

TTAB

Attorney Docket: JB-51 (#90248)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/314,543, filed September 18, 2001  
Mark: DURAMAX in Int. Class 9 / Applicant: Dual-Lite, Inc.  
Published in the *Official Gazette* of April 8, 2003 at page TM 248



06-09-2003

U.S. Patent & TMOfo/TM Mail Ropt Dt. #22

Duramax, Inc., )  
)  
Opposer, )  
)  
v. )  
)  
Dual-Lite, Inc... )  
)  
Applicant. )

Opposition No. \_\_\_\_\_

Box TTAB-Fee  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

03 JUN 17 AM 9:31  
TRADEMARK TRIAL AND APPEAL BOARD

**NOTICE OF OPPOSITION**

Duramax, Inc., a corporation organized and existing under the laws of the State of Ohio, located and doing business at 16025 Johnson Street, Middlefield, Ohio, 44062 (hereinafter referred to as "DURAMAX" or "Opposer") believes that it will be damaged by the registration of the mark "DURAMAX" shown in the above-identified application in International Class 9, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer, DURAMAX, INC. (and its predecessor in interest) herein by itself and through its Related Companies ("Related Companies" as used herein, means any corporation or other business entity, which is or was controlled by Opposer or its predecessors, or did control Opposer. "Control," as used herein, means ownership of at least fifty percent (50%) interest of the voting stock or at least fifty percent (50%) in the

income of that corporation or other business entity), is now and has for a number of years been involved in the business of producing and marketing various products, including photoluminescent goods, including photoluminescent stair nosings, photoluminescent corner bumper guards, photoluminescent floor tiles, photoluminescent inserts for round raised disk rubber tiles, photoluminescent tapes, photoluminescent corner guards, photoluminescent wall bases, photoluminescent vinyl stair treads, photoluminescent cove caps, photoluminescent stringers, photoluminescent rubber stair treads and photoluminescent signs, including photoluminescent exit signs.

2. Opposer has become widely known nationally and internationally as a producer and marketer of flooring and safety products, those items having aesthetic appearance and good quality, a portion of which are items having photoluminescent qualities enabling them to be viewed in the dark, and Opposer has acquired a favorable reputation throughout large segments of the retail and building trades industry for its above-described goods sold under, and in association with, the marks "SAFE-T-FIRST" and "DURAMAX."

3. Opposer's division, Johnsonite, is now and has been for a number of years been involved in the business of producing and marketing photoluminescent signs, which today include photoluminescent exit signs. Opposer has acquired a favorable reputation throughout large segments of the construction industry for these goods.

4. Opposer is the owner of U.S. Trademark Application No. 75/778,194, filed August 17, 1999 for the mark "DURAMAX" in International Class 19 for the goods of, "flooring systems, namely, wall bases, moldings, carpet edge guards, carpet transition strips, carpet and resilient reducers, carpet and resilient cove caps, filler strips, tub

moldings, bumper guards, thresholds, stair nosings, stair treads, vent-coves, matting and flooring; baseboard moldings of rubber and plastic materials; non-metal flooring products, namely, fire resistant floor tiles, fire resistant stair treads, fire resistant risers, fire resistant stringers, fire resistant wall bases, fire resistant rubber floor sheeting, **photoluminescent stair nosings, photoluminescent corner bumper guards, photoluminescent floor tiles, photoluminescent inserts for round raised disk rubber tiles, photoluminescent tapes and photoluminescent corner guards**, resilient floor pads for use in floorcushion mounting systems for attachment to solid or sleeper-type subfloor installations, non-metallic parts of flooring systems, namely, wall bases, outside corners, and parts of wall systems for passing air between the part and the wall" and in International Class 27 for the goods of, "flooring products, namely, rubber sheet flooring, rubber floor tiles and polymer floor tiles, rubber stair treads, polymer stair treads and vinyl stair treads." The application was filed in the U.S. Patent and Trademark Office on August 17, 1999, claiming first use in commerce on August 18, 1995, which is a date prior to the date of filing of Applicant's application, and prior to the date of Applicant's date of first use as the Applicant's application was filed as an intent-to-use application. Said trademark therefor is valid and subsisting, and Opposer owns the DURAMAX mark, and the goodwill of the business associated with such mark. A copy of Opposer's Application No. 75/778,194 is attached hereto and made part hereof as Opposer's Exhibit A.

5. Opposer is also the owner of U.S. trademark registration No. 2,006,547 granted October 8, 1996 for the mark "SAFE-T-FIRST" in International Class 19 for the goods of "non-metal flooring products; namely, fire resistant floor tiles, fire resistant stair

treads, fire resistant risers, fire resistant stringers, fire resistant wall bases and fire resistant rubber floor sheeting, **photoluminescent wall bases, photoluminescent vinyl stair treads, photoluminescent stair nosings, photoluminescent corner bumper guards, photoluminescent cove caps, photoluminescent stringers, photoluminescent rubber stair treads, photoluminescent floor tiles, photoluminescent inserts for round raised disk rubber tiles, photoluminescent tapes and photoluminescent corner guards.**" The registration was based on an application filed in the U.S. Patent and Trademark Office on December 27, 1993, claiming first use in commerce at least as early as February, 1994, which is a date prior to the date of filing of Applicant's application, and prior to the date of Applicant's date of first use as Applicant's application was filed as an intent-to-use application. In addition to the above-listed goods, Applicant uses said trademark in conjunction with **photoluminescent signs, namely, photoluminescent exit signs.** Although generally sold and marketed in association with the "SAFE-T-FIRST" trademark, the photoluminescent exit signs of Opposer are also sold contemporaneously with the "DURAMAX" mark and/or with the name of Opposer's division, as set forth above. Said trademark and registration therefor are valid and subsisting, and Opposer owns the SAFE-T-FIRST mark, the registration, and the goodwill of the business associated with such mark. A copy of Opposer's Registration No. 2,006,547 is attached hereto and made part hereof as Opposer's Exhibit B. A copy of Opposer's marketing brochure advertising photoluminescent exit signs in conjunction with both the "DURAMAX" mark and the "SAFE-T-FIRST" mark is attached hereto and made part hereof as Opposer's Exhibit C.

6. Notwithstanding Opposer's long prior rights in and to said mark, Applicant, on September 18, 2001 applied for registration of the trademark "DURAMAX" for illuminated exit signs. Said application was given Serial No. 76/314,543, and the mark was published for opposition in the Official Gazette of April 8, 2003, at page TM 248, International Class 9.

7. The "DURAMAX" mark proposed for registration by Applicant is identical in sound and appearance and meaning to Opposer's mark "DURAMAX".

8. The goods for which Applicant seeks to register its "DURAMAX" term are identical to, substantially similar to or of the same general type of goods as the goods sold in connection with the retail store goods of Opposer under its "DURAMAX" and "SAFE-T-FIRST" marks.

9. Since prior to September 18, 2001, Opposer, itself and through its Related Companies, has become extensively associated with sales of photoluminescent products, including photoluminescent exit signs, by virtue of its contemporarily designed products. Opposer's customers includes professional buyers, such as architects, interior designers, etc., who purchase flooring and photoluminescent products from the Opposer for commercial installation in factories, office buildings, government buildings, hospitals, schools, etc., and are likely to include the same people before whom Applicant is using or intending to use the "DURAMAX" trademark. Applicant's customers or prospective customers are very possibly customers of Opposer, and would unwittingly believe that Opposer was directly or indirectly involved with the goods provided by Applicant. Users of Opposer's products are likely to believe, to be confused or deceived into thinking that Applicant's illuminated exit signs originate with, or in some way are associated with,

connected with, sponsored, endorsed, or authorized by Opposer as a part of Opposer's "SAFE-T-FIRST" line of photoluminescent goods. By reason of the identical identify, appearance and sound of Applicant's alleged mark "DURAMAX" and Opposer's mark "DURAMAX" and the likely overlapping of the class of customers and channels of trade, Applicant's alleged mark, when applied to its goods is likely to cause confusion or mistake, or to deceive, all to the injury or threatened injury to Opposer. Users of Opposer's products are purchasers who generally associate Opposer's well-known "SAFE-T-FIRST" trademark, and the photoluminescent products sold under Opposer's "SAFE-T-FIRST" trademark, with Opposer's well-known "DURAMAX" mark.

**Moreover, Opposer's "DURAMAX" mark is used concurrently with the "SAFE-T-FIRST" trademark while advertising photoluminescent products, specifically photoluminescent exit signs (Exhibit C, pp. 6, 9 and 12).** By reason of the identical identity, appearance and sound of Applicant's alleged mark and Opposer's "DURAMAX" mark, Applicant's alleged mark when applied to its goods is likely to confuse or deceive Opposer's customers into thinking Applicant's illuminated exit signs are part of Opposer Duramax's "SAFE-T-FIRST" line of products, which include photoluminescent exit signs.

10. Opposer, itself and through its Related Companies, has developed an exceedingly valuable amount of goodwill with respect to its marks "DURAMAX" and "SAFE-T-FIRST." By virtue of its efforts, and the expenditure of considerable sums of promotional activities and by virtue of the excellence of its goods, Opposer has gained for its "DURAMAX" and "SAFE-T-FIRST" marks a most valuable reputation.

11. If Applicant is permitted to register "DURAMAX" as specified in the application herein opposed, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of the perception of a relationship between goods bearing the mark and name "DURAMAX" of Applicant and Opposer's goods bearing the "DURAMAX" and "SAFE-T-FIRST" marks and names. In this respect, consumers may have the impression that goods of Opposer bearing the "DURAMAX" and "SAFE-T-FIRST" marks and names, and illuminated exit signs of the Applicant having the "DURAMAX" mark are being marketed, endorsed, approved or sponsored by Opposer. Persons familiar with the marks and names "DURAMAX" and "SAFE-T-FIRST" of Opposer would be likely to buy Applicant's illuminated exit signs as goods marketed, endorsed, approved or sponsored by Opposer. Any such confusion in the trade inevitably would result in dilution of the goodwill created by Opposer. Furthermore, any defect, objection or fault found with Applicant's illuminated exit signs offered to contractors and to commercial and industrial users marketed under the "DURAMAX" mark would unnecessarily reflect upon and seriously injure the reputation which Opposer has established with respect to its photoluminescent goods, namely photoluminescent exit signs, associated with its "DURAMAX" and "SAFE-T-FIRST" marks and names.

12. Based upon the foregoing, the registration of the mark depicted in application Serial No. 76/314,543 filed September 18, 2001, on the Principal Register of the United States Patent and Trademark Office would cause injury and damage to Opposer.

WHEREFORE, Opposer requests that registration of Applicant's mark "DURAMAX", application Serial No. 76/314,543 be denied, and this opposition be sustained.

Respectfully submitted,

Dated: June 5, 2003

By: Sean F. Mellino  
Sean F. Mellino  
Reg. No. 48,817

D. PETER HOCHBERG CO., L.P.A.  
The Baker Building, 6<sup>th</sup> Floor  
1940 East 6<sup>th</sup> Street  
Cleveland, Ohio 44114  
(216) 771-3800

SFM/sm

Fee Payment:

- (X) Attached is a credit card payment form in the sum of \$300.00.
- (X) Charge Account No. 08-2441 for any additional extension and/or fee required.

**CERTIFICATE OF MAILING**

I hereby certify that this document is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Box TTAB - Fee, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA, 22202-3513, on the date noted below:

Date: June 6, 2003

Christine Kotran  
Christine Kotran

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Duramax, Inc.  
16025 Johnson Street  
Middlefield, Ohio 44062  
A corporation of the State of Ohio

Mark : DURAMAX

Int'l. Classes No. : 19 and 27

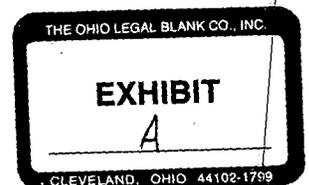
Attorney Docket : JB6133US.2

TRADEMARK APPLICATION

Box NEW APP FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dear Sir:

The above-identified applicant has adopted and is using the trademark shown in the accompanying drawing for the following goods: flooring systems, namely, wall bases, moldings, carpet edge guards, carpet transition strips, carpet and resilient reducers, carpet and resilient cove caps, filler strips, tub moldings, bumper guards, thresholds, stair nosings, stair treads, vent-coves, matting and flooring; baseboard moldings of rubber and plastic materials; adhesives comprising waterproof-mastic-resins and epoxy compounds; non-metal flooring products, namely, fire-resistant floor tiles, fire-resistant stair treads, fire-resistant risers, fire-resistant stringers, fire-resistant wall bases, fire-resistant rubber floor sheeting, photoluminescent wall bases, photoluminescent vinyl stair treads, photoluminescent stair nosings; photoluminescent corner bumper guards, photoluminescent cove caps, photoluminescent stringers, photoluminescent rubber stair treads, photoluminescent floor tiles, photoluminescent inserts for round raised disk rubber tiles, photoluminescent tapes, and photoluminescent corner guards; resilient floor pads for use in floor



cushion mounting systems for attachment to solid or sleeper-type subfloor installations; non-metallic parts of flooring systems, namely, wall bases, outside corners, and parts of wall systems for passing air between the part and the wall, in International Class 19; and flooring products, namely, rubber sheet flooring; rubber floor tiles and polymer floor tiles; rubber stair treads, polymer stair treads and vinyl stair treads in International Class 27, and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The trademark was first used in connection with the goods at least as early as August 18, 1995 with respect to both classes; was first used in connection with the goods in interstate commerce at least as early as August 18, 1995 with respect to both classes; and is now in use in such commerce.

The mark is used by applying it directly to the goods, labels affixed to the goods, packaging for the goods and/or displays associated with the goods, and six specimens (three per class) showing the mark as actually used are presented herewith.

Applicant hereby appoints:

D. Peter Hochberg                      Reg. No. 24,603

William H. Holt                          Reg. No. 20,766

of D. Peter Hochberg Co., L.P.A., The Baker Building - 6th Floor, 1940 East 6th Street, Cleveland, Ohio 44114, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection herewith, and to receive the Certificate of Registration.

The undersigned Raymond T. Warner declares that he is Executive Vice President of applicant corporation and is authorized to execute this instrument on behalf of said corporation; he further declares said corporation to be the owner of the mark sought to be registered; that on

information and belief, no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

DURAMAX, INC.

By: *Raymond T. Warner*  
Raymond T. Warner  
Executive Vice President

Signed this *8* day of *August*, 1999

Applicant

Duramax, Inc.  
16025 Johnson Street  
Middlefield, Ohio 44062

A corporation of the State of Ohio

Goods

Flooring systems, namely, wall bases, moldings, carpet edge guards, carpet transition strips, carpet and resilient reducers, carpet and resilient cove caps, filler strips, tub moldings, bumper guards, thresholds, stair nosings, stair treads, vent-coves, matting and flooring; baseboard moldings of rubber and plastic materials; adhesives comprising waterproof mastic resins and epoxy compounds; non-metal flooring products, namely, fire-resistant floor tiles, fire-resistant stair treads, fire-resistant risers, fire-resistant stringers, fire-resistant wall bases, fire-resistant rubber floor sheeting, photoluminescent wall bases, photoluminescent vinyl stair treads, photoluminescent stair nosings, photoluminescent corner bumper guards, photoluminescent cove caps, photoluminescent stringers, photoluminescent rubber stair treads, photoluminescent floor tiles, photoluminescent inserts for round raised disk rubber tiles, photoluminescent tapes, and photoluminescent corner guards; resilient floor pads for use in floor cushion mounting systems for attachment to solid or sleeper-type subfloor installations; non-metallic parts of flooring systems, namely, wall bases, outside corners, and parts of wall systems for passing air between the part and the wall, in International Class 19; and

Flooring products, namely, rubber sheet flooring; rubber floor tiles and polymer floor tiles; rubber stair treads, polymer stair treads and vinyl stair treads in International Class 27

Date of First Use

At least as early as August 18, 1995 (for both classes)

Date of First Interstate Use

At least as early as August 18, 1995 (for both classes)

Attorney Docket

JB6133US.2 (#90248)

DURAMAX

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33, and 50

**United States Patent and Trademark Office**

Reg. No. 2,006,547  
Registered Oct. 8, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**SAFE-T-FIRST**

DURAMAX, INC. (OHIO CORPORATION)  
16025 JOHNSON STREET  
MIDDLEFIELD, OH 44062

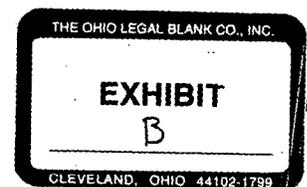
FOR: NON-METAL FLOORING PRODUCTS;  
NAMELY, FIRE RESISTANT FLOOR TILES,  
FIRE RESISTANT STAIR TREADS, FIRE RE-  
SISTANT RISERS, FIRE RESISTANT STRING-  
ERS, FIRE RESISTANT WALL BASES AND  
FIRE RESISTANT RUBBER FLOOR SHEET-  
ING, PHOTOLUMINESCENT WALL BASES,  
PHOTOLUMINESCENT VINYL STAIR  
TREADS, PHOTOLUMINESCENT STAIR NOS-  
INGS, PHOTOLUMINESCENT CORNER  
BUMPER GUARDS, PHOTOLUMINESCENT

COVE CAPS, PHOTOLUMINESCENT STRING-  
ERS, PHOTOLUMINESCENT RUBBER STAIR  
TREADS, PHOTOLUMINESCENT FLOOR  
TILES, PHOTOLUMINESCENT INSERTS FOR  
ROUND RAISED DISK RUBBER TILES, PHO-  
TOLUMINESCENT TAPES, AND PHOTOLU-  
MINESCENT CORNER GUARDS, IN CLASS 19  
(U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 2-0-1994; IN COMMERCE  
2-0-1994.

SN 74-474,995, FILED 12-27-1993.

ANIL V. GEORGE, EXAMINING ATTORNEY



**Johnsonite**

*The Original Solution to the problems of the 1970's*

**SAFETY-FIRST**

Featuring Johnsonite ParMAJCA Technology

THE OHIO LEGAL BLANK CO., INC.

**EXHIBIT**

C

CLEVELAND, OHIO 44102-1799

# Johnsonite®

*The only Solutions to Integrate Design & Life-Safety*



Johnsonite leads the industry in creating innovative vinyl and rubber specialty flooring solutions for interior environments. We believe that all the elements of a design contribute to the synergy of space. That's why we integrate design, style, function, comfort and life-safety into our entire family of solutions. And now, Johnsonite continues to lead the industry with our latest breakthrough -- Safe-T-First, featuring Permalight™ technology. Johnsonite, in collaboration with Permalight A.G. of Germany, developed Safe-T-First in 1994 as a result of increasing demand by building owners who required enhanced life-safety provisions, particularly during crisis situations where loss of power resulted in blackout. They demanded a smarter solution, and Johnsonite responded to the challenge with Safe-T-First -- a life-safety solution that also integrates beauty and function into a building environment's interior design.

### Industry Awards

- 1997 Buildings Top 100 Product Pick Award
- 1997 Design Journal ADEX Award
- 1996 Design Journal ADEX Award
- 1996 Chicago Athenaeum Museum of Architecture Good Design Award
- 1996 IIDA Contract Design APEX Product Design Award
- 1996 Buildings Show Innovations Award
- 1996 I.D. International Design Distinction Award
- 1995 EDI Innovations Award
- 1995 IIDA Acclaim Award
- 1995 Nightingale Product Design Award
- 1994 ASID Interior Design Product Award
- 1994 Canadian Facility Newsmaker Award
- 1994 IIDA Contract Design APEX Product Design Award
- 1994 Roscoe Design Award (Interior Design)
- Member, National Safety Council

Circle 14 on Reader Service Card for more information on Safe-T-First  
or visit our website at [www.johnsonite.com](http://www.johnsonite.com)



### Higher Expectations for Life-Safety

Many companies realize that decisions they make regarding safety and health are vital to the long-term welfare of the company. There is an effort at all levels of organizations to address these decisions initially instead of after an accident or mishap. Still, too often, it takes a tragic incident to place the importance of safety over doing only the minimum required by law.

Existing laws establish minimum standards, yet our society expects higher demands for safety. For those who have the authority to determine the safety of a building's occupants and its assets, it is not merely an issue of simple compliance with rules and regulations, *but rather an issue of*

*doing the right thing even when the law allows us to do less.* This is the ultimate challenge confronting building owners, executive management and those responsible for providing a safe environment, while also respecting the requirements of interior design.

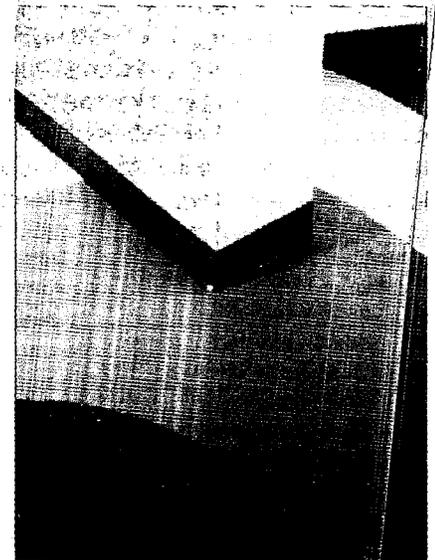
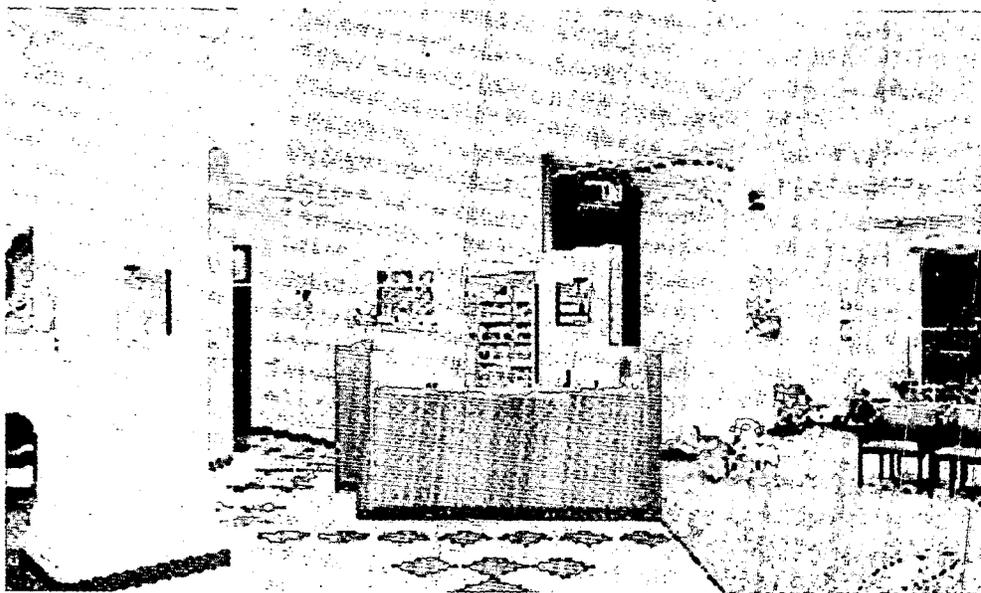
Existing building code's minimum standards may not address, or only address in a limited way, egress and guidance pathways. Traditional emergency lighting systems require electrical or battery power. These systems require regular maintenance and are subject to human error. They are not fail-safe. Therefore, these code-required emergency systems may not perform in an emergency situation, nor are they easily integrated into the landscape of the interior design.

### A Simpler Way to Keep People Safe During Emergencies

Evacuating a building in daylight is rarely a problem, but evacuating a building in dark or smoke-filled conditions can be chaotic. When emergency egress routes are no longer visible, people become disoriented and panic.

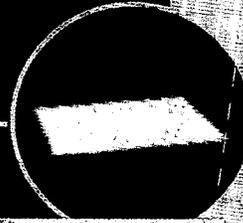
In these situations, the potential for injury - and even death - is significantly increased. Johnsonite's Safe-T-First System helps provide an advanced measure of safety to assist building occupants evacuate a building during periods of sudden darkness.

*Shown here and at right are examples of Johnsonite's unique ability to bring synergy to interiors through innovative specialty flooring solutions.*



-  Complies with Americans with Disabilities Act regulations.
-  Meets building code standards from American National Standard Institute.
-  Meets flammability requirements of the National Fire Protection Association Life-Safety Code 101.
-  Meets photoluminescent escape routing standards in D.I.N. 67510.
-  Member National Safety Council

## Shedding New Light on Safety



### An Innovative New Concept in Safety

The Johnsonite PermaLight Safe-T-First system creates low-location, bright, luminous pathways on floors, along the wall base and in stairwells. Safe-T-First provides a non-electrical egress system that works down low where smoke is less likely to obscure visibility. Not designed to replace code-required backup lighting systems, Safe-T-First is a supplement to these systems. Because Safe-T-First does not rely on electricity, it is a solution that will work when even backup lighting systems fail.

The system's photoluminescence is the result of patented PermaLight technology that incorporates bright, long-lasting pigments into Johnsonite's stair treads, cove base, floor tiles, signage, paint and marking indicators. This unique technology utilizes high-performance, photoluminescent crystals that are inert, non-toxic and free of radioactivity. These crystals absorb light energy, then release this stored energy in darkness up to a 10-hour period (will vary based on product).

### A Cost-Effective Alternative

Safe-T-First presents a new alternative integrating an enhanced life-safety system at an economical cost in a new or renovation project. In many situations, the incremental cost of Safe-T-First is often pennies on the dollar as measured against the serviceable square footage of the building that Safe-T-First is serving. When you really consider the advantages of Safe-T-First, the question is not, "How can I afford Safe-T-First?" but "How can I afford to be without it?"

### Safe-T-First offers:

- Color, style and function
- Integration with interior landscape
- Low-location guidance
- Visibility of markings, signs and safety equipment
- Enhanced speed of safe evacuation
- Self-charging; no power source necessary (product charges in daylight or with incandescent and fluorescent lighting)
- Photoluminescent elements that last longer than standard electrical items
- The ability to use in new or renovated spaces
- Low cost per serviceable square foot
- Potential reduction in workers' compensation costs and insurance premiums
- Compliance to ADA guidelines for the visually impaired
- Protection of human and capital assets
- Potential cost savings and cost avoidances
- Enhanced employee sense of security
- Enhanced protection of individuals in unfamiliar surroundings

### Why Safe-T-First?

Safe-T-First, featuring PermaLight photoluminescent technology, provides improved building safety while balancing design and cost requirements.

Imagine yourself:

- Caught in a blackout.
- Disoriented and unable to find the way out.
- Sandwiched in a panicked crowd.
- Facing unknown obstacles in the darkness.
- Trapped in a smoke-filled stairwell.
- Unable to locate an escape route.

What will you do when:

- Emergency lights fail?
- Smoke or dust obscures available lighting?
- You feel the fear of the unknown?
- A sense of panic begins to set in?

### Increasing Life-Safety Challenges

Building owners, specifiers and managers of interior environments are under continuous pressure to build life-safety measures into their interior design objectives. The Americans with Disabilities Act requires building managers and specifiers to think differently about managing the accessibility of space.

*Safe-T-First improves building safety while balancing design and cost requirements. Johnsonite Prima Rubber floor tile complements Safe-T-First photoluminescent tile and wall base.*

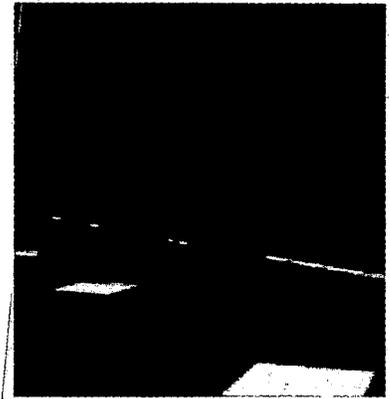


Note: Photographs may not duplicate exact color of PermaLight material.

As technology improves and the social climate changes, a greater level of building safety will be expected. As we plan for the future, these trends must be monitored to ensure not only compliance to law, but more importantly that we're doing the right thing for the people we're serving.

### Future Implications:

- Disasters of the 1990s will increase the drive for companies to become better prepared for faster evacuation during blackout situations.
- Safety will be higher priority for facility managers.
- Building codes will become more strict.
- New technologies will replace antiquated systems.
- Energy conservation will be more important as energy costs escalate.

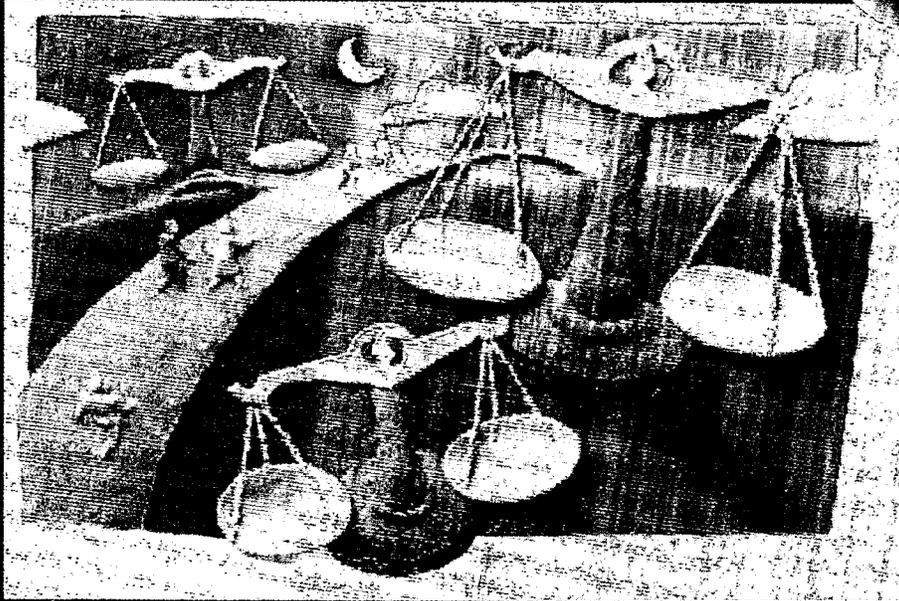


*The Johnsonite PermaLight Safe-T-First System creates low-location, bright, luminous pathways on floors and along the wall base.*

- Companies will spend more money on safety issues as a trade-off for increasing insurance and liability costs.
- Will need to adapt existing buildings to new building codes.
- ADA requirements will expand.

*Walking 30 to 40 yards in a straight line in familiar surroundings can take five times as long in darkness and ten or more times longer if there are any impediments or corners to negotiate.*

## Reduce Liability and Litigation



### Protect Your Human and Capital Assets

In an increasingly litigious society, negligence is inexcusable. You must prepare for the unexpected in order to protect your company's human and capital assets. Shareholders and stakeholders expect every precaution to be taken to avoid costly litigation and to limit liability.

### Issues that Impact Your Liability

If emergency lighting equipment is inoperable during an emergency, what are some of the considerations that are involved?

- What if people are unable to exit a building safely?
- What if there are injuries or deaths?
- Who will be responsible for building maintenance neglect?
- Will your liability insurance satisfy claims if the building emergency lights were not maintained?
- How will building occupants respond if they feel the building is unsafe?
- To what level could damages rise in the event of a disaster?
- To whom and to what levels would legal liability fall in a tragic situation?
- What would the implications be if business is interrupted for a period of time?

### Safe-T-First helps companies manage these issues:

- Health, safety and welfare
- Environment
- Interior design, ergonomics and cost
- Capital assets
- Human resources

### These issues concern:

- Corporate executives, boards and shareholders
- Architects and designers
- Safety officers and facility managers
- Attorneys, risk managers and asset managers
- Building owners

### Did you know?

- For slip/fall injuries, claims average over \$13,096
- Slip/fall accidents are also the second leading cause of workers compensation.

**EMERGENCY  
EXIT**

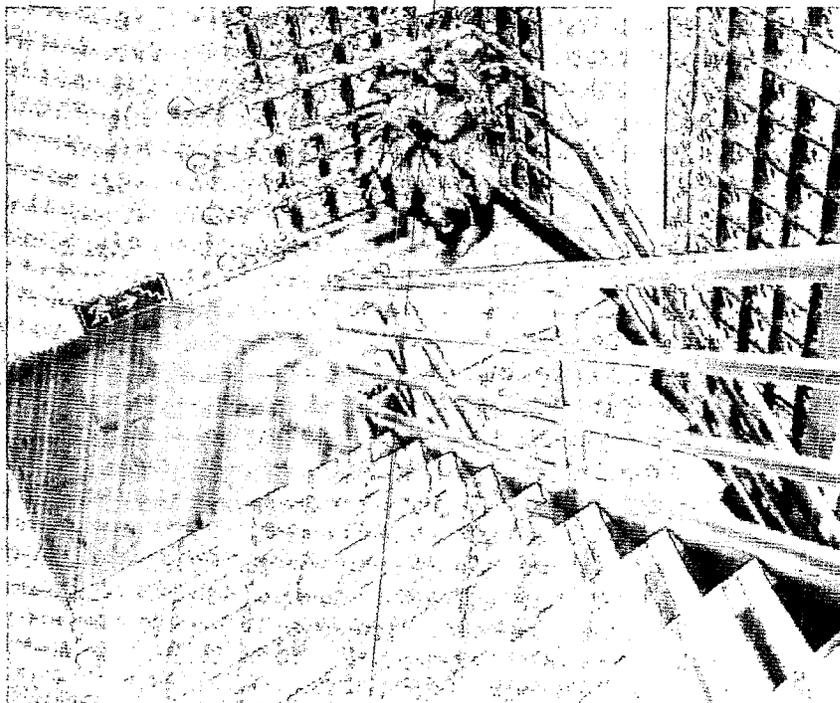
Safe-T-First helps minimize these issues by providing continuous visible direction at ground level, ensuring an orderly, expeditious, safe evacuation of employees in the event of power failure, smoke obscuring the exits and other natural or man-made disasters.

In addition, the system may assist emergency services personnel by providing a low-location guidance pathway in darkness. They can enter a facility more quickly to extinguish a fire and/or assist in evacuation. This system can also be used to highlight access to critical equipment and control panels to protect valuable assets during periods of sudden darkness caused by power failure or other emergency situations.

Therefore, by clearly marking stairwells, hallways and other egress routes and important fire protection equipment - especially fire protection systems - human and capital resources can be protected, while still addressing the critical requirements of interior design, style and comfort.



*Shown at left, Johnsonite photoluminescent, visually impaired stair treads, photoluminescent hand rail covers and photoluminescent low-location signage with lights off.*

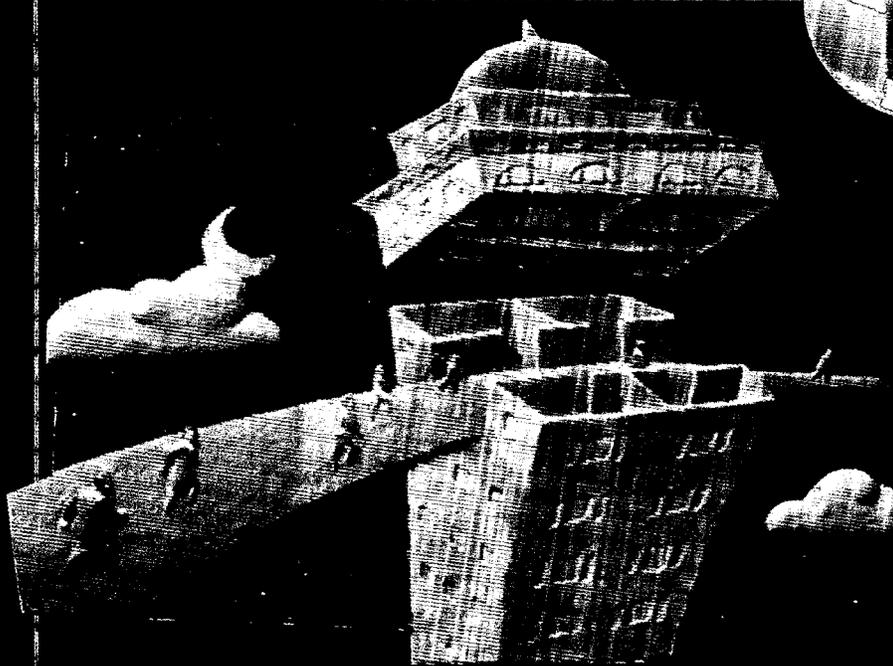


*Shown to the right, Johnsonite photoluminescent, visually impaired stair treads, photoluminescent hand rail covers and photoluminescent low-location signage with lights on.*

*"The major problem we faced as a consequence of ... our systems ... being out was that we could not communicate with the people who were stranded on the floors and in the stairwells, and there was no light, particularly in the stairwells."*

*Stanley Brezenoff, executive director of the New York Port Authority, after the World Trade Center bombing*

## A Cost-Effective Way to Protect Your Assets



According to a study in the 1997 International Facility Managers Association (IFMA) Research Report #18, the average annual facility cost is just over \$20 per rentable square foot. Life-safety costs represent only \$0.25 or one percent of net annual cost of just over \$20.

The study defined life-safety costs as those costs associated with compliance to building regulations, such as fire and egress requirements, signage, exit doors, building doors, sprinkler systems and staff. When examined as part of the life-safety costs of a facility, Safe-T-First is just pennies per rentable square foot, which makes it an ideal solution for new construction and renovation projects.

### Less Maintenance, Lower Life-Cycle Costs

Having reliable emergency lighting systems is imperative when the unexpected happens. When there is a general power failure and the emergency lighting system fails to work, instant blackout occurs. Facility managers and building owners are responsible for preventing panic and providing safe egress. Yet, emergency backup systems are often not properly maintained. Unfortunately, this lack of attention is overlooked until a blackout situation occurs.

Safe-T-First helps supplement emergency systems and provides an additional measure of safety. It's a non-electrical system and requires little maintenance outside of normal floor cleaning.

To charge the photoluminescent materials, Safe-T-First needs only the appropriate daylight, incandescent or fluorescent lighting.

### Total Annual Facility Costs

Percentile	\$/RSF
99	\$48.03
95	\$40.14
90	\$35.44
75	\$26.88
50	\$19.38
25	\$11.52
10	\$8.09
5	\$6.41
1	\$3.51
Mean	\$20.52

### Life-Safety Costs

Percentile	\$/RSF
99	\$1.62
95	\$1.14
90	\$0.66
75	\$0.31
50	\$0.11
25	\$0.04
10	\$0.02
5	\$0.01
1	\$0.003
Mean	\$0.25

### Life-Safety Costs by Industry Type

Industry Type	No. of Respondents	\$/RSF
Banking/Investment	11	\$0.31
Information Services	6	\$0.16
Energy Utilities	13	\$0.25
Health Care	5	\$0.16
Insurance	10	\$0.08
Professional Services	9	\$0.07
Trades/Retail	9	\$0.22
Motor Vehicles	13	\$0.13
Chemicals	6	\$0.19
Consumer Products	13	\$0.16
Computers	38	\$0.52
Energy/Mining	5	\$0.21
Other Manufacturing	6	\$0.28
Government	22	\$0.15
Research	9	\$0.47
Other Institution	5	\$0.08

SOURCE: 1997 IFMA Research Report #18  
The International Facility Management Association (IFMA) is a not-for-profit group established to promote excellence in the management of the work environment.

Safe-T-First recharges itself in 20 minutes (depending on the activating light source), never overcharges, and lasts as long as the floorcovering material itself. Once installed, the system works silently and is always there when you need it, with virtually no maintenance expenses.

### **Marrying Design and Safety**

We recognize the complex requirements building owners, facility managers and specifiers have in achieving a well-designed space that reflects the desired aesthetics, form and function, while addressing safety issues.

Johnsonite's extensive color palette allows Safe-T-First to easily complement the design of a space. Generally, Safe-T-First products will be only a small portion of the building's main flooring products. We've carefully styled Safe-T-First products so they may be easily integrated into the interior design, with a wide variety of design options.

Consider these possibilities with products that integrate Safe-T-First special photoluminescent materials:

More than:

- 26 colors that coordinate through every Johnsonite flooring solution

*We've carefully styled Safe-T-First products so they may be easily integrated into the interior design, with a wide variety of design options.*

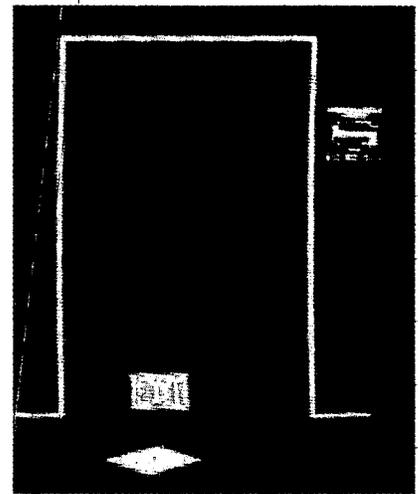
30 colors in rubber treads and tile

70 colors in wall base

30 colors in flooring transitions and wall guards

Safe-T-First can be used as an entire system or as individual product solutions. Safe-T-First follows Johnsonite's overall commitment to providing you the details that integrate with your design solutions.

Clearly, no other egress routing system integrates safety, aesthetics and function like Safe-T-First.



*Safe-T-First photoluminescent feature strips define a doorway with lights off. Also shown is Safe-T-First wall base, floor tile, evacuation plan and exit sign — clearly marking the exit pathway.*



*The problem with exit signs — emergency exit signs are typically suspended from the ceiling or mounted over doorways. In cases of fire, smoke accumulates quickly and tends to rise. Building occupants are advised to get down on their hands and knees and crawl beneath smoke toward exits. High-location signage becomes virtually impossible to see in these situations. Safe-T-First's revolutionary low-location exit path markers offer a continuous low-location path along the entire escape route.*

## A Safe-T-First Overview

### Business Benefit

1. May avoid or minimize potential litigation expense due to injury or death.
2. May lower workmen's compensation costs.
3. Enhanced protection of capital assets.
4. Helps minimize business interruption costs.
5. May reduce business insurance costs.
6. Provides individual feeling of sense of security - better morale.
7. May eliminate the need to retrofit at a later date as laws develop.

### Current Applications

- Health care
- Commercial
- Public buildings
- Residential
- Research
- Manufacturing
- Hospitality
- Auditoriums and theaters
- Prisons
- Military bases
- Mass-transit systems
- Indoor garages
- Utilities
- Pharmaceutical
- Retail
- Educational facilities
- Institutional
- Clean room environments

### The systems solution:

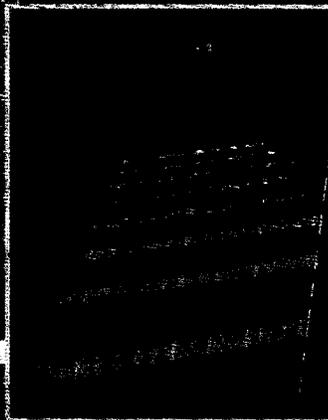
- Offers continuous, visible direction close to the floor
- Helps ensure orderly, expeditious, safe evacuation
- Identifies floor location numbers and evacuation signage
- Highlights stairs in darkness or light for visually impaired
- Highlights access to critical equipment or controls
- Assists fire department personnel

### The technical solution:

- World-renowned PermaLight photoluminescent technology
- Low-location emergency egress lighting
- Up to 10 hours' luminance per charge
- Charges repeatedly and indefinitely by natural daylight or incandescent and fluorescent lighting
- Low maintenance
- Durable
- Meets German D.I.N. Standard (equivalent to ASTM in the U.S.A.)
- Non-radioactive
- Non-electrical
- Ergonomic

### The design solution:

- Integrates with all design lines
- Is available in ColorMatch colors - a comprehensive color-matching system of 26 colors - plus many other colors to choose
- Blends with other interior elements
- Complies with established aesthetic guidelines
- Is appropriate for most occupied spaces



## The Complete Johnsonite Safe-T-First, Low-Location Evacuation System

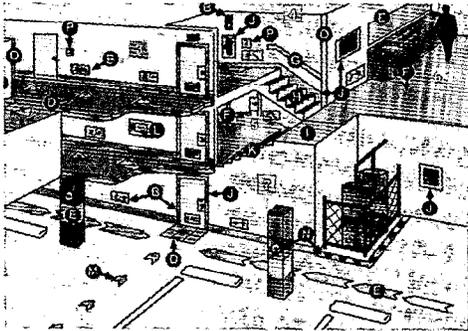


Illustration 1



Illustration 2

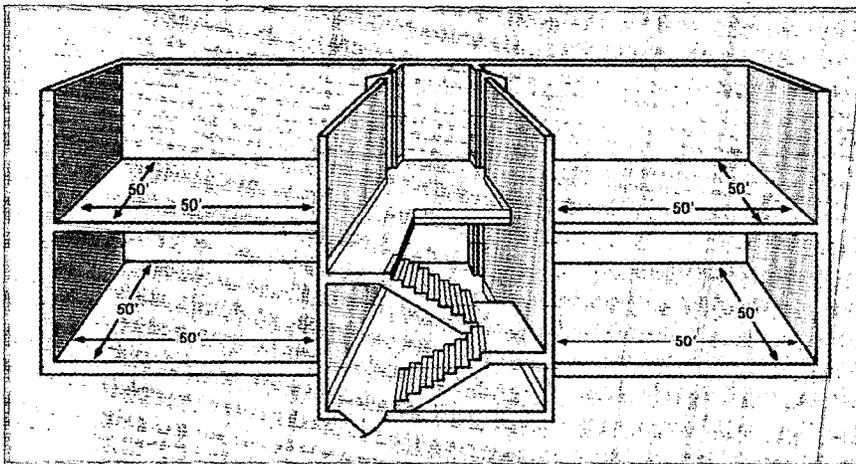
### Johnsonite Safe-T-First System™ Featuring Permalight® Technology

- A. Carpet Cove Cap
- B. Signage and Path Markers
- C. Rubber Wall Base
- D. Vinyl Floor Tile
- E. Photoluminescent Paints
- F. Knob Inserts for Round Raised Disk Tile
- G. Hand Rail
- H. Rubber and Vinyl Stair Treads
- I. Tactile Warning Strip
- J. Guidance Strip
- K. Vinyl Stair Nosings
- L. Custom Evacuation Plan
- M. Epoxy Casting Resin
- N. Tapes and Self-Stick Strips
- O. Vinyl Corner Bumper Guards
- P. Floor Indicator Signage (ADA with Braille)

The schematic layout (Illustration 1) shown above with lights on utilizes the complete Johnsonite Safe-T-First System.

In Illustration 2, when a blackout situation occurs, occupants exiting the building at location (1) see the Safe-T-First System elements and will be guided through the door, along the corridors (2 and 3), through the exit door to the landing (4). They then see the stairs leading to the ground level door (5) and exit to safety. Occupants at location (6) follow the illuminated path along the corridor, then down the stairs to door (5) and exit to safety. Occupants in the basement area see the path markers leading them to the door at location (7) and out to safety.

*Note: While this layout demonstrates the use of the complete Safe-T-First product offering, a non-electrical, photoluminescent, low-location escape routing plan can be accomplished using only certain specific components of the line.*



Safe-T-First photoluminescent wall base and stair treads are indicated in green.

1. This illustration represents 10,000 square feet of space, with each section of each floor being 50 feet by 50 feet. Safe-T-First wall base is applied to the corridors only, which equates to 200 linear feet.

2. There are two floors with 16 steps, each step being 4 feet wide.

3. The incremental cost in servicing 10,000 square feet of space in this illustration, with 200 feet of Safe-T-First wall base and 16 Safe-T-First stair treads, as compared to traditional rubber wall base and stair treads, is approximately \$.06 per serviceable square foot.

4. Costs will vary depending on material utilized and local installation costs.

innovation  
color  
style  
design  
function  
durability  
comfort  
life-safety

**Johnsonite**<sup>®</sup>  
*Bringing Solutions to Interior Design & Life-Safety*

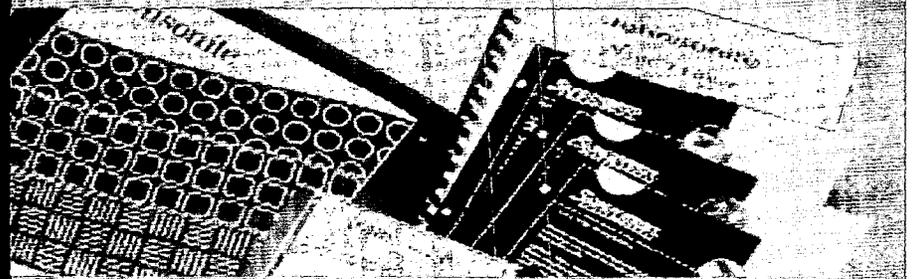
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Visit our educational Web site at [www.safe-t-first.com](http://www.safe-t-first.com).

Safe-T-First Web site contains technical information, complete photo-luminescent reference library and product information. These materials may also be downloaded for your convenience.

Note: Photographs may not duplicate exact color of PermaLight material.

*innovation*  
*color*  
*style*  
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*life-safety*

**Johnsonite**  
*Helping Solutions to Integrate, Design & Life-Safety*

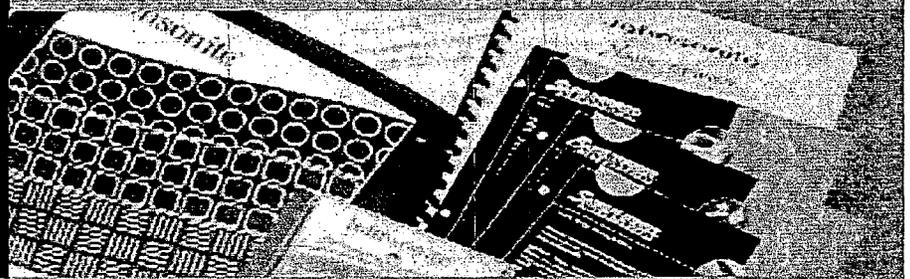
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