

## New Technical Services Debut

**G**ayle Goode has been named as the National Windshield Repair Association's new technical director. Her 17 years of experience and expertise is available to NWRA members seeking help with difficult problems that may arise while working on tricky windshield repairs.

As technical director, Goode will advise members who may be seeking advice on filling certain kinds of cracks, using certain types of equipment or general repair-related questions.

Goode got her start in the industry in 1990 and she has worked on a variety of different repair systems since she's been with Cindy Rowe Auto Glass in Harrisburg, Pa.

"[I've] worked with Novus, Super Glass, Ultra Bond, [and I've] tried different bridges, the PPG kit when it first came out – we demo-ed it for feed back – and some of the tools, we may not use the kits but we use parts, such as the resins," Goode said.

In taking on the roll of technical director,

Goode has some big shoes to fill, but it's a job she's prepared to handle.

"I've read all of Walt Gorman's articles," she said. "Anyone starting in the industry needs a good technical background and it's good to give anyone starting from the bottom up the information they need without an agenda."

Goode believes in both written and practical education.

"It's interesting when you go to these conferences, and I wish more people would go, the feedback you get from different people who use different kits," Goode said. "I wish we could see more of the kits in action at the conference. I think the Windshield Repair Olympics will help with that and I think the Windshield Repair Olympics were great this year."

"We are extremely fortunate to have someone with the extensive experience Gayle has had agree to assist other members with technical questions. Her input advances the entire association's goal of

promoting professional repair practices," said Patrick Smith, NWRA director of operations. "Many thanks to Cindy Rowe Auto Glass for making Gayle's time available to us," said Smith.



**Gayle Goode**

Members can access the NWRA's technical services department during regular business hours by calling the main office at 540/720-7484 or e-mailing [info@nwrassn.org](mailto:info@nwrassn.org). NWRA's staff will quickly search its database to see if the technical support service has already addressed this issue and forward any information.

If no information is available, questions or concerns are forwarded to Goode, who will research the problem and respond to the NWRA quickly. Goode may also contact the members directly in time sensitive situations.

### AAA of Missouri Insurance Stops Waiving Deductible for Windshield Repair

Trans America Glass Network announced earlier this year that AAA of Missouri Insurance will no longer waive the deductible for windshield repair. The move requires AAA of Missouri customers to pay for damages up to the comprehensive deductible as stated in each individual automobile insurance policy; damages that cost more than the deductible to be fixed or replaced will be handled as a claim by the insurance company.

The insurance company instituted the new policy effective January 15, 2007 and notified at least some of the shops with which it does business via facsimile.

"The matter was discussed at a recent board meeting," said NWRA president Paul Syfko, "and the board in communication with AAA of Missouri." "Our first step is to find out why they made this decision," he said. "We will then evaluate what action to take."

Expect an update as soon as the NWRA hears from AAA.

### ROLAGS Committee Votes to Release Standard to ANSI

On February 13, the Repair of Laminated Auto Glass Standard (ROLAGS) Committee voted on final changes to its Standard about windshield repair and will now send the document to the American National Standards Institute (ANSI) for a 30-day public comment period. Comments will be permitted on substantive changes to the proposed Standard that have been made since an initial draft was released for public comment.

The ROLAGS Committee is a joint committee of the NWRA and the National Glass Association. Those with comments about the proposed Standard will be able to make them through ANSI for a 30-day time period after the substantive changes appear in the *ANSI Standards Review*. At press time, the deadline had not been set, but NWRA members are encouraged to have their comments in by March 30, 2007. In the meantime comments on the substantive changes should be sent to Peg Stroka at [pegs@glass.org](mailto:pegs@glass.org).

To review the changes as submitted to ANSI, visit the NWRA website.

The committee also voted to develop more extensive performance guidelines for companies manufacturing resins. Product performance subcommittee chair Keith Beveridge of Novus said his subcommittee will next meet in May.



## What's in a Name? A Lot, Says Court

The 4th U.S. Circuit Court of Appeal's split-decision in its judgment of the appeal in the Synergistic International LLC v. Korman case is an interesting look at how the law works and in this particular case, how it views windshield repair.

According to the Court of Appeals Decision, the case, originally filed in 2005, centers on the use of the company names "Glass Doctor" and "Windshield Doctor." Judy Korman operated a windshield repair company under the name "Windshield Doctor" in Virginia Beach beginning in 1987 and often listed her company under "Glass Doctor" in the yellow pages; the Glass Doctor franchise, owned by Synergistic International, had plans to expand into the same area in the early 2000s.

Citing trademark infringement, Synergistic issued a cease and desist letter in 2004, at which time Korman stopped listing her company as "Glass Doctor." She continued using the "Windshield Doctor" name. Synergistic filed suit.

Last year, the district court ruled that Korman had, in fact, infringed upon the patent protecting the "Glass Doctor" name but had not done so in bad faith. It also ruled that Synergistic had not suffered "actual damages" and did not award attorney fees, but did award the company \$142,084, that "represented Korman's profits, less certain costs and deductions during the time Korman had used the names 'Glass Doctor' and 'The Windshield Doctor' interchangeably."

Korman appealed the decision, citing error in the court's initial findings that her use of "The Windshield Doctor" was equivalent to trademark infringement and unfair competition to Synergistic's "Glass

## NWRA Conference Date Set for November



The Annual NWRA Conference will be held once again at the Mandalay Bay Convention Center in Las Vegas this year on November 1-2, 2007.

All conference attendees receive free spectator admission to the *Walt Gorman Windshield Repair Olympics* scheduled to be held November 1, as well as free admission to the NACE trade show. Mark your calendars now. Stay tuned to the **NWRANews** for more details.

Doctor" and arguing that the monetary award issued to Synergistic was an abuse of the court's discretion.

Exploring Korman's argument that the courts' trademark infringement ruling was incorrect, Judges Williams, King and Dever wrote in their decision that "We have recognized that the line between a 'descriptive' mark and a 'suggestive mark' is thinly drawn," and discussed the use of the "dominant" word in both company names, "Doctor." Ultimately, the judges ruled "Synergistic's 'Glass Doctor' mark is properly deemed 'suggestive.' In this regard, we are obliged to defer to the determination of the [PTO], which constitutes 'prima facie evidence of whether the mark is descriptive or suggestive' ... Indeed, the public is more likely to view the word 'doctor' to mean 'healing,' as Synergistic maintains, rather than to connote 'repair,' as Korman asserts."

Despite the decision, the judges overturned the \$140,000+ award imposed by the lower court, writing "we agree with Korman that the district court abused its discretion in making the damages award,

and that the foregoing factors are appropriate for consideration in connection with damages issues in Lanham Act litigation

In other words, a lack of willfulness or bad faith should weigh against an award of damages being made, but does not necessarily preclude such an award." They also ruled that "[w]e are satisfied that, in this situation, Synergistic's non-entry into the Virginia Beach marketplace is an important factor with respect to the assessment of any damages. The fact that a plaintiff had not entered the relevant marketplace when the infringement was ongoing, in combination with the fact that no sales were diverted, should weigh against an award being made ... We vacate its Opinion as to the Lanham Act damages award and remand for further proceedings. We affirm the court's ruling, however, and observe that its injunction ruling, its cancellation of Korman's 'The Windshield Doctor' mark, its denial of attorney fees, and its award of \$500 to Synergistic on the Virginia Consumer Protection Act claim stand."

## SUPPLIER MEMBER PROFILE: AEGIS INT'L

**Company Name:** AEGIS Tools International

**Location:** Madison, Wis.

Twenty-five-year-old AEGIS Tools International is a founding member of the NWRA, and continues to be as involved with the association as it is with the auto glass industry.

"We sell a full line of windshield repair equipment worldwide from the basic units for small time repairers to deluxe systems for high volume shops that do thousands of repairs annually," said Bob Birkhauser.

AEGIS has produced its patented repair systems since 1982, as well as supplying auto glass professionals in more than 50 countries with auto glass repair and replacement products.

"Repair systems come and go," said Birkhauser. "We have been out there for 25 years. Our repair systems have proven [their] reliability and longevity that gives our company a reputation that implies stability and credibility."

The company supplies other products—such as the patented Glass Handlers™ and Solo™ windshield setting system—that are designed to promote safety for the technician and safe installations for consumers.



**Glass Technology, UltraBond Introduce a Rain-X™ Remover for Windshield Repair**

Through the joint effort of two companies, Glass Technology Inc., and Ultra Bond, comes what the two call the biggest breakthrough in windshield repair in more than two decades: X-Phobic™ a hydrophobic coating remover (patent pending) for the removal of Rain-X™ and similar hydrophobic treatments. Without the removal of Rain-X™



from treated glass windshield repair resin is prevented from bonding to the glass and the damaged glass cannot be repaired effectively. This can cost the consumer the price of a new windshield. X-Phobic™ will allow windshield repair adhesives to bond to the glass.

“Windshield repair technicians have been losing thousands of dollars a month until now,” says Richard Campfield, president of Ultra Bond and co-developer of the product.

X-Phobic™ will also remove car-wash wax and detergents, moisture and other contaminants trapped within a break, the developers say.

“This product dramatically increases the reparability of most stone damages because you never really know if a windshield has been coated with a hydrophobic treatment until you begin repairing. The bottom line is this product allows for more successful repairs,” says Kerry Wanstrath of Glass Technology Inc.

It is available exclusively thru UltraBond and Glass Technology. Both companies are members of the NWRA.

**Welcome These New and Renewing Members**

Member	City	St
Ace Windshield Repair	Clute	TX
Auto One Glass & Accessories	Brighton	MI
BenDavid’s Glass Repair	Elk Grove	CA
Bi County Windshield Repair	Wading River	NY
Car Care Japan Co.	Kyoto, Japan	
Clearview Glass & Dent Repair	Lacrosse	WI
Crack Doctor Windshield Repair	San Diego	CA
Data Tranz	Valley City	ND
Dee’s Windshield Repair	Midway City	CA
Ding Medic	Gardnerville	NV
Dominion Repair Service Inc.	Alexandria	VA
Dr. Vinyl of Anchorage	Anchorage	AK
Fournet Windshield Repair	Lafayette	LA
Glass Pro of California	Pleasanton	CA
Glass Worx	Manalapan	NJ
Glastjanst I Sjuharad AB	Boras, Sweden	
LA Super Glass	Los Angeles	CA
Restoration Auto Glass	Andover	MN
Safelite Group	Jefferson	LA
Techna-Glass Inc.	Sandy	UT
Windshield Doctors	Oakdale	CT

**Nominations Committee Seeks Candidates**

Nominations are open to fill four seats on the NWRA Board of Directors. Three of the open seats are for three-year terms. The remaining open seat is a two-year term.

The Nomination Committee will provide a list of potential candidates to the association that it recommends for the open positions no later than September 2. Association members may submit nominations to the committee by completing a nomination form. Nominated members must be in good standing and their name must be submitted to the committee by June 1, 2007.

Board members must be able to commit eight to ten hours per month to the NWRA in addition to traveling two to three times per year for board meetings, as well as participate in six bi-monthly conference calls.

According to the Association bylaws, “The nominating committee shall ... submit its list of nominees to the President at least 60 days prior to the Annual meeting. The President shall cause this list to be distributed to the membership together with an announcement of the date of the Annual Meeting not less than 30 days prior to the date of the Annual Meeting.”

A nomination form has been included below or may be downloaded from the association website, [www.nwrassn.org](http://www.nwrassn.org). Please fax all completed forms to 540/720-3470 by 5 p.m. (EST) on June 1, 2007. Elections will take place at the Annual Meeting in Las Vegas on November 2.



**Deadline to submit forms is June 1.**



## *NWRA Board Nomination Form*

Name: \_\_\_\_\_ Years in Business: \_\_\_\_\_ DOB : \_\_\_\_\_

Company: \_\_\_\_\_

Company address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Marital Status (please circle one): Single, Married, Divorced, Separated

Spouse's Name (if applicable): \_\_\_\_\_

Children, Names and Ages: \_\_\_\_\_

Does Your Business Engage in: \_\_\_\_\_ Repair \_\_\_\_\_ Replacement \_\_\_\_\_ Other (Specify: \_\_\_\_\_)

EDUCATION & CERTIFICATION(S)	HIGHEST DEGREE

Job History (Beginning with current position, please provide title, company and number of years in that position. Add a separate page if necessary):

\_\_\_\_\_

\_\_\_\_\_

Additional Company Locations: \_\_\_\_\_

\_\_\_\_\_

Are you available to travel three times per year for Board Meetings?      Yes    No    (Circle One)

Are you available to participate in 6 conference calls per year?      Yes    No    (Circle One)

Are you able to commit ten hours per month to NWRA business?      Yes    No    (Circle One)

Why would you like to be a NWRA Board Member?: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please submit to Patrick Smith by June 1, 2007 at 540/720-3470 (fax) or psmith@nwrassn.org.**