



US00D787024S

(12) **United States Design Patent** (10) **Patent No.:** **US D787,024 S**
Ball (45) **Date of Patent:** **** May 16, 2017**

(54) **DEVICE FOR CONCEALING A FLANGE**

2,190,532 A 2/1940 Lukomski
2,222,807 A 11/1940 Burr
2,278,566 A 4/1942 Schaible
2,323,224 A 6/1943 Kuhnle
2,528,919 A 11/1950 Stone et al.
2,731,649 A 1/1956 Valentine
2,736,577 A 2/1956 Mackey
2,890,463 A 6/1959 Young
2,905,951 A 9/1959 Weddendorf, Jr.
2,976,543 A 3/1961 Turner et al.

(71) Applicant: **WCM Industries, Inc.**, Colorado Springs, CO (US)

(72) Inventor: **William T. Ball**, Colorado Springs, CO (US)

(73) Assignee: **WCM Industries, Inc.**, Colorado Springs, CO (US)

(Continued)

(**) Term: **15 Years**

FOREIGN PATENT DOCUMENTS

(21) Appl. No.: **29/561,022**

CA 530215 9/1956
DE 419477 9/1925

(22) Filed: **Apr. 12, 2016**

(Continued)

Related U.S. Application Data

OTHER PUBLICATIONS

(60) Continuation of application No. 14/332,148, filed on Jul. 15, 2014, now Pat. No. 9,453,329, which is a division of application No. 13/274,804, filed on Oct. 17, 2011, now Pat. No. 8,813,272.

U.S. Appl. No. 29/561,020, filed Apr. 12, 2016, Ball.

(Continued)

(51) **LOC (10) Cl.** **23-01**

Primary Examiner — Eric Goodman

(52) **U.S. Cl.**

Assistant Examiner — Amy Wierenga

USPC **D23/259**

(74) *Attorney, Agent, or Firm* — Sheridan Ross P.C.

(58) **Field of Classification Search**

(57) **CLAIM**

USPC D23/259–265, 268–269, 266–267, D23/209–210; 4/286–295, 679–694
CPC ... E03C 1/26; E03C 1/262; E03C 1/28; E03C 1/298; E03C 1/23; E03C 1/24; E03C 1/264

The ornamental design for a device for concealing a flange, as shown and described.

See application file for complete search history.

DESCRIPTION

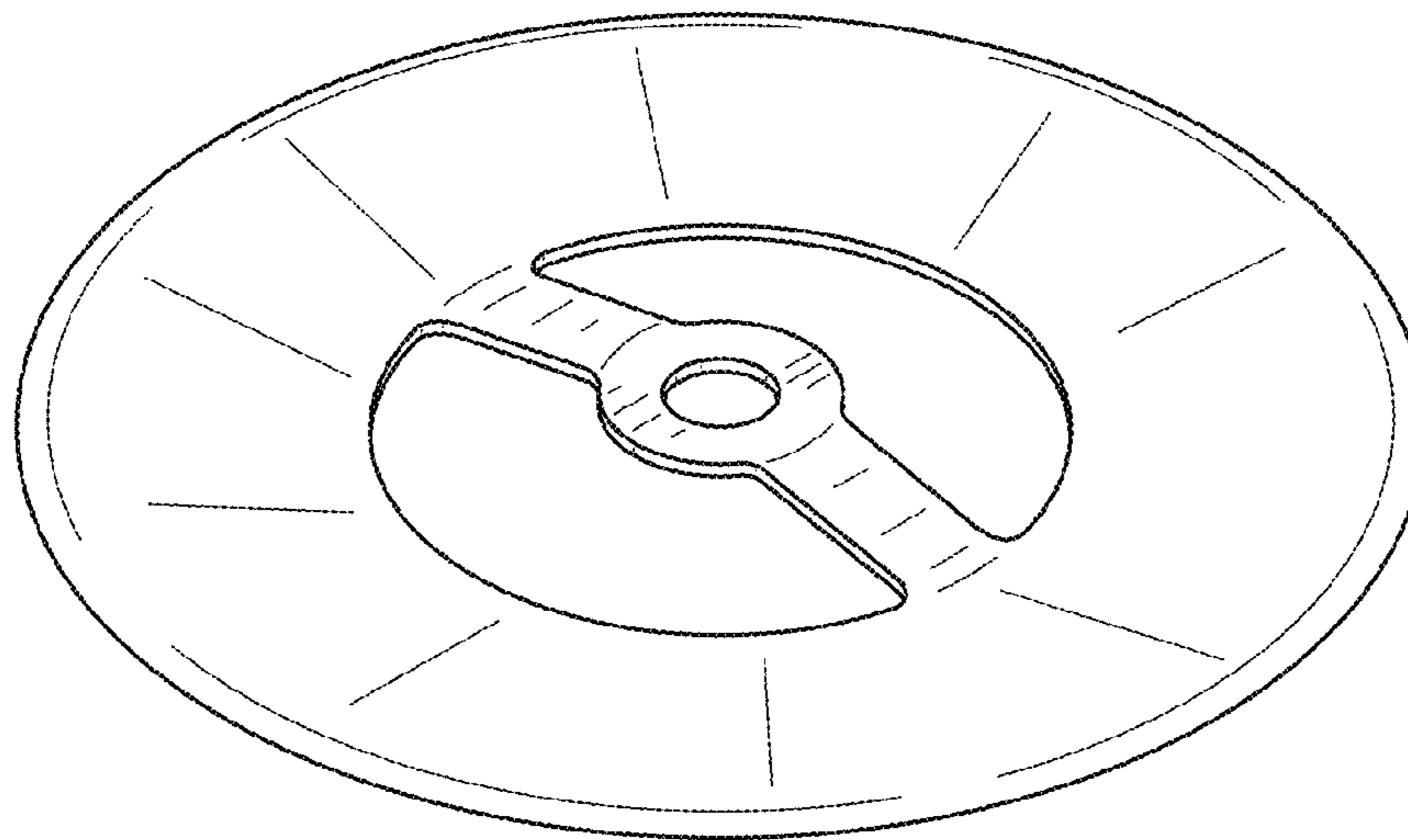
(56) **References Cited**

FIG. 1 is a perspective view of the device for concealing a flange showing the new design;
FIG. 2 is a top plan view thereof;
FIG. 3 is a front elevation view thereof, the rear elevation view being a mirror image thereof;
FIG. 4 is a left elevation view thereof, the right elevation view being a mirror image thereof; and,
FIG. 5 is a bottom plan view thereof.

U.S. PATENT DOCUMENTS

569,247 A 10/1896 Smith
820,437 A 5/1906 Pehrson
1,059,748 A * 4/1913 Mueller et al. E03C 1/22
285/191
1,592,866 A 7/1926 Murphy
1,805,816 A 5/1931 Fleming

1 Claim, 3 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

3,037,212 A	6/1962	Kleinhof	6,085,362 A	7/2000	Huber
3,046,028 A	7/1962	Nathan	6,088,843 A	7/2000	Francisco
3,048,415 A	8/1962	Shook	6,108,828 A	8/2000	Cheng
3,096,527 A	7/1963	Eynon	6,128,788 A	10/2000	Yamazaki
3,212,416 A	10/1965	Boersma	6,138,290 A	10/2000	Lin
3,311,391 A	3/1967	Harrell	6,148,454 A	11/2000	Ball
3,316,562 A	5/1967	Van Dyke et al.	6,154,898 A	12/2000	Ball
3,345,085 A	10/1967	Hanes	6,173,459 B1	1/2001	Ball
3,349,412 A	10/1967	Schwartz et al.	6,195,819 B1	3/2001	Wang
3,380,081 A *	4/1968	Eilertson A47K 1/14 137/454.2	6,226,806 B1	5/2001	Ball
3,501,172 A	3/1970	Pickard	6,269,495 B1	8/2001	Sondrup
3,579,670 A	5/1971	Frank	6,317,906 B1	11/2001	Ball
3,615,984 A	10/1971	Chase	6,332,632 B1	12/2001	Hodges
3,684,199 A	8/1972	Bebinger	6,418,570 B1	7/2002	Ball
3,800,339 A	4/1974	Bergin	6,490,739 B1	12/2002	Lee
3,813,708 A	6/1974	Hamburg	D475,130 S	5/2003	Stout, Jr.
3,881,201 A	5/1975	Richards	6,631,623 B1	10/2003	Ball
3,911,635 A	10/1975	Traupe	6,637,050 B1	10/2003	Ball
3,982,289 A	9/1976	Robbins	6,640,358 B2	11/2003	Ball
4,059,289 A	11/1977	Morris et al.	6,675,406 B2	1/2004	Ball
4,207,632 A	6/1980	Savell, Jr. et al.	6,675,407 B1	1/2004	Ball
D255,706 S	7/1980	Adam	6,681,420 B1	1/2004	Ball
4,232,407 A	11/1980	Williams	6,691,411 B2	2/2004	Ball
4,257,892 A	3/1981	Boersma	D488,217 S	4/2004	Stout, Jr.
4,310,933 A	1/1982	Stratman	6,719,294 B2	4/2004	Nguyen et al.
4,320,540 A	3/1982	Leavens	6,735,791 B1	5/2004	Lordahl et al.
4,329,744 A	5/1982	Cuschera	6,789,275 B2	9/2004	Spells, Sr. et al.
4,359,788 A	11/1982	Liou	6,795,987 B2	9/2004	Cornwall
4,412,361 A	11/1983	Cuschera	6,799,606 B1	10/2004	Howson
4,420,844 A *	12/1983	Puckett A47K 1/14 4/286	6,800,024 B1	10/2004	Prevost
4,502,166 A	3/1985	Brown, Sr.	6,880,179 B2	4/2005	Wang
4,505,499 A	3/1985	Uglow et al.	6,895,838 B2	5/2005	Stahnke
4,571,751 A	2/1986	Barlow	7,013,500 B1	3/2006	Lin
4,574,402 A	3/1986	Brown, Sr.	7,055,184 B2	6/2006	Humber
4,594,740 A	6/1986	Tseronakis	7,127,752 B2	10/2006	Ball
4,655,913 A	4/1987	Boersma	7,188,376 B2	3/2007	Ortiz et al.
4,683,597 A	8/1987	Taylor et al.	7,451,502 B2	11/2008	Ball
4,692,948 A	9/1987	Martin	7,503,083 B2	3/2009	Ball
4,706,306 A	11/1987	Smith	7,740,197 B1	6/2010	Schulz
4,720,877 A	1/1988	Watts	7,814,580 B2	10/2010	Coronado et al.
4,799,713 A	1/1989	Uglow	8,011,030 B2	9/2011	Li
4,850,617 A	7/1989	Moberly	8,307,469 B1 *	11/2012	Cohen A47K 1/14 4/286
4,908,883 A	3/1990	Rivera	8,347,906 B1	1/2013	Ismert et al.
4,926,507 A	5/1990	Craig et al.	8,607,376 B2	12/2013	Ball
5,072,461 A	12/1991	Logsdon	8,813,272 B2	8/2014	Ball
5,165,118 A	11/1992	Cendrowski	8,925,123 B2	1/2015	DeGooyer et al.
5,265,281 A	11/1993	McAlpine	9,015,870 B2	4/2015	Ball
5,271,108 A	12/1993	Wicke	9,015,876 B2	4/2015	Ball
5,291,619 A	3/1994	Adorjan	9,234,337 B2	1/2016	Ball et al.
5,297,817 A	3/1994	Hodges	9,453,329 B2 *	9/2016	Ball E03C 1/262
5,318,230 A	6/1994	Ferguson et al.	2002/0023294 A1	2/2002	Spells, Sr.
5,330,811 A	7/1994	Buchalter	2002/0112285 A1 *	8/2002	Minnick E03C 1/24 4/694
5,369,815 A	12/1994	Martin	2003/0025275 A1	2/2003	Miller
5,372,715 A	12/1994	Maggard et al.	2003/0182721 A1	10/2003	Li
5,376,264 A	12/1994	Betancourt	2004/0117907 A1	6/2004	Ball
5,418,983 A	5/1995	Garguillo et al.	2004/0163165 A1	8/2004	Ortiz et al.
5,442,819 A	8/1995	Penor et al.	2005/0035558 A1	2/2005	Dipzinski et al.
5,535,455 A	7/1996	Liu	2005/0050623 A1	3/2005	Greene
5,560,052 A	10/1996	Ferguson et al.	2005/0108814 A1	5/2005	Thompson
D379,403 S	5/1997	Jones	2005/0204462 A1 *	9/2005	Cotton E03C 1/22 4/286
5,692,248 A	12/1997	Ball	2006/0170208 A1	8/2006	Arning et al.
5,745,931 A	5/1998	Ball	2006/0283792 A1	12/2006	McCallum
5,758,368 A	6/1998	Ball	2007/0039098 A1	2/2007	Ball
5,819,328 A	10/1998	Lewis	2007/0044231 A1 *	3/2007	Ball E03C 1/2302 4/689
D402,354 S	12/1998	Strong et al.	2008/0047060 A1	2/2008	Ball
5,881,397 A	3/1999	Hobbs	2008/0072387 A1	3/2008	Dombrowski
5,890,241 A	4/1999	Ball	2008/0098504 A1	5/2008	Knox et al.
5,924,635 A	7/1999	Koshimizu et al.	2008/0098517 A1	5/2008	Ball
5,937,450 A	8/1999	Jones	2008/0148469 A1	6/2008	Dipzinski et al.
6,058,526 A	5/2000	Parisi et al.	2008/0196161 A1	8/2008	Ball
6,066,119 A	5/2000	Ball	2009/0119826 A1	5/2009	Coronado
6,067,669 A	5/2000	Peterson et al.	2009/0172870 A1	7/2009	Hong
6,070,910 A	6/2000	Hodges	2009/0172877 A1	7/2009	Ball
			2010/0037392 A1	2/2010	Ball et al.
			2011/0035867 A1	2/2011	Coronado et al.

(56)

References Cited

U.S. PATENT DOCUMENTS

2011/0173747	A1	7/2011	Evans et al.	
2011/0289667	A1	12/2011	Oropallo et al.	
2012/0048070	A1	3/2012	Richter	
2012/0110722	A1	5/2012	Abbondanzio et al.	
2013/0067648	A1	3/2013	Whitehead	
2013/0193042	A1	8/2013	Hull	
2014/0138297	A1	5/2014	Hull	
2014/0259386	A1*	9/2014	Antoniello	E03C 1/244 4/694
2014/0325748	A1	11/2014	Ball	

FOREIGN PATENT DOCUMENTS

DE	1784266	10/1971
DE	3621715	1/1988
DE	9200488	3/1992
DE	4206903	9/1993
DE	20118252	3/2003
GB	1216285	12/1970
JP	S53-58752	5/1978
JP	H05-15887	3/1993
JP	H05-88393	12/1993
JP	H09-108130	4/1997
JP	2000-513421	10/2000
JP	2003-313913	11/2003
WO	WO 99/54560	10/1999
WO	WO 02/063109	8/2002
WO	WO 2004/074587	9/2004
WO	WO 2009/063334	5/2009
WO	WO 2013/112560	8/2013

OTHER PUBLICATIONS

“OATEYSCS Supply Chain Services Catalog,” Oatey Co., 2012, 334 pages.

“Press-In” Trim Kit, AB&A™ IPS Corporation (date unknown) 2 pages.

“Push N’ Repair Closet Flange,” IPS Corporation, 2011, [retrieved Sep. 6, 2014], 1 page. Retrieved from: <http://web.archive.org/web/20111013024522/http://ipscorp.com/watertite/closetflanges/pushnrepair>.

Complaint for Delaratory Relief (with Exhibits 1-7), *IPS Corporation v. WCM Industries, Inc.*, United States District Court for the Western District of Tennessee, Case No. 2:12-cv-02694, filed Aug. 9, 2012, 58 pages.

Defendant WCM Industries, Inc.’S Answer to Complaint, Affirmative Defenses and Counterclaims Against IPS Corporation, *IPS Corporation v. WCM Industries, Inc.*, United States District Court

for the Western District of Tennessee, Case No. 2:12-cv-02694-JPM-tmp, filed Apr. 12, 2013, 10 pages.

Plaintiff IPS Corporation’S Answer to Defendant WCM Industries, Inc.’S Counterclaims, *IPS Corporation v. WCM Industries, Inc.*, United States District Court for the Western District of Tennessee, Case No. 2:12-cv-02694-JPM-tmp, filed May 3, 2013, 5 pages.

IPS Corporation’S Initial Non-Infringement Contentions (with Exhibit A), *IPS Corporation v. WCM Industries, Inc.*, United States District Court for the Western District of Tennessee, Case No. 2:12-cv-02694-JPM-dkv, dated Jun. 7, 2013, 5 pages.

Plaintiff IPS’s Initial Invalidity Contentions (with Exhibits A and B), *IPS Corporation v. WCM Industries, Inc.*, United States District Court for the Western District of Tennessee, Case No. 2:12-cv-02694-JPM-dkv, dated Aug. 6, 2013, 78 pages.

Examination and Search Report for United Kingdom Patent Application No. GB1118043.7, dated Oct. 31, 2011 6 pages.

Examiner’s Report for Canadian Application No. 2,556,523, dated Feb. 16, 2009.

Official Action (with partial English summary) for Mexican Patent Application No. MX/a/2012/002782 dated Dec. 1, 2014, 3 pages.

Official Action for U.S. Appl. No. 13/274,804 mailed Dec. 24, 2013, 10 pages.

Notice of Allowance for U.S. Appl. No. 13/274,804 mailed Apr. 23, 2014, 6 pages.

Official Action for U.S. Appl. No. 14/332,148 mailed Apr. 5, 2016, 6 pages.

Official Action for U.S. Appl. No. 13/912,421, mailed Jun. 18, 2015 9 pages.

Official Action for U.S. Appl. No. 11/161,933, mailed Jun. 23, 2008, 6 pages.

Notice of Allowance for U.S. Appl. No. 11/161,933, mailed Jan. 29, 2009, 6 pages.

Official Action for U.S. Appl. No. 12/405,956, mailed Oct. 14, 2010, 8 pages.

Official Action for U.S. Appl. No. 13/041,929 mailed Dec. 18, 2013, 6 pages.

Official Action for U.S. Appl. No. 13/041,929 mailed May 8, 2014, 12 pages.

Notice of Allowance for U.S. Appl. No. 13/041,929 mailed Feb. 11, 2015, 7 pages.

Official Action for U.S. Appl. No. 13/669,417 mailed Mar. 1, 2013, 7 pages.

Notice of Allowance for U.S. Appl. No. 13/669,417 mailed Sep. 27, 2013, 9 pages.

Official Action for U.S. Appl. No. 14/109,503 mailed Aug. 18, 2014, 6 pages.

Final Action for U.S. Appl. No. 14/109,503, mailed Dec. 29, 2014, 10 pages.

Notice of Allowance for U.S. Appl. No. 14/109,503, mailed Mar. 11, 2015 8 pages.

* cited by examiner

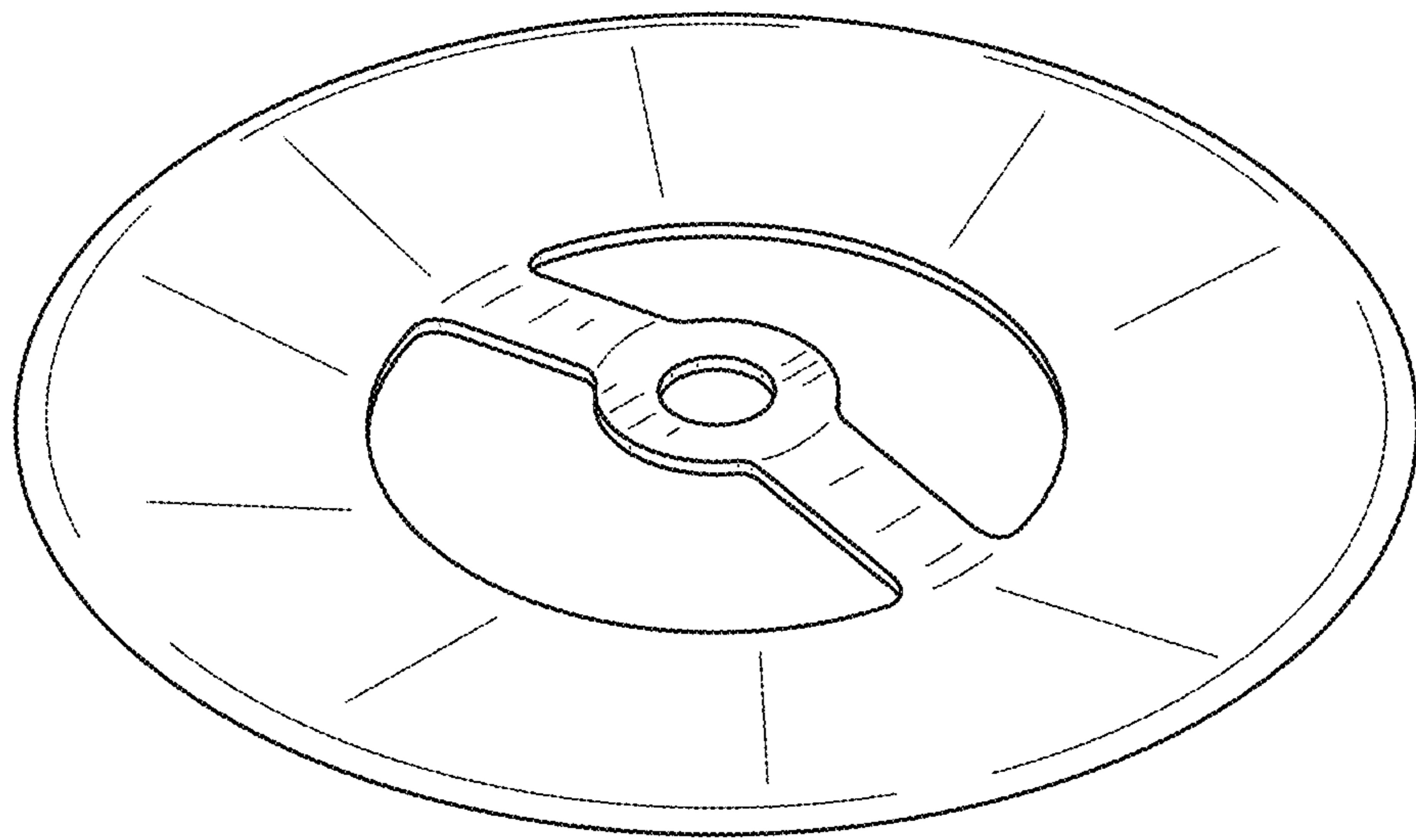


FIG. 1

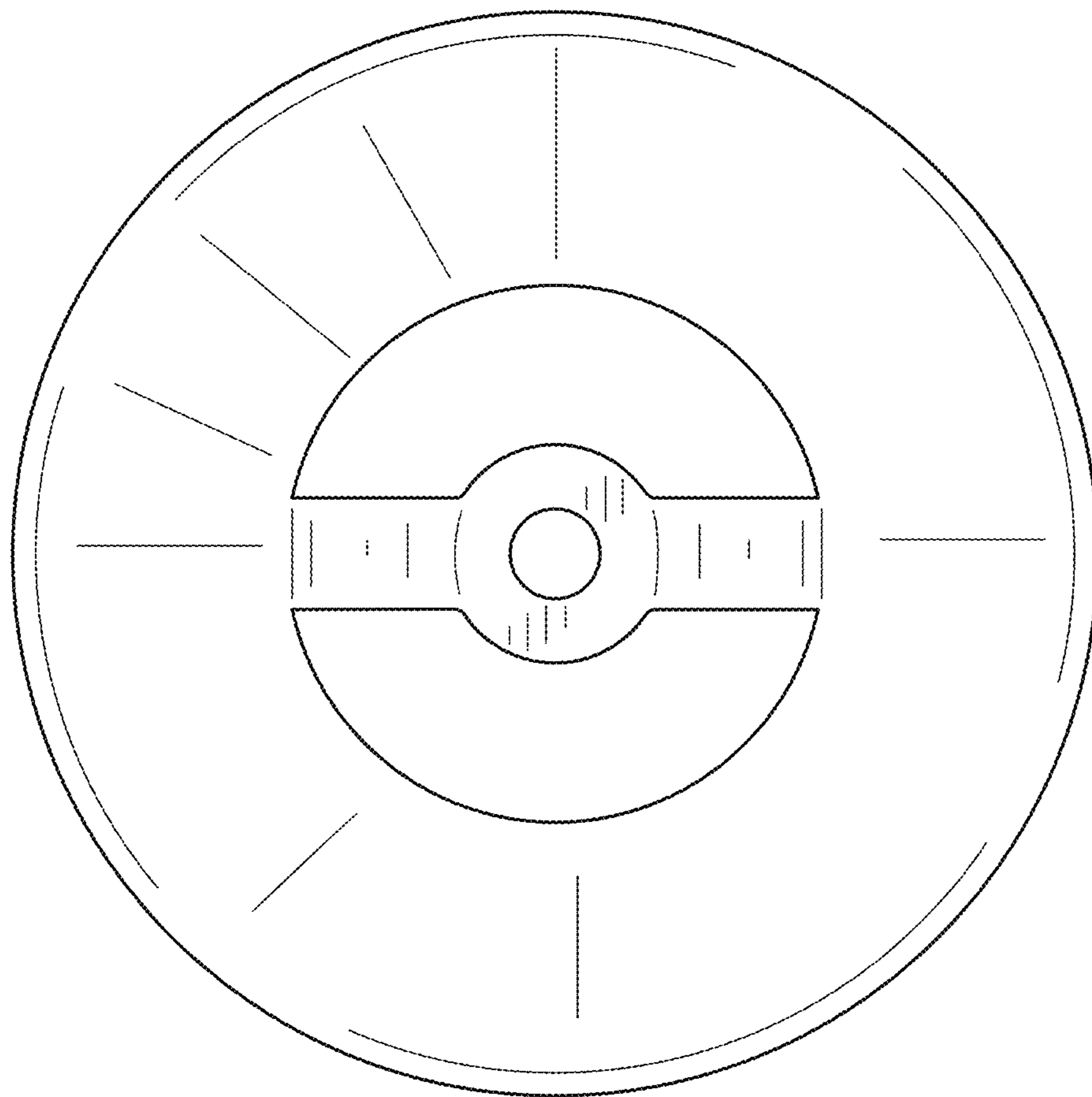


FIG. 2



FIG. 3

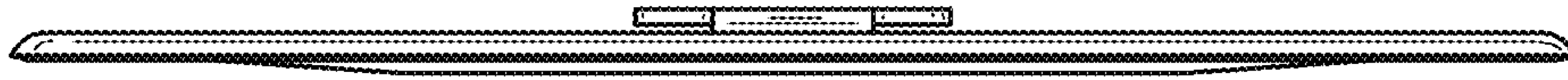


FIG.4

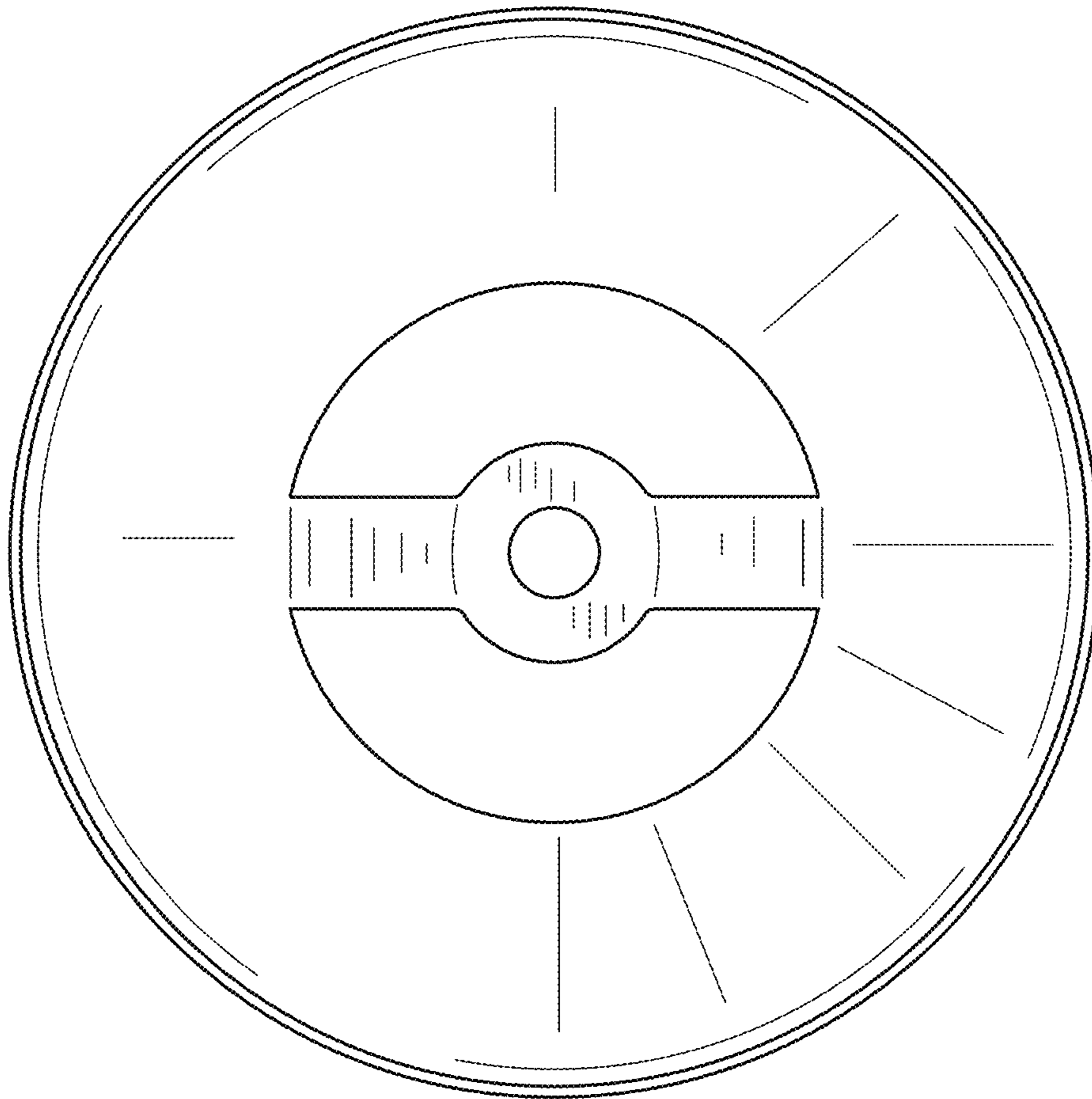


FIG.5