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VIA E-MAIL

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**Re: 3Shape A/S et al. v. Align Technology, Inc., Case No. 1:20-cv-01492-LPS (D. Del.);
Align Technology, Inc. v. 3Shape A/S et al., Case No. 6:20-cv-00979-ADA (W.D. Tex.)**

Dear Counsel:

We write regarding a petition for *inter partes* review ("IPR") being filed with the United States Patent and Trademark Office, Patent Trial and Appeal Board ("PTAB") in IPR2021-01383 to challenge claims of U.S. Patent No. 10,728,519 (the "Petition"). The table below lists the grounds asserted by 3Shape A/S and 3Shape Inc. ("Petitioner") in the Petition, along with the challenged claims against which the grounds are asserted. We write to inform you that Petitioner and its affiliates, including 3Shape Trios A/S (collectively, "3Shape"), hereby stipulate that in the event the PTAB institutes an IPR based on the grounds listed in the below table against the corresponding claims listed in the below table for those grounds, as identified in the Petition ("Instituted Grounds"), 3Shape will not assert the Instituted Grounds in the above-captioned litigations (the "Lawsuits").

Ground	Basis	Reference(s)	Claims
I	§ 103	Babayoff and Okamoto	1, 3, 4, 6, 13, 15, 16, 17, 23, 24, 26, 27, 30, 31
II	§ 103	Babayoff, Okamoto, and Franetzki	20, 21, 32-34

In so stipulating, 3Shape seeks to avoid multiple proceedings addressing the validity of these claims based on the Instituted Grounds. Rather, through this Stipulation, 3Shape expresses its intention to have only the PTAB address the Instituted Grounds of invalidity. But, for the sake of clarity, and to avoid any doubt, if the PTAB declines to institute the grounds identified herein for whatever reason, 3Shape reserves the right to assert such grounds and all other available arguments for invalidity in the Lawsuits.

Additionally, even in the event of institution, 3Shape reserves the right to continue to assert any grounds for invalidity other than the Instituted Grounds, including without limitation, under 35 U.S.C. § 112.

Best regards,



Bryan J. Cannon (Petitioner Counsel IPR2021-01323)
James H.S. Levine (3Shape Counsel of Record in D. Del.)
William D. Belanger (3Shape Counsel of Record in W.D. Tex.)

Cc: Counsel of Record