decisive basis for determining the protective scope of a European patent under Art. 69 European Patent Convention (EPC) in conjunction with the Protocol on the Interpretation of Art. 69 EPC. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. A patent claim must always be interpreted from the perspective of a person skilled in the art. The skilled person interprets the features of a claim always in the light of the claims as a whole (UPC_CoA_1/2024, 13 May 2024, VusionGroup v Hanshow; UPC_CoA_768/2024, 30 April 2025, Insulet v EOFlow, UPC_CoA_646/2024, 25 November 2025, Meril v Edwards). These principles for interpreting a patent claim apply both to the question of patent infringement and to the question of validity (NanoString v 10x Genomics).

-Patent in suit

29. Features 1.1, 1.2 and 1.2.1 remain substantially undisputed between the parties, as configurations of appliances known in the art.

30. However, in the discussion concerning inventive step of Claim 1, starting from D6, the parties disagree concerning the/any limitation to be attached to the "planned tooth arrangement" in feature 1.2, in particular about whether or not claim 1 requires all the appliances to be pre-planned as a complete set from the outset of the actual treatment. (Rejoinder to the Reply to SoD, point 295 and Rejoinder to the Reply to the Defence to the Counterclaim for Revocation point 5.55). In the Court's view, although the Patent discloses a set of appliances that can be designed and even fabricated prior to the patient wearing any appliance of the plurality ([0011] column 4 lines 54-56; [0011] column 5, lines 1-2; para [0043] et ff), the wording of the claim does not exclude that appliance can be designed/manufactured after the start of the treatment, to adapt to specific needs arising while pursuing the pre-planned tooth arrangements. This broad interpretation is not inconsistent with the patent disclosure as a whole.

Feature 1.3 at least one appliance of the plurality comprising a cavity configured to achieve a third order root movement comprising a lingual root torque

31. A "*third order root movement*" is a rotation of a tooth root about an axis / CR either towards the inside of the mouth, i.e. towards the tongue (lingual root torque) or towards the cheek/lips (buccal/labial root torque). The way a "third order root movement" including a "lingual root torque" can be obtained according to Patent is disclosed at [0037] as follows (emphasis added).

[0037] In another aspect, as will be recognized, use of features as described herein can be directed to various root movements. When a third order root movement (e.g., lingual root torque) is desired on tooth crown, the crown will rotate buccally much less than the root will rotate lingually. The features on the buccal side can be positioned closer to gingival line and the ones on lingual side are closer to occlusal plane (e.g., as shown in FIG. 2A). In such an instance, the features on the buccal side will generate lingual force and the lingual features will generate buccal force. By configuring the parameters and positions of features, feature positioning can be selected such that the lingual force exceeds buccal force. However, the directions of these two forces are opposite, with the lingual force having a longer arm to the center of resistance than the buccal force. By adjusting the positions and parameters of the buccal and lingual features, feature design/positioning can be selected such that the lingual features generate torquing moment greater than the buccal features, which combined with lingual total force results in **lingual root torque**. As illustrated in FIG. 2D, buccal surface only features may be selected, without features on lingual surface of appliance cavity. A similar mechanism as described above applies, now that the lingual surface of plain (e.g., no feature) appliance cavity surface works in place of lingual features. Buccal root torque can be figured out in an analogous manner.

Therefore, as indicated by the Claimant (point 4.25 of the SoC), a "*third order root movement comprising a lingual root torque*" is understood, by the skilled person in the relevant field, as a movement of the tooth such that its root is rotated lingually.

The Defendants object that feature 1.3 states the underlying problem to be solved – i.e. the specific movement to be attained – rather than positively reciting the structural features achieving the result (point 55 of the SoD/CC).

In the Court's view – and as noted by the Claimant (point 2.36 of the RRDCC) - the cavity being "*configured to achieve*" the stated movement does define a positive technical feature in functional terms, wherein the specific structural solution is detailed in subsequent features 1.3.3 and 1.3.4.

Feature 1.3.1. [the cavity having] a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation

- "ridge-shaped"

32. A "ridge" is described in [0019] and [0020] of the Patent, as a non-attachment type (or protrusion) shaped feature, among various designs, located in the interior or exterior surface of the appliance, to obtain specific types of tooth movements. The Patent distinguishes "dimples" having substantially the same dimensions along a width compared to the protrusion length, and "ridges" including protrusions having unequal length and width. Compared to other protrusion shapes, the "ridge" has specific advantages/technical effects: allowing application force more evenly distributed along a surface of a tooth; providing more precisely controlled tooth movement in some instances and providing a greater range of available force values that can be selected and delivered to the target tooth, being more likely to impart the desired load, for imparting the desired load vector.

-a "single"

33. Both Parties substantially agree that, in feature 1.3.1, "*single*" refers to the absence on the buccal side of the cavity of other protrusions and is not incompatible with other protrusions being applied onto the lingual side of the same cavity (point 54 of the SoD/CC; point 2.35 of the Reply to SoD). This understanding is consistent with the terms of dependent Claims 2 and 3, the first referring to the presence of a similar "*single continuous ridge-shaped protrusion*" on the lingual side and the second reciting, as an alternative, the absence of features onto the lingual surface. The above interpretation is consistent with Fig. 2A, which explicitly refers to an embodiment of the invention (para. [0007]) and which shows one protrusion per side, i.e. the alternative according to dependent Claim 2.

-a […] continuous …. [protrusion]

34. The definition of a "*continuous*" ridge is contained in para. [0021] copied below (emphasis added) in conjunction with Fig. 1B (referring to an implementation not in accordance with the claimed invention, as recited in para. [0007]).

> […] FIG. 1B illustrates a ridge 12 formed by a continuous protrusion in an appliance surface or a ridge. While the geometric features of ridge 12 may vary along the length, the ridge is continuous in the sense that it is configured to contact a tooth surface along an uninterrupted length. Ridge 12 is illustrated as having a more horizontal orientation relative to the tooth or, in other words, perpendicular to the tooth in the crown to root direction. Referring to FIG. 1C, a continuous ridge 14 is illustrated disposed in an appliance cavity in a vertical orientation. FIG. 1D illustrates a non-continuous ridge 15 that is disposed in an appliance surface and vertically oriented. FIG. 1E shows a cross-sectional view of ridge 15, illustrating the sort of corrugated surface forming the non-continuous ridge by a series of dimples or bump-like protrusions 16a, 16b, 16c. As illustrated, such bump-like protrusions can each include a portion of the protrusion that contacts a tooth surface, with each tooth contacting surface of a protrusion separated by non-tooth contacting regions of the ridge having a different height. […] Both continuous and non-continuous type ridges function to apply a force vector along a length of the tooth, rather than at a single point as with a single dimple or bump-like protrusion ([0021] column 8, lines 29-32).

From this, the skilled person would understand that a "continuous" ridge as configured to contact a tooth surface along an uninterrupted length, as opposed to a ridge formed by a series of dimples or bump-like protrusions (a non-continuous ridge).

-on a "buccal" [side of the cavity]

35. According to the Defendants (SoD, para.18-19, 33-37 and statement of [redacted] Exhibit AR8- point 17), the term "buccal" in the Patent refers only to the outer surface of the posterior teeth (surface of the molars and premolars, close to the cheek), meaning that the cavity described in this feature must be one to receive one of the posterior teeth

only (and not the anterior teeth).The terms “buccal” and “labial” are not interchangeable, because each refers to a distinct anatomical region corresponding to a clearly identified group of teeth; the terminology used in orthodontics is extremely precise and does not provide for approximate words. The Defendants also note that para. [0037] of the Patent, disclosing the third order root movement, consistently uses the term “buccal” only, notwithstanding the term “labial” being used at paras. [00025], [0028] to denote a “buccal-labial translation” and “facial” in the framework of a movement of the tooth along a certain direction at para. [0078] (SoD point 40-41, 46-51).

36. For ALIGN, the term “buccal” in feature 1.3.1. covers any outer (facial) position from which the protrusion points inwards (in direction towards the tongue). ALIGN argues (Reply to SoD pages 5 and seq. para. 2.5 to 2.34), that the Patent does not refer to any particular type of tooth; that the drawings relate to anterior teeth or incisors (Fig. 2A to 2F, which specifically refer to “buccal”) as well as posterior teeth or molars or premolars (Fig.3A-5A); the Defendants’ interpretation is not supported by the Patent’s specification; thus the Patent cannot be interpreted in a restrictive manner. In daily practice, the term “buccal” is also used to describe the outer side of the anterior teeth, as is confirmed by the statement of [redacted] (Exhibit CR-24).

37. According to the case law of the UPC: “*Patent specifications constitute their own lexicon with regard to the terms used there”* (UPC_CoA_622/2025, 27 May 2026, Hefei vs Grundfos, para. 36); “*A patent may be used as its own lexicon*" (UPC CFI_278/2023, 30 April 2025, Agfa *vs* Gucci, Headnote); “*Even if the terms used in the patent deviate from common usage, it may therefore be that the meaning of the terms resulting from the patent specification is ultimately authoritative*" (UPC_CFI_373/2023, 31 October 2024, Sodastream vs. Aarke, p. 14).

38. As is undisputed between the parties, Fig. 2A-2B show an incisor tooth and use the legend “buccal” for the side where the outer tooth portion is located. This constitutes a clear disclosure to the skilled person that the “buccal side of the cavity” in Claim 1 also refers to the outer portion of the cavities receiving anterior teeth. The skilled person would read Claim 1 in the context of the Patent as a whole, also including para. [0029] and [0030], that refer to the “buccal side” of the appliance or aligner and not to any side of a specific (type of) tooth.

39. The Defendants refer to para. [0025] and [0028] and submit that these paragraphs do mention the term “buccal-labial”. However, the skilled person would understand that these paragraphs describe tooth movements that can be accomplished by the disclosed appliance and not any side of the appliance itself or its cavities. The same applies to para. [0078] using the term “facial”. Therefore, the skilled person would not understand from these paragraphs that the term “buccal side of the cavity” in Claim 1 is restricted to cavities receiving posterior teeth. Furthermore, there is no specific indication in the Patent that the relevant teachings thereof are limited to the (anterior or) posterior teeth.

40. Moreover, the expert's declaration filed as Exhibit CR-24, , is credible in pointing out that the disputed orthodontic terms can be used with a certain flexibility in the field. This is all the more relevant since the context in which the term "buccal" is used in Claim 1 is not the side of a tooth itself, but a side of a tooth receiving cavity of an appliance.

41. Therefore, by following the above case law, which is consistent with the principle of interpretation of the claims in light of the description and drawings established under Art. 69 EPC and its Protocol of Interpretation and affirmed also by the Court of Appeal (UPC_CoA_335/2023, 26 February 2024, NanoString vs 10x Genomics), in the context of the Patent, the skilled person would not consider the term "buccal" as limited to denoting the cavity of an appliance receiving posterior teeth and will read the term "*buccal*" used in Claim 1 as a synonymous of "facial" and therefore as referring indistinctively to the cavities of an appliance receiving the anterior or the posterior teeth.

- "horizontal orientation"

42. [0021] of the Patent defines the ridge (12) shown in Fig. 1B as having a more horizontal orientation relative to the tooth "*or, in other words, perpendicular to the tooth in the crown to root direction*".

Feature 1.3.2 – "and a lingual surface"

43. Both parties agree that a "lingual surface" or "lingual side" corresponds to a portion of the tooth facing the tongue, i.e. the inside of the mouth.

Feature 1.3.3 – "wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a patient's tooth corresponding to the third order root movement comprising the lingual root torque"

44. Consistent with the disclosure in para. [0037] of the Patent, feature 1.3.3 clarifies that the repositioning force (determining the third order root movement of the tooth received in the claimed cavity) is obtained by the combination of forces applied at the buccal side by the ridge-shaped protrusion and at the lingual side by the lingual surface. Such force vectors add each other to produce the "*repositioning force*" or, said differently, result in the lingual root torque which determines an extra-intra rotation of the tooth root.

45. As follows from this paragraph, the lingual side of the cavity and in particular the lingual surface, can or cannot include a protrusion, as mentioned above in conjunction with the term "*single*". According to feature 1.3, even when no protrusion is provided at the lingual side, the plain surface contributing to generate the repositioning force must be specifically configured – also in relative terms with the protrusion on the buccal side of the cavity – to obtain a repositioning force capable of exerting a lingual root torque.

Feature 1.3.4 – "the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth"

46. The Defendants read feature 1.3.4 as meaning that the repositioning force introduced in feature 1.3.3 is applied solely along the length of the buccal ridge-shaped protrusion (point 181 of the Rejoinder to the Reply to SoD). The Defendants also assert that the force is to be applied along the entire length of the ridge (point 40 of the same written submission).

47. As noted by the Claimant (Reply to SoD para. 2.39), in the Court's view the Defendants' reading contradicts the explicit terms of feature 1.3.3, according to which "*the repositioning force*" is applied jointly by the ridge-shaped protrusion and the lingual surface, as well as the overall patent disclosure and in particular [0037] copied above, which explains how to attain the claimed "*lingual root torque*" by the combined action of the two (buccal and lingual) forces. Regarding the second argument, the Claimant notes that there is no textual requirement in this respect (from point 2.25 of the Rejoinder to the Reply to the Defence to CC). The Claimant has also brought forward that the skilled person, reading the claim in a technically sensible way, would understand that manufacturing constraints mean that there will always be some element of a "ramp" between the aligner surface and the top of the ridge, as can for example be seen in Fig. 1B, due to the way in which the appliances are thermoformed. The skilled person would also understand that at these edges, the protrusion is not in contact with the tooth.

48. In the Court's view, the terms of Claim 1 and the interpretation of feature 1.3.1 discussed above indicate that the force has to be applied continuously at an uninterrupted length of the ridge, not necessarily corresponding to the full geometrical length of the latter.

II- VALIDITY OF THE PATENT

49. Defendants challenge the validity of the patent-in-suit in its entirety, by relying on insufficient disclosure, added-matter and lack of inventive step. ALIGN contests all the grounds of invalidity, and alternatively, suggests one conditional auxiliary request.

A- SUFFICIENCY OF DISCLOSURE (CLAIM 1)

-Parties' arguments

50. ANGELALIGN objects sufficiency of disclosure of features 1.3.4. of Claim 1 in the light of its interpretation of these features, arguing that the patent specification does not teach the person skilled in the art how the repositioning force, corresponding to the third order root movement, can be generated and how to shape the ridge-shaped protrusion with respect to its width and length in order to achieve a sole repositioning force along its length (section III, from page 41 (SoD) and para. 146 last sentence SoD; para. 178 Rejoinder to the Reply to SoD). The Defendants refer back to the same arguments in

conjunction with Claim 7 (section IV, from page 42) and note that this objection is not cured by Auxiliary Request 1 (Section VI, page 56 Rejoinder the Reply to the SoD).

51. ALIGN responds (para. 9.2 to 9.5 Reply to SoD) that: the Patent does not suggest that the force is applied solely along the protrusion; in fact, feature 1.3.3 requires that "*the single continuous ridge-shaped protrusion and the lingual surface are configured to apply* [the] *repositioning force*"; the skilled person would not understand feature 1.3.4 as requiring that the force is applied solely along the length of the protrusion because, not only is this not suggested, but a directly contradictory requirement is explicitly recited in the claim; as Claim 1 does not require that the repositioning force is applied solely along the length of the ridge-shaped protrusion, the Patent needs not disclose how to implement this; the Patent does sufficiently disclose how to implement a continuous ridge-shaped protrusion and a lingual surface that are configured to apply a repositioning force to a patient's tooth corresponding to the third order root movement comprising the lingual root torque, as required by Claim 1 and examples of how this can be achieved are illustrated in Figs. 2A and 2D and described in [0057].

-Legal framework

52. Sufficiency has to be examined on the basis of the patent as a whole, thus on the basis of the claims, description and drawings, from the perspective of the skilled person with his common general knowledge at the filing or priority date. The test to be applied is whether the skilled person is able to reproduce the claimed subject matter on the basis of the patent without any inventive effort and without undue burden. An invention is sufficiently disclosed if the patent specification shows the skilled person at least one way – and in case of functional features: one technical concept – of performing the claimed invention. (UPC_CoA_528/2024, 25 November 2025, Amgen v Sanofi, headnote 5-6).

-Sufficiency of disclosure in the case at hand

53. Considering the interpretation of feature 1.3.4., adopted above by the Court, there is no need that the Patent disclosure teaches how to generate a repositioning force only by the ridge protrusion along its length. Moreover, contrary to established principles concerning the burden of proof, the Defendants have not raised serious doubts, supported by substantiated facts – or practical examples - that the person skilled in the art is presented with an undue burden in implementing the claimed subject matter. It must therefore be assumed that the skilled person, using his common general knowledge and reading the patent claims, description and drawings, is able to implement the system of Claim 1.

54. The same considerations apply to Claim 7 as well.

B- ADDED-MATTER (CLAIM 1)

55. The Defendants argue that, following the amendments introduced during the EPO examination, a double inadmissible intermediate generalization has been added compared with the originally filed application (WO2009097054A1), in feature 1.3.1 of independent Claim 1 and in corresponding feature 7.5.1 of independent Claim 7 due to the introduction of sub-features "*single*" and "*continuous*" referring to the "*ridge-shaped protrusion*".

-Legal framework

56. Article 138(1)(c) EPC provides that a European patent may be revoked with effect for a Contracting State on the grounds that "the subject-matter of the European patent extends beyond the content of the application as filed or, if the patent was granted on a divisional application or on a new application filed under Article 61, beyond the content of the earlier application as filed". There is added matter "if the claim as granted contains subject-matter that extends beyond the content of the application as filed. In order to ascertain whether there is added matter, the Court must thus first ascertain what the skilled person would derive directly and unambiguously using his common general knowledge and seen objectively and relative to the date of filling, from the whole of the application as filed, whereby implicitly disclosed subject-matter, i.e matter that is a clear and unambiguous consequence of what is explicitly mentioned, shall also be considered as part of its content". (UPC_CoA_382/2024, 14 February 2025, Abbott v Sibio; Upc_CoA 646/2024, 25 November 2025, Meril v. Edwards; UPC_CoA 901/2025, 17 April 2026, Abbott v. Sinocare).There is "intermediate generalization" when claimed subject-matter is obtained by importing one or more features from a certain embodiment in the application into a claim, while omitting one or more other features of this embodiment which were presented in combination with the imported feature(s) in the disclosure of this embodiment. This is generally considered to be unallowable if there is a clearly recognisable functional or structural relationship among the omitted feature(s) and the claim features, also referred to "an extricable link" between the omitted feature(s) and the claim features (UPC_CoA_884/2025,13 August 2026, Sibio v. Abbott-Headnote 1).

*-Feature 1.3.1/ 7.5.1 "**single** [….] ridge-shaped protrusion"*

Parties' submissions

57. According to the Defendants, the introduction of the term "*single*" into original Claim 1 entails an intermediate generalization, in the sense that the term is only referred to as part of the cavity (the buccal side) instead of to the full cavity, as in the original disclosure (points 126-133 of the SoD). In particular, the Defendants assert (point 128): […] *granted Claim 1 generalizes beyond this original teaching by defining a single continuous ridge-shaped protrusion on the buccal side while leaving open the presence of further protrusions elsewhere in the cavity and nevertheless attributing the lingual root torque to the interaction with a lingual surface.*

Still according to the Defendants, the original application discloses only two embodiments: (a) a single protrusion on the buccal side combined with a single protrusion on the lingual side (Fig. 2A); and a single protrusion on the buccal side and a plain lingual surface (Fig. 2D). The reference to a single protrusion on the buccal side, without any specification on the feature on the remaining of the cavity would thus introduce an intermediate generalization. (Points 157-159, 165 of the Rejoinder to the Reply to SoD).

58. According to the Claimant, from the combined reading of [0049] and [0057] of the original application in conjunction with Fig. 2A, the person skilled in the art understands that a single ridge is applied onto the buccal side (18a) and a single one on the lingual side (18b), both contributing to the lingual root torque according to feature 1.3.3, although the word "single" is not used therein (points 8.7-8.9 of the Reply to SoD). The Claimant also notes the open language of [0057] of the original application concerning the number of features on the lingual side (points 3.3-3.4 of the Rejoinder to the Reply to the Defence to CC).

Court's opinion

59. Reference is made above concerning interpretation of the term "*single*" in the framework of feature 1.3.1. The issue attains clarity in the use of terms and not to the substance of the embodiments involved. Claim 1 as amended during examination (and finally granted) includes both embodiments with a "single" protrusion per cavity, according to the original meaning of the term, as well as embodiments with multiple protrusions per cavity (which are the object of, e.g., Claim 2), also included in the original disclosure. In particular, embodiments with a variable number of protrusions were already included in the original formulation of Claim 20, which is the basis for granted Claim 1. Moreover, the original application expressly disclosed any number of protrusions (see, e.g. [0030]: "[…] *Appliances according to the present invention further include one or more shaped features disposed in a tooth receiving cavity of the appliance, as further described below. As further described herein, shaped features can be designed, located and distributed to precisely control the moments produced on a patient's tooth as the appliance is worn by the patient. Incorporation of such protrusions and shaped features as described herein can advantageously improve design and effectiveness of appliances and clinical results by more precisely applying force vectors of necessary magnitude and direction for desired movement*."; [0036], last two sentences; [0039]: "*Various designs, orientations, and/or configurations of shaped features are available.* […]"; [0041]: "*As noted, various designs, orientations, and/or configurations of shaped features are available for use according to the present invention and can depend, at least partially, on the desired application of force and tooth movement.* […]"; [0042]: "*Any number of one or more shaped features can be included in design and fabrication of an improved appliance.* […]").

Therefore, the argument of the Defendants according to which there are embodiments comprised in the amended formulation of the independent claims that were not included in the original disclosure cannot be followed.

60. Para. [0037] – referred to by the Claimant and copied below (emphasis added) – relates to the specific attainment of a third order root movement within the terms of Claim 1 and has an open language with respect to the number of protrusions.

> […] The features on the buccal side can be positioned closer to gingival line and the ones on lingual side are closer to occlusal plane (e.g., as shown in FIG. 2A). In such an instance, the features on the buccal side will generate lingual force and the lingual features will generate buccal force. By configuring the parameters and positions of features, feature positioning can be selected such that the lingual force exceeds buccal force. However, the directions of these two forces are opposite, with the lingual force having a longer arm to the center of resistance than the buccal force. By adjusting the positions and parameters of the buccal and lingual features, feature design/positioning can be selected such that the lingual features generate torquing moment greater than the buccal features, which combined with lingual total force results in lingual root torque. As illustrated in FIG. 2D, buccal surface only features may be selected, without features on lingual surface of appliance cavity. A similar mechanism as described above applies, now that the lingual surface of plain (e.g., no feature) appliance cavity surface works in place of lingual features. […]

61. Therefore, the meaning of "single" as referred to a specific side/portion of the cavity does not present the skilled person with new information or with a selection of configurations from the original disclosure that is incompatible with the attainment of the stated technical effects and desired root movement. Moreover, the Defendants have not established that there is a cleary recognisable structural or functional relationship, an inextricable link, between this feature and any omitted feature, leading to an unallowable intermediate generalisation.

*-Feature 131/ 751 "[….] **continuous** ridge-shaped protrusion"*

- *Parties' submissions*

62. The Defendants argue that (point 135 of the SoD): only Fig. 1B explicitly shows a continuous ridge-shaped protrusion; the passages related to Fig. 2D ([0050] and [0057]) only mention the term "single protrusion" without disclosing whether it is a continuous ridge or has a different shape, e.g. the shape of a dimple; there is no passage in the specification of the application as filed which indicates that the single protrusion 24 of Fig. 2D equals the continuous ridge-shaped protrusion 12 of Fig. 1B. According to the Defendants, no passage in the application as filed indicates that the single protrusion 24 of Fig. 2D is identical to the continuous ridge 12 of Fig. 1B (point 168 of the Rejoinder to the Reply to SoD).

63. In conjunction with the original disclosure of a "continuous" ridge being also a "single" one, the Claimant notes that (point 8.16 of the Reply to SoD) a non-continuous ridge, formed "by a series of dimples or bump-like protrusions" ([0041] of the application), cannot be a single protrusion because it is a series of (i.e. plurality of) protrusions. The Defendants contest the Claimant's argument stating it relies on impermissible logical deduction (point 171 Rejoinder to the Reply to SoD).

- Court's opinion

64. Reading [0050] of the original disclosure, relating to Fig. 2D, the person skilled in the art has no reason to exclude that the "*ridge-shaped feature*" cited therein is a continuous ridge in the sense explained in conjunction with the preceding [0041] and Fig. 1B-1E. On the contrary, the object of these latter figures and the associated disclosure is to explain the type (configuration) of protrusions that can be used in the subsequent examples, e.g. Fig.s 2A, 2D, the latter focusing upon the positioning of said features, as explained also at [0010]-[0012]. In this respect, [0041] discloses that " various designs, orientations, and/or configurations of shaped features are available for use according to the present invention and can depend, at least partially, on the desired application of force and tooth movement. […]".

65. Therefore, the introduction of the sub-feature "*continuous*" in association with the "*single*" ridge-shaped protrusion does not present the skilled person with new information, nor does it lead to an inadmissible intermediate generalization by omitting a feature that has a cleary recognisable structural or functional relationship with a claimed feature.

C- LACK OF INVENTIVE STEP (CLAIM 1)

-Legal framework

66. According to Art. 56 EPC, an invention shall be considered as involving an inventive step if, having regard to the state of art, it is not obvious to a person skilled in the art. According to the case law of the Court of Appeal, the approach taken when establishing inventive step is as follows (see UPC_CoA_464/2024, 25 November 2025, Headnotes 4 - 13, mn. 128 – 136, Meril v Edwards; UPC_CoA_528/2024, 25 November 2025, Headnotes 10 - 22, mn. 122 – 138, Amgen v Sanofi).

67. It first has to be established what the object of the invention is, i.e. the objective problem. This must be assessed from the perspective of the person skilled in the art, with their common general knowledge, as at the application or priority date (also referred to as the effective date) of the patent. This must be done by establishing what the invention adds to the state of the art, not by looking at the individual features of the claim, but by comparing the claim as a whole in the context of the specification and the drawings, thus also considering the inventive concept underlying the invention (the technical teaching), which must be based on the technical effect(s) that the person skilled in the art, on the basis of the application, understands is (are) achieved with the claimed invention.

68. In order to avoid hindsight, the objective problem should not contain pointers to the claimed solution. The claimed solution is obvious when at the effective date the person skilled in the art, starting from a realistic starting point in the state of the art in the relevant field of technology and wishing to solve the objective problem, would (and not only "could") have arrived at the claimed solution.

69. The relevant field of technology is the specific field relevant to the objective problem to be solved as well as any field in which the same or similar problem arises and of which the person skilled in the art of the specific field must be expected to be aware.

70. A starting point is realistic if the teaching thereof would have been of interest to a person skilled in the art who, at the effective date, wishes to solve the objective problem. This may for instance be the case if the relevant piece of prior art already discloses several features similar to those relevant to the invention as claimed and/or addresses the same or a similar underlying problem as that of the claimed invention. There can be more than one realistic starting point, and the claimed invention must be inventive starting from each of them.

71. The person skilled in the art has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs them to implement a next step in the direction of the claimed invention. As a general rule, a claimed solution must be considered not inventive/obvious when the person skilled in the art would take the next step, prompted by the pointer or as a matter of routine, and arrive at the claimed invention.

72. For an inventive step to be present, it is not necessary to show improvement of the technical teaching as defined by the patent claims over the prior art. Inventive step may also be found if the patent claims disclose a non-obvious alternative to solutions known in the prior art (CoA, 25 November 2025, UPC_CoA_464/2024, Meril v Edwards, headnote 13).

73. If there is no pointer to combine a reasonable starting point with another document, a motivation to take the next step in the direction of the invention cannot be derived from the content of such a combination document itself. Failing a motivation for the skilled person to consult a document it will not become aware of its content, and it cannot be concluded that the skilled person would implement the missing feature disclosed therein (CoA, 13 July 2026, UPC_CoA_473/2025, Kodak v Fujifilm, heardnote 6)

- <u>The objective problem of the patent-in-suit</u>

74. The objective problem should not contain pointers to the claimed solution (UPC_CoA_464/2024, 25 November 2025, Meril *v.* Edwards, headnote 9; UPC_CoA_528/2024, 25 November 2025, Amgen *v.* Sanofi, headnote 13) and it should not contain technical elements extracted from functional features of the claim.

75. Formulations proposed by the parties attain to improved appliance geometries providing better control of the forces exerted onto a tooth and of the consequent desired tooth movement, avoiding unwanted movements, but the formulation of the objective problem proposed by the Defendants (points 14,165 SoD) based on its construction claim, is not appropriate, as the configuration of the cavity to achieve of a third order root movement comprising a lingual root torque is regarded as a technical feature partly expressed in functional terms.

76. The objective problem can be formulated, as suggested by the Claimant, based upon [0004] and [0008] of the Patent, as follows: to provide "*systems and methods including orthodontic appliances having geometries designed to provide more precise control of the forces and moments applied to a tooth, thereby providing better control of the type of tooth movement desired while avoiding unwanted movements* […]".

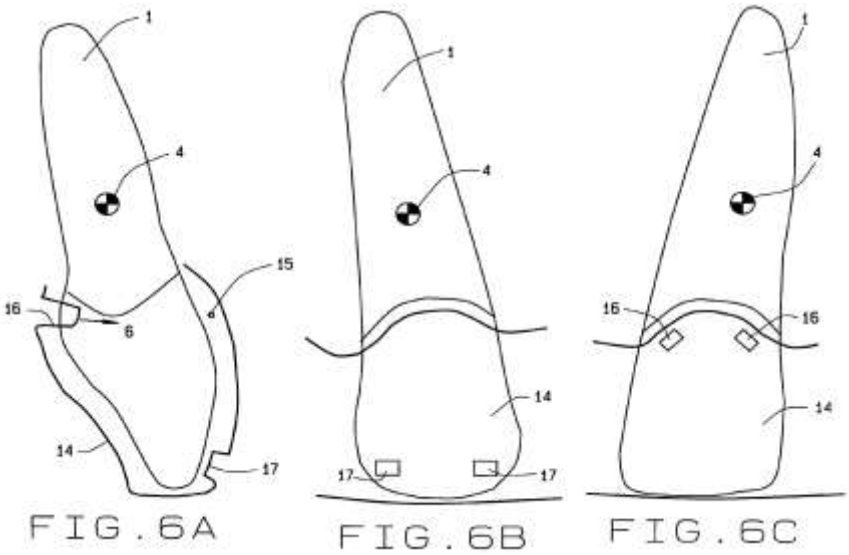
    In any case, the specific choice of the objective problem, from those proposed by the parties is not decisive for the outcome of the assessment, as is also recognized by the parties (point 10.26 of the RSoD/DCC and point 203 of the RRSoD).

- Lack of inventive step in the patent-in-suit starting from D1 (US2006/0223022A1) in combination with D2 (US2005/00037311A1), D3(WO2004/026163A1) or D4 (WO2006/052414A2)

Disclosure of D1

77. D1 discloses a system of removable appliances for the realignment of teeth, which include features applying micro-regional forces, in order to improve the control of the teeth orthodontic movementin all six degrees of freedom (see. e.g.: *Abstract*; [0002], [0004], [0015], [0019]) and to control tooth movement effectively by tightly controlling the force application location, direction, magnitude and range ([0016], [0022]). The object of D1 is ([0033]): "*to provide elastic repositioning means, in the form of an appliance, that allows for shifting of teeth which can be rotated or moved in a stepwise fashion by forces exerted from a variety of directions, to align teeth better*". The key components of the disclosed system are said to be (paras. [0030]-[0031]): the so-called "*envelope of freedom*", "*force applicators*" and "*force couplers*", which are explained below with reference to the examples of Fig. 6A-6C and 7A, 7B of D1 (copied herein).

70. Fig. 6A, 6B and 6C show a side, facial and lingual view, respectively, of a polymeric shell (denoted by 14) including the envelope of freedom (15), and four force-applying projections denoted as force applicators (16), which are arranged on a lingual side of the tooth, and force couplers (17), which are positioned on the labial side. The envelope of freedom around the tooth ensures that contact with the appliance occurs only at the desired locations, in particular at said projections. (Paras. [0045], [0061]).



Each projection, in the facial and lingual views, is represented as a small rectangle, horizontally oriented.

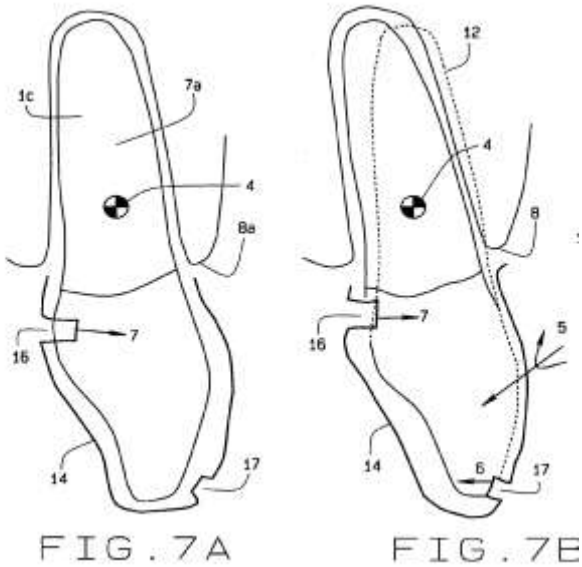


Fig. 7A and 7B of D1 show respective side views of respective stages of treatment of a tooth to attain a labial movement with control of the inclination rotation (para. [0046]). Based upon the disclosure of D1, the lingual (16) and the labial (17) projections apply respective micro-regional forces (arrows 6, 7). The lingual projection (16) acts first and determines a rotation about an axis denoted as 7a (Fig. 7A). Subsequently (Fig. 7B), the labial projection (17) contacts the tooth and acts as a fulcrum generating a counter-rotation about an axis of rotation denoted as 4, that uplifts the root and thus allows a translational tooth movement with controlled rotation to a second tooth position 12 represented in dashed lines. ([0062], [0069]).

71. D1 clarifies that although specific movements are described in the proposed examples, the invention is not limited to those (see, e.g., [0062], last sentence).

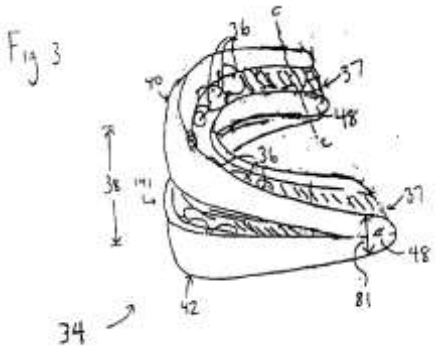
72. Therefore, D1 discloses projections obtained at the inner wall of an appliance cavity, positioned at opposite lingual/labial sides of the tooth and used to apply selected forces and moments to attain a specific, final (labial) movement of the tooth. The rotational torque disclosed in conjunction with the stage of movement of Fig. 7B is a labial root torque, i.e. a moment in the opposite direction than that of feature 1.3, as noted by the Defendants (point 168 of the SoD/CC).

73. However, D1 fails to disclose:
-a cavity configured to impart a lingual root torque on a respective tooth (features 1.3 and 1.3.3), as undisputed between the Parties; in particular, with respect to Fig. 7A and 7B, D1 discloses a configuration wherein a lingual root rotation is obtained by a lingual projection (16) and a labial root rotation is attained at a second stage (Fig. 7B) by opposite forces applied by a (couple of) labial (17) and lingual (16) features;
-a "*continuous*" ridge-shaped protrusion (feature 1.3.1), because the shape of the projections, and in particular of the labial (17) one, cannot be discerned from the (schematic) views of D1, nor it can be considered implicit in the disclosure of the forces and moments applied to the tooth and the consequent movements; the simple representation of a projection of a rectangular shape in facial view in not an unambiguous disclosure of either the shape of the protrusion on the side facing the tooth or of the application modes of the forces;
-a ridge protrusion wherein a repositioning force is applied along the (prevailing) length of the protrusion (feature 1.3.4), again because the schematic views and the disclosure of D1 do not show or imply the specific contact of the protrusion with the tooth or the associated force application modes.

74. In light of the objective problem identified above, D1 constitutes a realistic starting point, as it proposes to control the movement of the teeth by controlling the point of force application, direction, magnitude and range ([0016], [0022]).

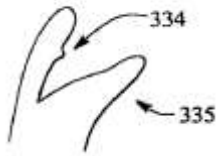
Combination D1 + D2

75. D2 relates to a dental appliance for treating malocclusions, having increased thickness between an upper and a lower shells, hingedly attach to each other ([0002]), and tends to provide a system and method to treating malocclusions wherein the shells may be seized to extend treatment to the rear teeth ([006]). The appliance may include preformed slots for one or more teeth either as a single slot or individual sockets for each teeth, possibly with standard sizes ([0036], [0058], [0190], referred to by the Claimant at point 10.39 Reply to SoD).



76. The Defendants consider that Fig.35 and [00249] (reproduced below) constitue a specific teaching concerning force-geometry, at tooth level, to generate a lingual root torque, which would be of interest to the skilled person in conjunction with the objective problem concerning force control (points 171-172 SoD; point 274 Rejoinder to the Reply to SoD)

FIG. 35



[0249] **FIG. 35** illustrates a cross-section of a dental appliance **335** which may have an accentuated horizontal labial rib **334** at a gingival margin of one or more front upper and/or lower teeth **317**. The labial rib **334** may increase lingual movement of a root of an upper and/or lower front tooth, and/or increase lingual root torque of upper and/or lower front teeth.

77. However, D2 does not attain to the specific field of clear aligner therapy based upon a plurality of removable appliances to be worn in sequence and shaped to receive individual teeth into respective slots (as noted by the Claimant at points 10.26 and 10.39-10.42 of the Reply to SoD). In addition, some features of the Patent-in-suit are missing and D2 does not disclose a "*continuous*" ridge shape (feature 1.3.1) (even if the Claimant does not appear to contend reproduction of feature 1.3.1); the application of force along a ridge length (feature 1.3.4) and the cooperation of a lingual and a labial feature to obtain a lingual root torque (feature 1.3.3).

78. On this last point, the Defendants assert that application of a counter-force is implicit due to Newton's third law (action/reaction) and refer to [0242] of D2 mentioning that the incisors "*may be properly squeezed into the socket and/or slot* […]" as an indication of tooth contact also at a lingual side (points 216-217 and 280 of the Rejoinder to the Reply to SoD), but it remains that the disclosure of [0249] does not put in any context the action of the rib (334). In any case, even accepting that such cooperation between a labial and a lingual feature is implicit in D2, still the outcome of the assessment does not change, as explained below.

79. First of all, even the mere aggregation of the disclosures of D1 and D2 would not provide the full combination of elements of independent Claim 1, particularly as far as feature 1.3.4 ("*along the length*") is concerned.

80. In addition to that, if D1 teaches that other tooth movements can be obtained by a similar arrangement of protrusions, the skilled person, starting from D1, would not have found an incentive to depart from its disclosed combination of projections and stages of movement, look at D2 - which attains to a different type of appliance - and extract an isolated feature from D2 itself and in conjunction with a specific system of forces, namely lingual root torque, that is not even mentioned in D1 and which is only cited in two isolated passages ([00081] and [0249]) of D2. Such a process would be based entirely upon hindsight.

81. Moreover, D1 and D2 disclose labial features (projection and rib, respectively) in conjunction with different movements, namely buccal/labial translation (and possibly labial root torque) and increase of lingual root torque, respectively, and that in D1 a lingual root torque – if any – is associated with the action of a lingual projection only (Fig. 7A). Accordingly, the person skilled in the art finds no pointers (in D1, let alone in D2) to select and combine specific elements from the respective configurations to realize feature 1.3/1.3.3.

82. In this respect, and with reference to the Defendants' argument that the skilled person is aware of appliances of different types (Rejoinder to the Reply to SoD, points 222-224), the fact that the skilled person's common general knowledge may also cover other types of appliances than the clear aligner system of D1 / the Patent – such as the appliance of D2 - is not *per se* sufficient to justify that, in specific cases, the skilled person would necessarily be motivated to consider teachings in these neighbouring fields.

83. To conclude, Claim 1 constitutes an inventive step over the combination of D1 with D2, both because said combination does not provide all the features of Claim 1 and because the skilled person would not have, without any pointer to do so, selected isolated features from D2 and adapted the configuration of D1 accordingly.

Combination D1 + D3

85. D3 discloses a system of dental appliances, which may have preformed sockets or slots for more than one tooth (*Abstract*) and provides "*a system of dental appliances having various sizes and types and a method for treating malocclusions of patients of various ages without adjustments or appointments which may provide bucco-lingual and mesiodistal control of lower molars*" (beginning of page 9).The appliance may include guiding ribs or spikes (page 28, lines 27-30). The appliance may "*rotate, torque and/or depress teeth or a single tooth*" (page 13, lines 22-23).

86. Refering to page 29, first paragraph and to Fig. 21 (below), the Defendants read the extruded area 220 as a ridge-shaped protrusion applied at the labial side to rotate the tooth in cooperation with the opposite lingual feature (point 200 SoD) and consider (point 198 SoD) that since D1 illustrates only selected examples of possible tooth movements, but at the same time mentions that other tooth movements are possible, the skilled person is pointed to consider designing appliances that enable other types of movements, including movements in the opposite direction of those shown in Fig. 7B, i.e. third order root movement comprising lingual root torque as recited in features 1.3/1.3.3 of Claim 1. According to the Defendants, D3 suggests such feature.

87. Claimant objects that (point 10.70 Reply to SoD) adapting the device of D1 to fall within the scope of Claim 1 would require multiple steps (at least, to remove one force coupler on the buccal/labial surface such that only one remains; to adjust the remaining force coupler to be ridge-shaped and horizontal; to configure the force coupler and the lingual surface to apply a repositioning force corresponding to a lingual root torque). It adds that D3 as well as D2 does not disclose a clear aligner system of appliances to be worn in sequence and that the extruded area 220 of D3 is said to contact a mesial and/or distal surface, and no third order root torque is mentioned or disclosed (point 10.75 Reply to SoD).

88. Considering that D3, like D2, relates to a different type of appliance than D1, and that D3 does not mention any (lingual or facial) root torque, the combination of D1 and D3 does not provide all features of Claim 1 and in the absence of clear pointers to do so, the skilled person would not have combined the two disclosures, let alone the specific embodiment of Fig. 21 of D3. Therefore Claim 1 involves an inventive step over this combination.

Combination D1 + D4

89. D4 discloses an upper or lower orthodontic appliance, which can be pre-formed or customized (Abstract page 1 lines 21-24), and which may have ribs 180-183 (Fig. 5-7). The ribs 180-183 may be constructed similar to labial ribs 184, 185, 186, 187 and lingual ribs 188, 189, 190, 191 of an upper appliance 192 and a lower appliance 193, respectively, as shown in FIG. 47 (page 44 line 31 to page 45 line 1) and the labial ribs 184-187 and/or the lingual ribs 188-191 may contact and/or may move the teeth of the patient. The labial 184-187 and/or lingual 188-191 ribs may be selectively removed by snipping with a ligature, to allow one or more teeth to move further in the first direction without hindrance that may be caused by the ribs (page 45, lines 1-24). The lingual ribs 188, 191 may be removed to apply a lingual root torque to one or more teeth. Movements of one or more teeth in one or more directions respectively may be accomplished by selectively keeping or selectively removing one or more labial or lingual ribs.

90. The Defendants consider the ribs shown in D4 (Fig. 5-7) as the claimed ridge-shaped protrusions, so that D4 partially discloses feature 1.3.1 (there remain two protrusions and not a single protrusion) and feature 1.3.4. According to the Defendants, it appears implicit that the elongated shape of the ribs of D4, with a length being greater than the width, defines a continuous ridge and that it implies that a force is applied along the length of the rib. The disclosure of feature 1.3.4. is not denied by the Claimant. For the Defendants, the sole question is to assess whether D4 provides a teaching relevant to the objective problem. The Defendants consider that starting from D1, the skilled person seeks to improve force control for all types of movements, including lingual root torque, not being confined to lateral translation embodiments of Fig. 7A-7C of D1 (point 269 Rejoinder to the Reply to SoD).

91. The Claimant contests that D4 discloses features 1.3.1, 1.3.2 or 1.3.3. (point 10.98 Reply to SoD). It argues that feature 1.3.3 is not disclosed (point 10.97 Reply to SoD) because, with the lingual ribs removed, D4 would no longer contemplate that a lingual surface of the cavity applies a force on the tooth (in conjunction with the remaining ribs 184, 185

on the buccal/labial side of the cavity). According to the Claimant, D1 would require a three-step adaptation, as in conjunction with the combination with D3 (point 10.100 Reply to SoD); D4 provides no pointer to adapt its configuration, in order to solve the objective problem (point 5.34- 5.36 and 5.39 Rejoinder to the Reply to SoD), and in any case, two labial ribs would remain if the configuration of D4 were adopted (point 5.37 Rejoinder to the Reply to the Defence to CC).

92. In the Court's view, it is clear that D4 explicitly discloses the application of a lingual root torque by means of labial ribs having a horizontal orientation. Contrary to Claimant's argumentation, feature 1.3.3 is disclosed, because lingual ribs 189 and 190 appear to remain in place and define a lingual surface in accordance with this feature. D4 also partially discloses features 1.3 and 1.3.1 (only missing the protrusion not being a "single" one on the labial side), and feature 1.3.4. However, the person skilled in the art, lacking any pointer in D1, has no incentive to combine D1 and D4, because they relat to different types of appliances and because this would require selecting specific features from D4, without any pointer to do so, in order to arrive at the claimed configuration with a single protrusion on the buccal side.
Therefore, Claim 1 constitutes an inventive step over the combination of D1 and D4.

- Lack of inventive step starting from D2 (US2005/00037311A1) in combination with D5 (Claimant's website at 30.08.2006)

93. The Defendants consider that D2 discloses feature 1.1, part of feature 1.2.1 (the presence of the cavity), features 1.3, 1.3.1, 1.3.3 (Fig. 35 and [0249]), feature 1.3.2 and feature 1.3.4 (implicitly). Features 1.2 and part of features 1.2.1 are missing (point 215 SoD). According to the Defendants, there is no distinction between a single appliance and one appliance within a plurality of appliances. In both cases, it is exclusively the geometry of the appliance that determines the forces and moments imparted to the tooth to achieve the intended movement. Thus, the skilled person has no difficulty applying the design principles exemplified in Fig. 35 of D2 to clear aligner technology and is able to understand the teaching of D2 , as directly applicable to closed-socket dental appliances, including individual aligners of a plural system (point 276 rejoinder to the Reply to SoD), even though the teaching appears in one paragraph of a broader document (point 279). The skilled person would apply the rib design principle of D2 within the tooth socket of a known-art clear aligner system (point 287).

94. The Defendants hereby focus on a specific embodiment of D2 (Fig. 35 descibed in para. [0249]. A realistic starting point is typically a prior art disclosure as a whole. Absent a specific reason or pointer in the disclosure itself (or based on common general knowledge) to do so, the selection of a particular example as a "starting point", merely because it happens to come "closest" to the claimed subject matter in terms of structural components, bears the risk that such selection itself already involves hindsight (CD Munich, UPC_CFI_337/2025, decision of 24 February 2026, TCL v Corning, headnote 1).

95. Leaving aside whether (Fig. 35 of) D2 constitutes a realistic starting point, the relevant question is whether a person skilled in the art would have modified the appliance disclosed in D2 into a plurality of removable shells.

Bearing in mind, as previously stated, that D2 does not unambiguously disclose some of the claimed features missing from D1, as correctly noted by the Claimant (point 10.124 of the Reply to Sod and seq.), the skilled person would have required drastic modifications/redesign in the structure of D2 to implement therein the teaching of D5 and would not see in isolation the specific disclosure of a horizontal labial rib and take it to be the starting point for onward development without hindsight, as the document relates to a certain type of orthodontic appliance.

Therefore, Claim 1 involves an inventive step over the combination of D2 with D5, because the skilled person would not have combined the two disclosures, which attain to different types of appliances, absent clear pointers to do so, because he would not start from the specific embodiment of Fig. 35 of D2 and because in any case this combination does not unambiguously provide all the features of Claim 1.

- Lack of inventive step starting from D6 (book chapter from "The InvisAlign System") in combination with D7 (US6293790B1)

96. D6 is a book chapter describing the so-called "Essix System", as an alternative to the InvisAlign system for moving teeth with plastic appliances achieving tooth movement in all planes of space (page 12, left column, first paragraph, and right column, first paragraph). The document indicates that the Essix system "*is based on in-course adjustments of what is essentially a single appliance to achieve the treatment goals*" (page 12, first paragraph).

D6 discusses how to create space in order to allow tooth movement, namely within the appliance and within the dentition (page 12, right columns, secondo section et ff) and how to induce tooth-moving force in the Essix System. The way referred to by the Defendants is using the so-called Hilliard thermoforming plies to spot-thermoform a projection, or bump, inducing force (from page 14, right column). D6 indicates that "[v]*arious pliers are designed to induce force, create space within the appliance, create bite ramps, tighten an Essix appliance for a better fit, and create attachment hooks for Class II or III elastics (Fig 2-7). These pliers are capable of generating forces that can move teeth in all three planes of space and can move teeth that are adjacent to each other in different directions at the same time.*" (page 15, left column, first paragraph).

D6 also discusses the types of tooth movements that can be achieved with the Essix system (from page 16, right column), among which "torque" is explained. The Defendants refer to two passages and Fig. 2-17 on page 17, left column, third and fourth paragraph of D6.

Therefore, D6 discloses a labial root torque, referred to also in the example at page 17, right column, last paragraph following the passages cited above. In this example, a "*second appliance*" is mentioned (page 18, first paragraph), which is taken by the Defendants as a disclosure for a plurality of appliances. With respect to the "horizontal" orientation according to feature 1.3, the Defendants assert that it is understood by the skilled person from the purpose of the bump (point 158 SoD).

In the Court's view, D6 does not explicitly disclose a lingual root torque according to feature 1.3/1.3.3 (contrary to the Defendants' position at, e.g., point 256 SoD and point 298 Rejoinder to the Reply to SoD). Moreover, it does not disclose a horizontal, continuous ridge-shaped protrusion applying a repositioning force along its length, i.e. it misses at least features 1.3.1 and 1.3.4.

97. D7 for its part, discloses heated orthodontic pliers and mentions (in the passage in column 3, lines 45-53, referred to by the Defendants) that such pliers can provide various configured shapes, such as a rectangular bump. However, the Court considers that D7 does not disclose the horizontal orientation of the "bump", nor its arrangement to apply a force along its length.

98. Therefore, without considering the suitability of D6 as a realistic starting point and the existance of a pointer or routine, the combination D6 with D7 still does not provide, at least, feature 1.3.1 (horizontal orientation) and features 1.3/ 1.3.3 (lingual root torque) and 1.3.4 (repositioning force along a ridge length).

99. In consequence, Claim 1 involves an inventive step over the combination of D6 with D7, at least because even the mere aggregation of the two disclosures does not provide all features of Claim 1.

D- <u>CLAIM 7 and DEPENDENT CLAIMS 4, 5 and 8</u>

100. The Defendants raise the same grounds for invalidity with respect to Claim 7 and the opposed dependent Claims 4, 5, and 8, as those raised to challenge the validity of Claim 1, namely, added-matter, insufficient disclosure and lack of inventive step (SoD para. 139,140, 148 et seq, 269-315 ; Reply to the Defence to CCR para. 315-318). The Claimant disputes these grounds (Reply to SoD, para.10.155-10.160; Rejoinder to the Reply to SoD, para. 5.56-5.58).

101. Features 7.4 to 7.5.4 of Claim 7 correspond directly to device features 1.2.1 to 1.3.4 of Claim 1. The arguments set forth above regarding Claim 1 apply to these features of Claim 7.

102. Features 7.1 to 7.3 of Claim 7 relate on a method for fabricating orthondontic appliances. Other than that these characteristics are part of common general knowledge, as evidenced by the prior art (D8 through D12), the Defendants do not explain why a person skilled in the art would have been prompted or would have had any motivation to use them to arrive at the claimed invention.

103. To conclude, as all challenges to the validity of the patent have been dismissed, the patent is valid.

III- <u>PATENT AMENDMENT</u>

104. As the patent is valid, there is no need to assess the Auxiliary Request 1, proposed conditionally.

IV- INFRINGEMENT ACTION

105. ALIGN invokes literal infringement and subsidiarily, infringement by equivalence, of all the enforced Claims (1, 7, 4, 5 and 8). Furthermore, the liability of certain Defendants for the alleged infringing acts is disputed.

A-LITERAL INFRINGEMENT

106. In accordance with the Order dated ■June 2026, new arguments of non-infringement based on the interpretation of features 1.3-1.3.4 / 7.5 and 7.5.4, submitted late, will not be considered. For the same reasons, the non-infringement argument raised by the Defendants during the oral hearing, regarding the application of force "along the length" of the protrusion, will not be considered.

107. ANGELALIGN's system uses plactic aligners in the form of a series of removable clear orthondontic aligners, wich "gently move the patient's teeth in small increments for their original state to a more optimal treated state".

108. The "Select" and "Pro" systems use specific aligner material (different from Angel's "Kids" System), as part of a multi-step treatment process (from the 3D model of the patient's teeth to the delivery of the appliances to be worn sequentially by the patient). The "Angel Attach System" includes "pressure ridges" , located in the cavity of the shell receiving the tooth, the cavity having a buccal and a lingual side, in order to "provide lingual translation (via lingual root torque and torque control of anterior teeth (incisors)" and to "assist in root control lingually and lingual bodily movement". ANGELALIGN's Torque Ridge is in the form of a continuous ridge, located horizontally on the buccal side of of the cavities receiving anterior teeth and necessarily protrudes into the tooth receiving cavity from the buccal side.

109. It is not disputed that the Defendants' products comprise at least one appliance, including horizontally-oriented "Torque Ridges" applied at the anterior teeth (incisors) and protruding inwardly from a cavity, as shown in the picture taken from the website .

110. The only dispute between the parties is whether the buccal side of the cavity referred to in Claim 1 comprises an application on a posterior tooth only. According to the Defendants, the Torque Ridge, used in the ALIGN System on an anterior tooth, does not fall within the scope of the patent.

However, as has been considered above (see point 41) that the term "buccal" in Claim 1 can be considered as synonymous with "facial", in the context of the Patent as a whole and that the Patent therefore applies to a tooth receiving cavity receiving any type of tooth. Therefore, the continuous horizontal ridges in the Defendants' system, located in the protrusion inwardly from a shell cavity and capable of determining a third order root movement including lingual root torque, falls literally within the terms of the so construed features 1.3.1.
Claim 1 is directly infringed and also Claim 7 (appliance implementing Angelalign's Torque Ridge), as well as dependant Claims 4, 5 and 8 (the reproduction of the additional features of the dependent claims has not been specifically disputed by the Defendants).

111. Provided that literal infringement is established, there is no need to assess infringement by equivalence, raised conditionally (Reply to SoD, para.3.7 to 3.26).

B-LIABILITY OF THE DEFENDANTS

-parties' submissions

112. According to the Claimant, all Defendants are responsible for infringing acts in the UPC countries. Defendants 1 to 3 are also responsible for the acts in UK. (SoC para 6- p. 37 and seq- Reply to SoD para.4) and in particular, Defendant 1, even if it is not to the registered owner of the international website and it has no physical office in the UK territories. Defendant 2 operates a web shop in the UK. Defendant 3, as the sole shareholder of Defendants 2, 4 and 5, directly controls and supports Defendants 2, 4 and 5's activities. The acts committed in the UK by Defendant 1 to 3 are infringing acts in accordance with Patents Act 1977, without the need to ascertain details of the relevant UK Law, as it is the same as UPC Law (Art. 25 UPCA). In the alternative, Defendants 1 to 3 are liable as joint tortfeasors under UK Law (Reply to SoD para.5.9), for having induced, incited or persuaded the primary infringer to engage the infringing acts.

113. ANGELALIGN contests the involvement of the Defendants in UPC Countries. Defendant 1 (Inc. Cayman Islands) does not operate the website <ANGELALIGN.com> and it is not the registered owner (the name holder is Wuxi EA ltd) (SoD para 74, Rejoinder to the Reply to SoD para.97). Defendant 3 (ANGELALIGN BV) is a holding company, acting in financial holding only and not in operational business and it does not control acts committed by the other Defendants. This Defendant is not engaged individually in the alleged acts, and there is no proof that it is either involved as an instigator, accomplice or accessory, nor does it have positive knowledge of the acts (SoD para 69 to 73, Rejoinder to the Reply to SoD para. 91 to 96).

114. ANGELALIGN adds, regarding the acts committed in the UK (SoD para 77- Rejoinder to the Reply to SoD-para.102 and seqq) that the Claimant fails to refer to and to explain substantive National Law in the UK and cannot state that offering infringing products under UK Law and UPC Law have the same source, as the Community Patent Convention has never entered into force. Moreover, the claims are not limited to offering infringing products but also extend to "making, placing, using, importing…". In addition, Claimant does not address the consequences under UK Law (for example, remedies are discretionary in UK Law). The Defendants note that the Claimant has excluded its action,

regarding the acts committed in UK against Defendants 4 and 5 (SoD para 83-87), limiting its action in the UK, against Defendants 1 to 3 only, but this is in fact, a partial withdrawal which Defendants do not agree with (R. 265.1 RoP), claiming that they have a legitimate interest that the Court dismisses the action insofar with costs consequence for Claimant.

115. ANGELALIGN disputes the involvement of Defendants 1 to 3 in the acts committed in the UK, for the reasons set out above in relation to Defendant 1 and Defendant 3, and in relation to Defendant 2 because it has not been established that this defendant is involved in the acts committed by the UK entity (SoD para. 78–82). Moreover, Defendants 1 to 3 cannot be considered as joint tortfeasors (Rejoinder to the Reply to SoD -para.110 to 132). Indeed, the Claimant has failed to establish the relevant UK legislation in this matter, or the conditions for such liability, namely the defendants' active participation in the acts committed by the English entity, with a common intention to commit the tort.

- Acts committed in UPC territories

116. Angelalign Technology Inc. (Defendant 1) operates the international website <angelaligner.com> and, specifically following the website's privacy notice, is responsible for this website, "together with its affiliates" (CR18).

117. Angelalign France Technology (Defendant 2) is the headquarters of the Defendants in Europe; it sells and markets the infringing products in France, with its respective regional subpages (CR05) and also operates the ANGELALIGN Web shop in Europe and social media for Angels' entities (CR19). It has ongoing business relationships with the other European Defendants and coordinates distribution of products. It imports devices manufactured in China and is responsible for the website and social media pages. The Defendants do not specifically contest, in a substantiated manner, that this Defendant 1 does operate and maintain the website. For this, the question whether Defendant 1 is the registered owner of this website, is not decisive.

118. Both Angelalign Technology GmbH (Defendant 4) and Italy Angelalign Technology SrL (Defendant 5) sell and market the infringing products, respectively in Germany, as well as in Austria and in the Netherlands (CR21 and CR22) and in Italy (CR08).

119. Angelalign Technology BV (Defendant 3) is the shareholder of Defendants 2, 4 and 5. However, there is no evidence of its active, operational involvement or knowledge, in relation to the infringing acts committed by these three defendants. As decided previously by LD Düsseldorf (UPC_CFI_723/2025, 12 February 2026, Align v. AngelAlign, headnote 3), "no action going beyond the typical role of shareholder/financial holding is alleged, the application against Defendant 3 has to be rejected"; this is in line with the Court of Appeal's decision (UPC_CoA_534/2024, UPC_CoA_683/2024, UPC_CoA_19/2025, 3 October 2025, Belkin v Philips, para. 190, 198 and 199).

In consequence, Defendants 1, 2, 4 and 5 are jointly liable for the acts committed in UPC territory.

-Acts committed in the UK

120. As ruled by the Court of Appeal, "It is for the party relying on facts to prove those facts and to provide evidence that the disputed acts would amount to acts of infringement under the applicable law when assessing whether the part of a European patent outside the territories of UPCA Contracting Member States is likely infringed". (CoA, 28 August 2026, UPC_CoA-678/ 2025 Hurom v. Nuc, Headnotes 3, para. 99 and seqq, para. 106). In the case at hand, the Claimant failed to substantiate, in its SoC, the relevant law in the UK, applicable to the alleged infringing acts. Its further explanations given later are not only late-filed and inadmissible, but are also insufficient, as they merely refer to the rules applicable within the UPCA. Moreover, it has not been established by the Claimant that Defendants 1 to 3 committed any acts of infringement in the UK territories.

Claims relating to acts committed by these Defendants, within the UK territory, will therefore be dismissed.

V- CORRECTIVE MEASURES

121. ALIGN requests a permanent injunction, recall, removal and destruction of the infringing products with penalty payment, provision of information for determining damages, from 29 July 2020 (the date of the application's publication) and publication of the final decision.

122. ANGELALIGN argues that the remedies are disproportionate, citing the interests of patients currently ongoing treatment (SoD, para. 86–91; para.107-112; Rejoinder to the Reply to SoD para.133) and that the request is too broad in relation to the manufacturing acts (SoD para. 92; Rejoinder to the Reply to SoD para 134), and that the penalties are inadequate (SoD para. 97; Rejoinder to the Reply to SoD para 136). According to the Defendants, damages may only be claimed from 12 August 2023 (one month after the date of grant of the patent (SoD para.98; Rejoinder to the Reply to SoD para 138-140). The information claim is too broad, requires confidentiality measures, limited to 4 persons on Claimant's side, with the designation of an auditor, based in the European Union, and bound to confidentiality towards the Claimant (SoD para. 101-106; Rejoinder to the Reply to SoD para.141-147). The publication of the decision is not reasonable (SoD para 113). A security for enforcement of at least EUR 15 million must be ordered, corresponding to the value of the claim as determined by the Claimant, to cover the legal costs (SoD para 119).

A-Permanent injunction, corrective measures: recall, remove and destroy, with penalties

123. In accordance with Art. 63(1) UPCA, in order to prohibit the continuation of the infringement, a permanent injunction shall be given.

124. Pursuant to Art. 64 UPCA, declaration of infringement, injunctions, recall and destruction orders are generally the rule, rather than the exception (CoA, 13 July 2026, FujiFilm-Kodak, UPC_CoA_473_2025 para 394).

125. In the case at hand, the patentee has an interest in a declaration of infringement, as the parties are in direct competition in the field of orthodontic appliances, so this claim is justified and must be granted.

126. The patent relates to an entire system of aligners, to be worn successively during treatment, of which only some appliances (sometimes even just one in the entire treatment) feature a ridge-shaped protrusion, as claimed in the Patent (or "Torque Ridge" as named by the Defendants). It would serve no purpose to issue an injunction against the defendant's appliances that only contain a Torque Ridge, as it is part of the entire treatment and there is a risk that the entire treatment would become ineffective or fail to produce the expected results.

127. The Claimant intends to limit the injunction to patients whose treatment has not yet begun or to treatments that have been interrupted for any reason (Reply to SoD, para 6.24). The Claimant does not intend to seek an injunction in respect of ongoing treatments which do not, in the future, include a Torque Ridge feature. Furthermore, ANGELALIGN's infringing products are not the only ones available on the market and do not represent an improvement on existing treatment methods. The Claimant has furthermore acknowledged that appliances already delivered to patients are not subject to corrective measures. Taking into account these considerations, the corrective measures requested by ALIGN are proportionate.

128. ANGELALIGN cannot, therefore, invoke the interests of patients in order to limit the scope of the corrective measures.

129. In consequence, the infringing acts justify an injunction, but in the UPC territories only, as previously said, enforced with a recurring penalty payable to the Court in case of non-compliance with the decision. The amount of the penalty is set at up to EUR 10,000 per infringing product and/or, in the case of continuous infringement such as offering the infringing products, of up to EUR 20,000 per day.

<u>B-Damages</u>

130. The Claimant is entitled to request damages to be paid by the Defendants. The time period from which damages are to be paid is disputed between the parties. The Claimant request Defendants to pay damages since 29 July 2020 (corresponding to the date of the application's publication), while Defendants point out that the patent was granted on 12 July 2023, meaning that no damages may be claimed in respect of acts of infringement committed between 29 July 2020 and 11 August 2023 (in accordance with German national practice, which allows third parties one month grace period after grant to take note of the patent) (ANGELALIGN SoD para 98-100 seqq. Rejoinder to Reply to SoD para.138-140).

131. In accordance with Art. 67(1) of the European Patent Convention, "A European patent application shall, from the date of its publication, provisionally confer upon the applicant the protection provided for by Article 64, in the Contracting States designated in the application".

132. Pursuant to Art. 32(1)(f) UPCA, the Court has exclusive competence in respect of "Actions for damages or compensation derived from the provisional protection conferred by a published European Patent application".
Art. 68 UPCA distinguishes on the one hand "damages" to compensate patent infringing acts committed knowingly by the infringer or with reasonable grounds to know and on the other hand, "compensation", when the infringer acts unknowingly or without reasonable grounds to know.

133. R. 118(1) RoP stipulates that, in addition to the orders and measures and without prejudice to the discretion of the Court referred to in Articles 63, 64, 67 and 80 of the Agreement, the Court may, if requested, order the payment of damages or compensation according to Articles 68 and 32(1)(f) of the Agreement. The amount of the damages or the compensation may be stated in the order or determined in separate proceedings [Rules 125-144]. R. 125 RoP stipulates that the determination of the amount of damages ordered for the successful party may be the subject of separate proceedings. The determination shall include the determination of the amount of compensation, if any, to be awarded as a result of the provisional protection conferred by a published European patent application [Article 32(1)(f) of the Agreement, Article 67 EPC] and compensation to be paid pursuant to Rules 118.1, 198.2, 213.2 and 354.2. The expression "damages" used in Chapter 4 shall be deemed to include such compensation and interest at the rate and for the period that the Court shall decide.

134. First of all, in the case at hand, ALIGN only requests "damages" since 29 July 2020, and therefore not any "compensation" for the period before the grant of the Patent (from 20 July 2020 to 11 July 2023). In addition, ALIGN did not provide evidence to suggest that the acts of infringement committed by the Defendants began and continued from 29 July 2020 onwards. The sole date to consider is therefore, the date of the grant of the patent, that means 12 July 2023, without there being any need in the present case to apply any grace period, as suggested by the Defendants.

C-Information claim, confidentiality and manufacturing acts

135. Pursuant to Art.67(1) UPCA, 68(3) UPCA and R. 190(1) and (2), in order to allow the Claimant to obtain evidence, determine its damages and verify the accuracy of the information, the request for information is granted, with effect from 12 July 2023, to allow the Defendants to gather the information, within a period of two months.

136. The confidential nature of the information to be disclosed is not disputed by the parties and the parties agree to establish a confidentiality club, comprising four individuals appointed by the Claimant, including the representatives and their legal team. The parties also agree to the appointment of an auditor, who is bound by a duty of confidentiality towards the Claimant and named by the Claimant, to determine whether a particular customer or offer recipient is included in the information provided by the Defendants.

137. It is not justified to exclude from the scope of the information, the "manufacturing activities" within the territories of the UPC. The mere statement of the Defendants in these proceedings that, at this stage, the manufacturing facilities are located in other countries (Brazil, China and the USA), is not sufficient to replace a recent,

comprehensive oversight of information pursuant to Art. 67 UPCA, reinforced by a penalty. This applies all the more since for at least one of the Defendants, the business register states the activity of manufacturing as a corporate purpose.

138. It should be noted that the parties agree on the appointment of an auditor, to be nominated by the claimant (Align reply to SoD, para. 6.82, page 30, and Angelalign (SoD para. 106 and claim SOD, page 3)), but disagree as to who should bear the cost. For the time being, the claimant should be required to advance these costs, without prejudice to any subsequent ruling in the separate proceedings for costs and damages.

D-Provision of security

139. Pursuant to Art. 82.2 UPCA, the Defendant may request the Court to order a provision of security, to ensure compensation for any damage suffered, in particular in the case of injunctions.

140. In the present case, as Claimant rightly pointed out (Rejoinder to the Reply to SoD, para 7, page 32), the requirements for ordering such a security measure are not met, given that, on the one hand, the location of the Claimant in the USA is not a reason to order security and on the other hand, there is no doubt on the Claimant's financial soundness regarding the annual report for 2024 published on its website. Indeed there is no evidence of any difficulty in enforcement should the Court of Appeal overturn the decision, even though the Claimant has its registered office in the USA (which is in any case, not a sufficient reason itself) and given that it has numerous subsidiaries established within the jurisdiction of the UPC. LD Düsseldorf applied the same in a parallel case, between the same parties (UPC_CFI_723/2025, ALIGN v ANGELALIGN, 12 February 2026).

141. Therefore, when balancing the interests of the patent proprietor in effectively enforcing his property right against the interests of the alleged patent infringer in effectively enforcing possible claims for damages in the event of a subsequent annulment of the decision, it is not necessary to order security for enforcement.

E-Publication of the decision

142. In accordance with Art. 80 UPCA, "the Court may order at the request of the Applicant and at the expense of the infringer, appropriate measures for the dissemination of information concerning the Court's decision, including displaying the decision and publishing it in full or in part in public media".

143. ALIGN claims to have a legitimate interest in having the decision published, in order to re-establish its presence on the market (SoC para 8). The Defendants object to this (SoD para 113), arguing that this claim is not reasonable and not necessary to end the infringement and that the application of this provision is at the Court's discretion, which must balance the parties' interests. Customers are sufficiently informed by the other measures and the decision will be available on the Court's Website. In any case, the publication must be suspended till the decision has become final.

144. As the Court of Appeal previously stated, “A publication of an own declaration by the infringer on its webpage pursuant to Art. 80 UPCA is justified only in the event of special circumstances which call for such a publication as corrective measure due to ramifications of an infringement which cannot be undone or sufficiently compensated otherwise” (UPC_CoA_473/2025, 13 July 2026, FujiFilm v. Kodak; UPC_CoA_302/2025, 17 February 2026, Rematec v. Europe Forestry BV).

145. In the case at hand, the publication of the decision does not appear to be justified and necessary, as the Claimant does not demonstrate its legitimate interests and the need to re-establish its presence on the market. The Court considers that the protection of the Claimant is already sufficiently guaranteed by the other corrective measures ordered.

VI- COSTS

146. In accordance with R. 118.5 RoP, together with Art. 69 UPCA, the Defendants, which are the unsuccessful party, will bear in principle, the reasonable and proportionate legal costs and other expenses, to be determined in separate proceedings.

DECISION

A. It is held that the Claimant has demonstrated that the Defendants infringed Claims 1,4,5, 7 and 8 of Unitary Patent EP 2 237 738 B1,

B. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5), subject to a penalty of EUR 10,000 per infringing product or in the case of continuous infringement such as offering of EUR 20,000 per day, to refrain in the territories of Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden and Slovenia, from:

I-making, offering, placing on the market, and/or using, and/or importing and/or storing for those purposes:

1- a system for repositioning a patient’s teeth according to an orthodontic treatment plan, the system comprising:
-a plurality of appliances shaped to receive and resiliently reposition teeth through a plurality of planned successive tooth arrangements so as to move the patients’ teeth along a treatment path from an initial position toward a final position,
-the appliances having teeth receiving cavities and wherein the cavities of successive appliances have different geometries shaped to receive and reposition teeth from a first position to a successive position,
-at least one appliance of the plurality comprising a cavity configured to achieve a third order root movement comprising a lingual root torque, the cavity having:
-a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation; and
-a lingual surface;

wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a patient's tooth corresponding to the third order root movement comprising the lingual root torque,

the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth,

(Direct infringement of Claim 1)

2- and in particular, the system of Claim 1, wherein the plurality of appliances comprise a first appliance to reposition teeth from an initial tooth arrangement to a first intermediate arrangement; at least one intermediate appliance to progressively reposition teeth from the first intermediate arrangement to successive intermediate arrangements; and a final appliance to progressively reposition teeth from a last intermediate arrangement toward a final arrangement;

(Direct infringement of Claim 4)

3- and in particular, the system of Claim 1, wherein the protrusion (12, 18a, 24) is hollow;

(Direct infringement of Claim 5)

specifically, the following systems implementing the AngelAttach system including a Torque Ridge:

-Angel Aligner Select
-Angel Aligner Pro

II. using and/or offering for use, or manufacturing, offering, placing on the market or using, or importing or storing for the aforementioned purposes, orthodontic appliances directly obtained by,

1- a method of fabricating an orthodontic appliance for repositioning a patient's teeth, comprising:

-receiving a model of a patient's dentition in a target arrangement;
-generating an appliance based on the model,
-the appliance having teeth receiving cavities shaped such that when the appliance is worn by the patient the cavities of the appliance receive the patient's teeth in their current positions and resiliently repositions the teeth toward the target arrangement,

-the appliance further comprising at least one tooth receiving cavity configured to achieve a third order root movement comprising a lingual root torque, the cavity having:
-a single continuous ridge-shaped protrusion (12, 18a, 24) which protrudes into the cavity on a buccal side of the cavity in a horizontal orientation; and
-a lingual surface;

wherein the single continuous ridge-shaped protrusion (12, 18a, 24) and the lingual surface are configured to apply a repositioning force to a received tooth corresponding to the third order root movement comprising the lingual root torque,
the single continuous ridge shaped protrusion having a length and a width that differ relative to each other, the length being greater than the width so that the repositioning force is applied along the length of the single continuous ridge-shaped protrusion to the patient's tooth;

(Direct infringement of Claim 7)

2- and in particular, the method of claim 7, wherein the model comprises a digital model of the patient's dentition;

(Direct infringement of Claim 8)

specifically, a method of fabricating appliances of the following systems implementing the AngelAttach system including a Torque Ridge:

-Angel Aligner Select
-Angel Aligner Pro.

C. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5), to pay damages to the Claimant compensating all losses caused by infringing acts referred to in A. above in Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden, and Slovenia, since 12 July 2023, in accordance with Art. 68 UPCA,

D. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5), to inform the Claimant to the extent of which the Defendants have committed the infringing acts referred to in A and in relation to the period of 12 July 2023, stating in a text searchable electronic document in Word, Excel or PDF Format,

1.the origin and distribution channels;
2.the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained;
in particular

- manufacturing quantities and times;
- the individual deliveries, broken down by delivery quantities, times and prices and the respective product designations as well as the names and addresses of the customers;
- the turnover, the gross margin and the contribution margin generated by the Defendants with the sale of these products;
- the individual offers, broken down by quantities, times and prices and product designations as well as the names and addresses of the commercial offer recipients;
- the advertising carried out, broken down by advertising media, their circulation, distribution period and distribution area, and in the case of Internet advertising, the domain, access figures and placement periods of each campaign;

- the identity of all third parties involved in the distribution, in particular the names and addresses of the dental practitioners,

Within two months of the date of the notification of enforcement of this decision pursuant to R. 118.8 RoP, supported by evidence of an independent accountant, named by the Claimant, at the Claimant' s expenses, (without prejudice to any further decision on costs and damages), under a penalty of EUR 1,000 per delay day, from the month following the date of service of this decision,

E. Orders that any and all information provided by ANGELALIGN, in accordance with those referred to under D., are:

-classified as confidential or highly confidential, pursuant to R.262 and R.262A RoP,

-restricted to be accessed only by the UPC representatives and the legal team (actively involved in the proceedings), and four natural persons, to be named by the Claimant, by communication via CMS, within 5 days of the date of this decision

-only be used for the purpose of understanding the distribution ways and assessing potential damages incurred by the Defendants in advance,

F. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5), to destroy at their own expense the products, material and/or implements referred to under B.I. which are in their possession and/or dental professionnals within Austria, Belgium, Bulgaria, Germany, Denmark, Estonia, Finland, France, Italy, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Portugal, Sweden, and Slovenia,

G. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5) to recall the products referred to under B.I. which have been placed on the market from the channels of commerce, with reference to the infringement determined by this Court.

H. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5), to definitively remove the products referred to under B. from the channels of commerce at their own expense.

I. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (Defendant 5) to pay a penalty sum to the Court in the event of any breach and/or non-fulfilment of any of the orders set out under F, G and H after the expiry of a period of 30 days after the date of service of the notification of enforcement of such order pursuant to R. 118.8 RoP, of up to EUR 10,000 per day of delay and/or non- or incomplete fulfilment, with partial days counting as full days;

J. Dismisses the Infringement action in all other respects

K. Dismisses ANGELALIGN's requests in the counterclaim for revocation;

L. Orders ANGELALIGN TECHNOLOGY Inc. (defendant 1), ANGELALIGN FRANCE TECHNOLOGY (defendant 2), ANGELALIGN TECHNOLOGY (Germany) GmbH (defendant 4) and ITALY ANGELALIGN TECHNOLOGY S.r.l (defendant 5), to pay the Claimant's legal costs and other expenses.

Issued in Paris, on 16 October 2026

Camille Lignieres, Legally qualified judge and Presiding judge

Camille Lignières Date : 2026.10.15 18:59:40 +02'00'

Carine Gillet, Legally qualified judge and judge-rapporteur

Carine Gillet 2026.10.16 09:07:37 +02'00'

Marjolein Visser, Legally qualified judge

Marjolein Jeanette Johanna Visser Signature numérique de Marjolein Jeanette Johanna Visser Date : 2026.10.15 09:58:40 +02'00'

Elisabetta Papa, Technically qualified judge

Elisabetta Papa Firmato digitalmente da Elisabetta Papa Data: 2026.10.15 10:21:41 +02'00'

For the Deputy-registrar

Digitally signed Marielle BRASSEUR 2026-10-16 09:17:26 +0200 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet

Information about appeal
An appeal against the present Decision may be lodged at the Court of Appeal, by any party which has been unsuccessful, in whole or in part, in its submissions, within two months of the date of its notification (Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP).

Information about enforcement (Art. 82 UPCA, Art. Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP)
An authentic copy of the enforceable decision will be issued by the Deputy-Registrar upon request of the enforcing party, R. 69 RoP

DECISION DETAILS
UPC number: UPC_CFI_684/ 2025
Related proceedings: UPC_CFI_2279/2025
Action type: Infringement Action with counterclaim for revocation
Date of issue: 16/10/2026