

# PRESS RELEASE

**August 18, 2015**

**U.S. COURT DECLARES COVERTECH RIGHTFUL OWNER OF ULTRA NT RADIANT BARRIER TRADEMARK; FINDS TVM INFRINGED COVERTECH'S TRADEMARKS, DEFRAUDED THE USPTO, AND BREACHED ITS OBLIGATIONS TO COVERTECH**

TORONTO, August 18, 2015: Following a trial last fall, Covertech Fabricating, Inc. has obtained a complete victory in a case against its former distributor, TVM Building Products.

Covertech sued TVM for trademark infringements and unfair competition under the Lanham Act, fraud on the United States Patent and Trademark Office, and breach of contract, seeking damages and other relief related to TVM's misuse of Covertech's rFOIL®, CONCRETE BARRIER® (CBF), ULTRANT RADIANT BARRIER™, CONCRETE UNDERPAD™, and ULTRA CONCRETE UNDERPAD™ trademarks.

Earlier this month, federal judge Kim R. Gibson issued a 112-page decision finding in favor of Covertech on all counts. For each mark referenced above, the Court determined that Covertech was the owner of a valid trademark and that TVM was liable for trademark infringement or unfair competition. The Court specifically noted that TVM's use of the same product identification numbers as Covertech weighed in favor of finding infringement by TVM.

Judge Gibson awarded the Covertech more than \$4.7 million in damages. The court also cancelled TVM's trademark registration, finding that TVM and its president, Michael Boulding, had committed fraud on the U.S. Patent and Trademark Office by knowingly submitting false statements to the Office in connection with an application for the ULTRA NT RADIANT BARRIER trademark, which Covertech owns. The court rejected TVM's counterclaims in their entirety. The Court will also entertain a motion by Covertech for attorney's fees due to TVM's willful and intentional conduct.

Although Covertech products used to be available from TVM Products, Inc and TVM Canada, Inc (collectively, "TVM"), Covertech terminated its agreement with TVM in 2009. Since then, TVM has not been authorized to sell or distribute any products from Covertech, and any reflective insulation product listed by TVM with the same trade names or product numbers that have always identified Covertech products are not Covertech products.

Covertech products can be obtained through authorized Covertech dealers. Authorized Covertech dealers can be identified by calling Covertech at 416-798-1340.

Covertech products are sold by Covertech dealers by reference to a specific Product Identification number. When you order a Covertech product by reference to that number through an authorized dealer, you can be confident that you are receiving a quality product manufactured by Covertech that is covered by the Covertech Warranty.

"Covertech is gratified that Judge Gibson vindicated our belief that TVM was passing off inferior product by unfairly treading on Covertech's hard-earned trade names. The Court's decision is an important step in stopping this behavior," said Covertech Vice President John Starr.

Covertech is represented by Brian Shaffer and Andrew Whitney of the law firm of Morgan Lewis & Bockius LLP in Philadelphia, Pennsylvania.