

# PRESS RELEASE

**November 30, 2017**

**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, Coverttech Fabricating, Inc. has obtained a complete victory in a case against its former distributor, TVM Building Products.

Coverttech sued NM 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 Coverttech's rFOIL®, CONCRETE BARRIER® (CBF), ULTRA NT RADIANT BARRIER™, CONCRETE UNDERPAD™, and ULTRACONCRETE UNDERPAD™ trademarks.

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

Judge Gibson awarded the Coverttech more than \$4.7 million in damages. The court also cancelled NM's trademark registration, finding that TVM, via 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 Coverttech owns. The court rejected TVM's counterclaims in their entirety. The Court will also entertain a motion by Coverttech for attorney's fees due to NM's willful and intentional conduct.

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

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

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

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

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