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Subject: U.S. TRADEMARK APPLICATION NO. 86197455 - CARS - 029313-00106 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 2

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86197455

MARK: CARS

CORRESPONDENT ADDRESS:

TIMOTHY D PECSENYE

BLANK ROME LLP

1 LOGAN SQ FL 8

PHILADELPHIA, PA 19103-6998

GENERAL TRADEMARK INFORMATION:

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APPLICANT: Rieker Instrument Company, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

029313-00106

CORRESPONDENT E-MAIL ADDRESS:

pecsenye@blankrome.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/9/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated December 23, 2015 is maintained and continues to be final: Refusal Under Section 2(e)(1). *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. The attached evidence further supports the Section 2(e)(1) refusal. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/April Reeves/

April E. Reeves

Examining Attorney

Law Office 102

(571) 272-3681

april.reeves@uspto.gov

Technical Report Documentation Page

1. Report No.	2. Government Accession No.	3. Recipient's Catalog No.
FHWA/TX-07/0-5439-P1		

4. Title and Subtitle
HORIZONTAL CURVE SIGNING HANDBOOK

5. Report Date
August 2007
Published: October 2007

6. Performing Organization Code

7. Author(s)
J. Bonneson, M. Pratt, J. Miles, and P. Carlson

8. Performing Organization Report No.
Product 0-5439-P1

9. Performing Organization Name and Address
Texas Transportation Institute
The Texas A&M University System
College Station, Texas 77843-3135

10. Work Unit No. (TRAIS)

11. Contract or Grant No.
Project 0-5439

12. Sponsoring Agency Name and Address
Texas Department of Transportation
Research and Technology Implementation Office
P.O. Box 5080
Austin, Texas 78763-5080

13. Type of Report and Period Covered
Product

14. Sponsoring Agency Code

15. Supplementary Notes
Project performed in cooperation with the Texas Department of Transportation and the Federal Highway Administration.
Project Title: Identifying and Testing Effective Advisory Speed Setting Procedures
URL: http://tti.tamu.edu/documents/0-5439-P1.pdf

16. Abstract

Horizontal curves are a necessary component of the highway alignment; however, they tend to be associated with a disproportionate number of severe crashes. Warning signs are intended to improve curve safety by alerting the driver of a change in geometry that may not be apparent or expected. However, several research projects conducted in the last 20 years have consistently shown that drivers are not responding to curve warning signs nor complying with the Advisory Speed plaque.

The procedures described in this handbook are intended to improve consistency in curve signing and driver compliance with the advisory speed. The handbook describes guidelines for determining when an advisory speed is needed, criteria for identifying the appropriate advisory speed, an engineering study method for determining the advisory speed, and guidelines for selecting other curve-related traffic control devices.

The handbook is intended for use by traffic engineers and technicians that have been given the responsible charge of evaluating and maintaining horizontal curve signing and delineation devices. The procedures described in this handbook are applicable to rural highways. However, they may be useful for establishing advisory speeds for urban streets.

17. Key Words
Traffic Control Devices, Warning Signs, Speed Signs, Highway Curves, Speed Measurement, Trucks, Traffic Speed

18. Distribution Statement
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19. Security Classif.(of this report)	20. Security Classif.(of this page)	21. No. of Pages	22. Price
Unclassified	Unclassified	56	

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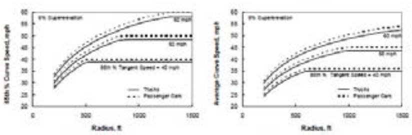
variables. The speeds predicted by this model are shown in Figure 1. The trends shown indicate that the average truck speed equals about 97 percent of the average passenger car speed.



a. 85th Percentile Speed.

b. Average Speed.

Figure 1. Effect of Radius, Tangent Speed, and Vehicle Type on Curve Speed.

The trend lines in Figure 1 indicate that drivers on sharper curves slow from the tangent speed to an acceptable curve speed. The amount of speed reduction increases with decreasing radius. For curves with a 500 ft radius and a 60 mph tangent speed, the reduction is about 10 mph. In contrast, for a 1000 ft radius and 60 mph tangent speed, the reduction is only about 5 mph.

The effect of superelevation rate is not shown in Figure 1. However, the model indicates that curve speed increases about 1.0 mph for every 2.0 percent increase in superelevation rate.

Curve Safety

Bonneson et al. (*4*) examined the relationship between curve radius and crash rate using safety relationships documented in the literature (*5*, *6*). These relationships are shown in Figure 2. Crash rate is defined in this figure in terms of crashes per million vehicle miles (crashes/mvm). One trend line represents the combination of fatal and injury crashes. The other trend line represents the combination of fatal, injury, and property-damage-only (PDO) crashes.

The two trend lines in Figure 2 are in fairly good agreement. They indicate that the crash rate increases sharply for curves with a radius of less than 1000 ft. They also indicate that most crashes on sharper curves result in an injury or fatality.

Based on the discussion in this and the previous sections, it is likely that the trends in Figure 2 are reflecting driver error while entering or traversing a curve. It is possible that some drivers are distracted or impaired and do not track the curve. It is also possible that some drivers detect the curve but do not correctly judge its sharpness. In both instances, traffic control devices have the potential to improve safety by making it easier for drivers to detect the curve and judge its sharpness.

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car
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DIRECT METHOD

The Direct Method is based on the field measurement of vehicle speeds on the subject curve. It is available as a method of establishing the advisory speed because this speed is defined in terms of the distribution of vehicle speeds. Specifically, it has been recommended that the advisory speed equal the average speed of trucks (*4*).

The procedure for implementing the Direct Method consists of three steps. During the first step, measurements are taken in the field. During the second step, the measurements are used to compute the advisory speed. During the last step, the recommended advisory speed is confirmed through field trial. Each of these steps is described in more detail in the next three sections.

Step 1: Field Measurements

Measure the speed of 125 or more free-flowing passenger cars as they travel through the critical portion of the curve in one direction of travel. Repeat the measurements for the opposing direction of travel. A radar speed meter can be used for this purpose. A free-flowing vehicle will be at least 3 s ahead of the next following vehicle and at least 3 s behind the previous vehicle.

Compute the arithmetic average of the measured speeds for each direction. Two averages are obtained at the conclusion of this step.

Step 2: Determine Advisory Speed

Multiply each of the averages from Step 1 by 0.97 to obtain an estimate of the average truck speed for each direction of travel. The advisory speed for each direction of travel is then computed by first adding 1.0 mph to the corresponding average and then rounding the sum *down* to the nearest 5 mph increment. This technique yields a conservative estimate of the advisory speed by effectively rounding curve speeds that end in 4 or 9 up to the next higher 5 mph increment, while rounding all other speeds down. For example, applying this rounding technique to a curve speed of 54, 55, 56, 57, or 58 mph yields an advisory speed of 55 mph.

When two or more curves are separated by a tangent of 600 ft or less, the Advisory Speed plaque should show the value for the curve having the lowest advisory speed in the series.

Step 3: Confirm Speed for Conditions

During this step, the appropriateness of the advisory speed determined in Step 2 and the need for other horizontal alignment signs is evaluated. The evaluation is based on consideration of a range of factors. These factors include:

- the regulatory speed limit and the 85^{th} percentile speed of free-flowing traffic,
- driver approach sight distance to the beginning of the curve,
- visibility around the curve,
- unexpected geometric features within the curve, and
- position of the most critical curve in a sequence of closely-spaced curves.

CHAPTER 4. CURVE SIGNING GUIDELINES

OVERVIEW

This chapter describes guidelines for the signing of horizontal curves on rural highways. These guidelines were derived largely through a review and synthesis of guidelines offered in the literature. They are intended to complement the procedure for establishing the advisory speed that is described in Chapter 3. Together, the procedure and guidelines provide a rational basis for establishing uniform signing for rural highway curves.

GUIDELINES

Guidelines for selecting curve-related traffic control devices are described in this section. The guidelines are based largely on the existing practices of many transportation agencies. They consist of recommended combinations of traffic control devices associated with a specified curve severity category. The guidelines were developed to reflect a balance of the following goals:

- Promote the uniform and consistent use of traffic control devices.
- Base guidance for these devices on curve severity.
- Avoid overuse of devices.
- Limit the number of devices used at a given curve.

Application of the guidelines begins with a determination of the curve's severity category. This assessment can be obtained using Figure 11. The curve's severity category is based on consideration of the 85th percentile tangent speed and the 85th percentile curve speed. Category A represents curves that are just sharp enough that drivers tend to reduce speed slightly. They accomplish the necessary speed reduction by lifting their foot slightly off the accelerator at the start of the curve. At the other extreme, category E represents the sharpest curves. Drivers will have to begin braking well before they reach the curve, and the degree of braking will be very notable to the vehicle's occupants. These curves can require special treatments such as oversize curve warning signs, flashers added to curve warning signs, wider edge lines approaching (and along) the curve, and profiled edge lines and center lines.

Application of Figure 11 requires knowledge of the 85th percentile tangent speed for passenger cars. This speed can be obtained from a survey of speeds on a tangent section of highway in the vicinity of the curve. The location at which tangent speed data are collected should be sufficiently distant from the curve that it does not influence the observed speeds. The TxDOT document *Procedures for Establishing Speed Zones* describes the survey procedure (*12*). If the 85th percentile tangent speed is not available, an equation is provided in the TCAS software for estimating this speed.

To illustrate the use of Figure 11, consider a curve with an 85th percentile tangent speed of 55 mph and an 85th percentile curve speed of 45 mph. Proceeding upward from the 55-mph tick

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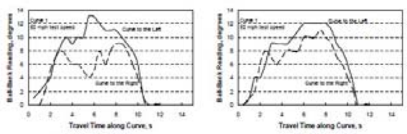
Uniformity in Advisory Speed among Curves

This subsection examines variability of the ball-bank indicator reading and its impact on the uniformity in advisory speed among the curves in various jurisdictions. This examination focuses on the range of ball-bank readings that are typically obtained for a given curve and discusses possible sources of this variability. The consequences of a lack of uniformity are examined by comparing posted advisory speeds with those established by researchers using a ball-bank indicator.

Evidence: Variable Ball-Bank Readings

Experience using the ball-bank indicator reveals that it is a sensitive device that is influenced by variations in the vehicle's travel path and variations in the road surface. The variation in ball-bank readings obtained at one curve is shown in Figure A-2. The first and last readings shown in each figure are small because of the superelevation runoff that occurs at the start and end of the curve. However, the intermediate readings can be seen to vary by several degrees with travel time along the curve and also by curve direction and technician. Similar trends are found at most other curves.



a. Technician A. b. Technician B.

Figure A-2. Ball-Bank Readings from Two Test Runs with Different Technicians.

In Figure A-2a, the ball-bank reading on the curve to the right varies from 4 to 9 degrees for travel time between 2.5 and 8.5 s. The average reading in this range is 7.3 degrees. As shown in Figure A-2b, the second technician driving the same car and curve to the right observed readings that vary from 6 to 11 degrees with an average of 8.2 degrees. The variability within any one technician's test run is significant and, when considering the additional variability among technicians, it is not difficult to understand why there is so little uniformity in advisory speeds among curves. Moreover, this finding suggests the ball-bank method has the undesirable trait of not being a "repeatable" process.

Standard practice in using the ball-bank indicator is to use the *maximum* ball-bank reading observed during the test run to establish the advisory speed. Thus, for the curve shown in

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About

Brudis & Associates, Inc. (BAI) is a multidiscipline engineering firm providing consulting services to public and private sector clients in the Maryland, District of Columbia and Pennsylvania region. Founded in 1992, BAI provides comprehensive, innovative and effective solutions to our clients' transportation and infrastructure needs.

- Traffic Engineering and Traffic Signal Design
- Bridge Engineering
- Structural Engineering
- Hydraulic/Hydrology Engineering
- Highway/Roadway Engineering
- Asset Management
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- Land Use and Site Development
- Traffic Counts (Manual/Machine)
- Transportation Planning and Modeling
- CI/CM and Claims Analysis

Our Mission

To exceed our clients' expectations by providing comprehensive, innovative and effective solutions to their transportation and infrastructure needs.

Our Values

QUALITY

- Technical excellence through staff expertise and experience
- Superior client coordination and responsiveness
- Applying innovative problem solving to our projects

PROFESSIONALISM

- Enthusiastic staff that demonstrate honesty and integrity
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Awards and Recognition

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In August of 2007, Roads & Bridges magazine published a "Design Innovation" supplement, which featured the top design firms in North America in six categories relating to the transportation industry. Subscribers were asked to indicate which design engineering firms they are most likely to "go to" for a variety of project types. Based on the survey of the magazines government (DOT) subscribers, BAI was ranked in the top 55 companies for our outstanding performance and expertise in Road and Highway design.

AASHTO RECOGNITION

BAI provided extensive transportation research and analysis for a statewide study for a determination of posting of advisory speeds along Maryland highways for the Maryland Department of Transportation. BAI's study on advisory speed posting has been referenced in AASHTO's "A Policy on Geometric Design of Highways and Streets."

MARYLAND QUALITY INITIATIVE

BAI was awarded the Maryland State Highway Administration's MdQI award for Erosion and Sediment Control for its drainage design along I-68 in West Midlothian, Maryland. BAI provided detailed drainage analysis, complete with hydraulic computations to repair the embankment and undermining. Upon completion of the analysis, BAI developed construction plans, specifications cost estimates for the stream outfalls and drainage.

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CurveRite

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Most experienced traffic engineers agree that establishing consistent advisory speeds can reduce unexpectedly dangerous situations. To assist you in determining uniform advisory speeds for horizontal curves, BAI Instruments, a division of Brudis & Associates, Inc. is pleased to introduce the CurveRite 1200 Advisory Speed Meter. This product is the result of significant research on employing modern instrumentation,microprocessor and custom software technology. The design and quality of every BAI Instrument is backed by our commitment to your complete satisfaction.

The CurveRite Model 1200 Advisory Speed Meter* provides extremely reliable data that is essential to establishing safe and consistent advisory speeds for highway curves. Whether it is an isolated curve, multiple "S" curve, or a ramp to/from a freeway, the CurveRite Model 1200 accurately measures the lateral gravitational force acting upon vehicles and their occupants. Consistent practices in establishing advisory speeds will improve highway design safety.

CurveRite Model 1200 Advisory Speed Meter

The testing and calibration of the CurveRite involved extensive research and technical development by Brudis & Associates, Inc. The instantaneous results and measurements obtained reflect the operating speeds of the highway, based upon the "Speed Zone Theory" and "85th Percentile Speeds", which is adapted by the American Association of State Highway and Transportation Officials (AASHTO); Institute of Transportation Engineers (ITE) and as defined in the Manual of Uniform Traffic Control Devices, (MUTCD).

View BAI's CurveRite 1200 Presentation for More Details

Download the Advisory Speed Field Test Sheet

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Setting Curve Advisory Speed Using CurveRite

Measure Curve Speed

- Measure free flow speeds in curve
- No consensus
  - 85th, average, or median speeds?
  - Cars, trucks or all?
- MUTCD 2009 no longer supports explicitly
- Provides credible and safe speed for the majority.

Installation Steps

1. Attach suction cup to windshield
   - Near center line of vehicle
2. Attach accelerometer to suction cup
3. Center bubble in level
4. Connect cord to display unit
5. Place GPS antenna on roof or dash
6. Connect GPS cord to display unit
7. Plug power cord into 12V car socket

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Definitions of car

[1] car (kar)

▸ Definitions

noun

1. any vehicle on wheels
2. (*old-fashioned, poetic*) a chariot
3. (*US*) a vehicle that moves on rails, as a streetcar
4. an automobile
5. (*US*) elevator (sense 2)
6. the part of a balloon or airship for carrying people and equipment

▸ Word Origin

ME & NormFr carre < L carrum, carrus, orig., two-wheeled Celtic war chariot < Gaul carros (OIr carr) < IE * 57457rsos < base * 57457ers-, to run > L currere, to run, cursus, course

▸ Synonyms

View thesaurus entry

= **vehicle**, auto (*US*), automobile, clunker (*informal*), jalopy (*informal*), machine, motor, motorcar, wheels (*informal*)

= **carriage**, railway carriage, buffet car, cable car, coach, dining car, sleeping car, van

[2] car

▸ Definitions

carat(s)

▸ Translations for 'car'

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American English: car A car is a motor vehicle with room for a small number of passengers He had left his tickets in his car. cars

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Chinese: 小汽车	Croatian: automobil
Czech: auto	Danish: bil
Dutch: auto	European Spanish: coche
Finnish: auto	French: voiture
German: Auto *Autos*	Greek: αυτοκίνητο
Italian: automobile	Japanese: 自動車
Korean: 자동차	Norwegian: bil
Polish: samochód	Portuguese: carro
Romanian: mașină mașini	Russian: автомобиль
Spanish: carro	Swedish: bil
Thai: รถยนต์	Turkish: araba
Ukrainian: авто	Vietnamese: xe ô tô

▸ Example Sentences Including 'car'

Each car gleamed under its own set of track lights, like babies in a multiracial nursery.
Lisa Scottoline RUNNING FROM THE LAW (2001)

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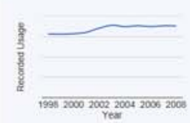

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car

Your car is your automobile, your wheels, your vehicle. A *car* can also be another kind of moving compartment — such as a railroad *car*, a cable *car*, or a trolley *car*.

The word *car* has been around much longer than the automobile. It comes from the Latin *carrus*, a kind of wagon the Romans discovered from the Gauls, a European people the Romans conquered. It shows up in Italian and Spanish (*carro*, meaning "a car or a cart," and it also survives in various forms in modern Irish, Gaelic, Welsh, Breton, German, and other languages. When you're listening to your engine purr, you can thank the Gauls. And the Romans.

Definitions of
car

1.

a motor vehicle with four wheels; usually propelled by an internal combustion engine

"he needs a car to get to work"

Synonyms: auto, automobile, machine, motorcar

Types: *show 40 types...*

Type of: automotive vehicle, motor vehicle
a self-propelled wheeled vehicle that does not run on rails

a wheeled vehicle adapted to the rails of railroad

"three cars had jumped the rails"

Synonyms: railcar, railroad car, railway car

Types: *show 24 types...*

Type of: wheeled vehicle
a vehicle that moves on wheels and usually has a container for transporting things or people

a conveyance for passengers or freight on a cable railway

Synonyms: cable car

Type of: compartment
a partitioned section, chamber, or separate room within a larger enclosed area

the compartment that is suspended from an airship and that carries personnel and the cargo and the power plant

Synonyms: gondola

Type of: compartment
a partitioned section, chamber, or separate room within a larger enclosed area

where passengers ride up and down

"the car was on the top floor"

Synonyms: elevator car

Type of: compartment
a partitioned section, chamber, or separate room within a larger enclosed area

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atypical means :

- abnormal
- pharisaical
- avuncular
- schematic

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the "car" family

Usage Examples

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Without waiting for orders, Dr. Michael Neeks instinctively collected his medical supplies, jumped into his **car** and raced to the sound of gunfire.

Johnson's relatives have pressed Chicago officials for squad **car** video of the shooting and filed lawsuits.

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car (kär)

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n.

1. An automobile.
2. A vehicle, such as a streetcar, that runs on rails: a railroad car.
3. A boxlike enclosure for passengers and freight on a conveyance: an elevator car.
4. The part of a balloon or airship that carries people and cargo.
5. Archaic A chariot, carriage, or cart.

[Middle English carre, cart, from Old North French, from Latin carra, pl. of carrus, carrum, a Gallic type of wagon; see **kers-** in the Appendix of Indo-European roots.]