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ALIGN TECHNOLOGY INC
Form 8-K
August 31, 2006

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 20549

FORM 8-K

CURRENT REPORT PURSUANT
TO SECTION 13 OR 15(d) OF THE
SECURITIES EXCHANGE ACT OF 1934

Date of report (Date of earliest event reported) August 30, 2006

ALIGN TECHNOLOGY, INC.

(Exact Name of Registrant as Specified in Its Charter)

| | | |
|---|-----------------------------|--------------------------------------|
| Delaware | 0-32259 | 94-3267295 |
| ----- | ----- | ----- |
| (State or Other Jurisdiction of Incorporation) | (Commission File Number) | (IRS Employer Identification No.) |

| | |
|--|------------|
| 881 Martin Avenue, Santa Clara, California | 95050 |
| ----- | ----- |
| (Address of Principal Executive Offices) | (Zip Code) |

(408) 470-1000

(Registrant's Telephone Number, Including Area Code)

Not applicable

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

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ITEM 8.01 OTHER EVENTS

On August 31, 2006, Align Technology, Inc. (the "Company") issued a press release announcing that the United States Court of Appeals for the Federal Circuit ("CAFC") has declared two out of a total of seventy-one claims in the

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Company's US Patent No. 6,398,548 and four out of a total of ten claims in US Patent No. 6,544,611 to be invalid as "obvious". The CAFC's decision reverses an earlier decision of the United States District Court for the Central District, Orange County Division that upheld the validity of these claims in a patent infringement suit between Ormco Corporation and the Company. A full text of the press release is attached to this Form 8-K as Exhibit 99.1.

ITEM 9.01 FINANCIAL STATEMENTS AND EXHIBITS

(d) Exhibits

| EXHIBIT NO. | DESCRIPTION |
|-------------|---|
| 99.1 | Press Release of Align Technology, Inc. dated August 31, 2006 |

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Dated: August 31, 2006

ALIGN TECHNOLOGY, INC.

By: /s/ Roger E. George

Roger E. George
Vice President of Corporate and
Legal Affairs and General Counsel

INDEX TO EXHIBITS

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