

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85138871
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 110
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>In the office action dated September 29, 2011, the examining attorney made final the refusal to register applicant's product configuration trademark application based on functionality and non-distinctiveness under Trademark Act Sections 1, 2 and 45. The examining attorney also made final the refusal of applicant's Section 2(f) claim and made final the requirement for an acceptable description of the mark.</p> <p>For the reasons set forth in its previous response and as set forth below, applicant respectfully requests the examining attorney reconsider the final refusal. Applicant's Notice of Appeal is being filed concurrently with this request for reconsideration pursuant to TMEP § 2.11.</p> <p><b><u>Amended Drawing &amp; Description</u></b></p> <p>With applicant's response dated August 31, 2011, applicant submitted an amended drawing of the mark in which the hollow, inner circle in the center of the handle and the circular perimeter shape of the entire handle are shown in dotted lines and, therefore, are <u>not</u> to be considered as to be a part of applicant's mark. Applicant also submitted a similar amended description of the mark that removed all reference to the perimeter shape of the handle and hollow center.</p> <p>However, it appears that the examining attorney may have overlooked the amendments made to the drawing and applicant's related response text indicating that the outside, circular shape of the handle, in addition to the inside hollow center, are not a part of the mark. Accordingly, applicant hereby submits that <u>the current drawing of the mark of record on TARR shows that the round perimeter shape in addition to the round hollow center handle is <i>not</i> a part of the mark. Only the raised, tubular ridges grouped in threes and spaced evenly around the handle make up the applied-for mark.</u></p> <p>Applicant has amended the description of the drawing in the manner suggested by the examining attorney.</p> <p>A large part of the examining attorney's final refusal is based on the round perimeter shape of the outdoor faucet handle being a part of the applicant's mark. Consequently, in light of applicant's amendment to the drawing and description of the mark, applicant notes that many of the examining</p>	

attorney's arguments and claims in the final office action no longer apply.

### **Applicant's Trademark is NOT Functional**

As noted above, applicant is not seeking to register the round shape or inner circle of the handle as a part of the trademark, but is seeking only to register the raised, tubular ridges grouped in threes and spaced evenly around the outdoor faucet handle as its trademark. These arbitrary design features that make up applicant's mark are not needed to grip or turn the handle and serve no purpose other than to identify the applicant as the source of the goods.

The question of whether a product feature is "functional" should not be confused with whether that product feature performs a "function" (i.e., it is de facto functional) or "fails to function" as a trademark. TMEP § 1202.02(a)(v). Most objects do perform a function; the question is whether or not the object has to be in the specified shape or has to contain the specified design features to fulfill that function. *Id.* The fact is, the ability to turn or grip an outdoor faucet handle is not dependent on the specific raised, tubular ridges grouped in threes and spaced evenly around the outdoor faucet handle that make up the applicant's trademark. The evidence of third party outdoor faucet handle designs submitted by applicant may show that outdoor faucet handles are circular in shape, but as noted, the circular shape is not a part of the trademark. Rather, the evidence of third party handles submitted by the applicant demonstrates that no specific design on a faucet handle is necessary for it to be gripped or turned.

#### ***Morton-Norwich Factor No. 1***

Applicant reiterates that it does not have a utility patent that discloses the utilitarian advantages of the design elements that make up the applicant's trademark. TMEP § 1202.02(a)(v)(A) states that "[i]t is important to read the patent to determine whether the patent actually claims the features presented in the proposed mark; if it does, the utility patent is strong evidence that the particular product features claimed as trade dress are functional; if it does not, *or if the features are referenced in the patent, but only as arbitrary or incidental features, then the probative value of the patent as evidence of functionality is substantially diminished or negated entirely.*" (emphasis added); *See also TrafFix Devices, Inc. v. Marketing Displays, Inc.*, 58 USPQ2d 1001, 1005 (2001) (where a manufacturer seeks to protect arbitrary, incidental or ornamental aspects or features of a product found in the patent claims, such as arbitrary curves in the legs or an ornamental pattern painted on the springs, functionality will not be established if the manufacturer can prove that those aspects do not serve a purpose within the terms of utility patent).

The applicant's utility patent noted by the examining attorney only shows applicant's trademark in one drawing as an arbitrary or incidental feature. The fact that the draftsman of the application chose logically to draw Figure 1 in the form of applicant's actual handle does not mean that the design features thereof are claimed as a part of the utility patent. Component No. 10 of Figure 1 in Applicant's patent application No. US 2010/0206392 noted by the examining attorney refers only the faucet handle itself and does not call out any design features of the raised, tubular ridges grouped in threes and spaced evenly around the handle. *See* Exhibit 1.

Further, the language excerpted from applicant's utility patent by the examining attorney as shown below discusses the turning mechanism of the hydrant handle, but does not discuss any of applicant's trademark design features.

"Hydrants generally include a partially hollow housing 6 with a handle 10 rotatably

interconnected thereto. The hollow portion, or bore 14 provides a fluid path from a fluid inlet pipe 18 to an outlet. To initiate or cease fluid flow, the handle 10 is turned...” At Section [0003], the application states “rotation of the handle 10 initially closes the drain valve 50 and opens the inlet valve 38, the handle 10 is rotated in the opposite direction, to close the hydrant, which initially closes the inlet valve 38...”

As noted above, applicant has amended the drawing and description of the mark to show that it is not claiming the round perimeter shape of the faucet handle or the hollow circle in the center. Accordingly, the text excerpted from the patent by the examining attorney describing the “hollow portion” and “rotation” of faucet handle in the patent refers to features that do not make up applicant’s trademark.

In contrast, the design features that make up applicant’s mark are the subject of U.S. design Patent No. D521113 a shown at Exhibit A in applicant’s previous response, which is a “factor that weighs against a finding of functionality, because design patents by definition protect only ornamental and nonfunctional features.” TMEP § 1202.02(a)(v)(A).

### ***Morton-Norwich Factor No. 2***

Applicant also does not tout the product design’s utilitarian advantages as is required per the second *Morton-Norwich* factor in order for the identified trade dress to be functional. Applicant’s advertising materials may, for example, tout the advantages of its faucets as frost-proof or freeze-less, but not the raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle.

### ***Morton-Norwich Factor No. 3***

With regard to the third *Morton-Norwich* factor, competitors will be able to compete efficiently and effectively in the marketplace for outdoor faucet handles even if they are unable to utilize applicant’s mark. The evidence previously submitted as Exhibit C shows that there are numerous competitors and competitive designs in the marketplace. Applicant is the only party manufacturing outdoor faucet handles using the raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle. The examining attorney indicates that applicant’s previously submitted evidence at page 79 from Campbell Manufacturing Catalog and page 80 from Merrill MFG depict wall faucets with “similar circular perimeters and grips for turning the handle.” Applicant is not claiming the circular perimeter of its handle design, and the Campbell and Merrill handles do not use grips at all similar to applicant’s trademark. Exhibit 2 shows the previously submitted Campbell and Merrill faucets closer up and next to applicant’s handle. The Campbell and Merrill handles are competitive designs that do not have any design features that resemble the applicant’s raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle.

### ***Morton-Norwich Factor No. 4***

There is nothing about the applicant’s mark that results in a comparatively simple or cheap method of manufacturing. As explained in its previous response, applicant’s outdoor faucet handles are made from die cast aluminum and were previously made of stainless steel. The die casting process allows applicant to create the design features on the handle that make up the applicant’s trademark. Die casting is one of the standard methods for creating specific shapes or designs out of materials such as steel and aluminum and can be used by competitors to create competitive caps/rings. For example, many competitors make faucet handles resembling flowers with petals that are open in the middle. *See* Exhibit 3. The raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet

handle that are the mark in this application do not save money in manufacturing and is not simpler than other configurations.

### **Applicant's Product Configuration Mark has Acquired Distinctiveness Under § 2(f)**

Applicant has proven the raised tubular ridges grouped in threes and spaced evenly around the outdoor faucet handle that make up applicant's trademark have acquired distinctiveness based on the evidence submitted with its previous response. Specifically, applicant's evidence regarding the years of use of the mark and extensive amount of sales and advertisement are sufficient to infer consumer recognition of applicant's product configuration as its trademark. Further, applicant has proven via direct evidence in the form of consumer declarations that consumers have in fact come to this conclusion.

#### ***Length and exclusivity of use of the mark in the United States by applicant***

Applicant has exclusively and continuously used the product configuration trademark in commerce for over 42 years. During this time, applicant has been the only manufacturer of outdoor faucet handles with raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle. The almost half-century of use of and concurrent advertisement of the applicant's mark in commerce, and the fact that over 20 million faucet handles featuring applicant's mark have been sold during that time, should be accorded more weight as is due in determining acquired distinctiveness. "Distinctiveness is acquired by 'substantially exclusive and continuous use' of the mark in commerce." *In re Owens-Corning Fiberglas Corporation*, 227 USPQ 417, 424 n.11 (Fed. Cir. 1985).

As an illustration of the impact of the length of use the mark and number of sales of applicant's products using the mark, applicant notes that in 2010, the U.S. Census Bureau indicated there were 130,599,000 single family homes. *See* Exhibit 4. This would mean that, if applicant's outdoor faucet handle were used on every single-family home in the U.S, then applicant's trademark would be found on approximately every 6<sup>th</sup> or 7<sup>th</sup> home in the U.S. Averaging applicant's total sales of the product using the mark over the last 42 years shows that the applicant sells approximately 500,000 products with the mark annually. Furthermore, the applicant's consumers generally are plumbers and contractors, not individual home-buyers, making the pool of consumers purchasing the applicant's 20 million faucet handles much smaller.

#### ***Expense, Type and Amount of Advertising***

Applicant disagrees with the examining attorney that applicant's evidence shows it does not promote the configuration as a trademark, that there is no reference to the configuration or any of its features and no promotion of the configuration as a trademark. In *Brooks Shoe Mfg. Co., Inc. V. Suave Shoe Corp.*, 221 USPQ 536, 541 (11<sup>th</sup> Cir. 1983), the Court held "the advertising and promotional activities must involve 'image advertising' that is, the ads must feature in some way the trade dress itself." Applicant submits that in the instant case, the repetitive, continuous and consistent use of drawings and photographs of the applicant's product that "show" the product configuration is suitable and effective advertisement of the configuration mark as a trademark. "The test of secondary meaning is the effectiveness of the effort to create it" and not just the type or extent of the advertising. *Id.* If this were not the case, than any applicant could simply utilize the words "look for" in its advertising, and after a number of years, without further effort or evidence, be assured it had acquired distinctiveness in its product configuration mark. Applicant further submits that the type and nature of product design marks do not all lend themselves readily to standard "look for" advertising, and therefore trademarks such as the applicant's should not suffer an unintentional prejudice for not utilizing "look for" advertising.

Therefore, although the text of “look for” advertising may make it simpler to show consumers have made the connection between the configuration as a trademark, 42 years of photographic and drawing advertising that always shows and emphasizes the shape of the applicant’s outdoor faucet handle such as shown in applicant’s previous Exhibits B1-2 and G and the additional advertising evidence submitted herewith at Exhibit 5, make it difficult for the applicant’s targeted plumbing or contracting consumer to view the applicant’s outdoor faucet handle configuration as anything other than an indication of source. *See e.g. Yamaha International Corp. v. Hoshino Gakki Co.*, 231 USPQ 926 (TTAB 1986), *aff’d*, 6 USPQ2d 1001 (Fed. Cir. 1988) (Guitar head shapes were held to be valid trademarks for guitars even in the absence of efforts to explicitly stress and promote the head designs. The constant promotional display of full product pictures serves as a vehicle for stimulating recognition of the head shape designs, given the custom of guitar players to note, recall and identify the source of guitars by the head shape.).

The examining attorney indicates that similar advertising by competitors shown at applicant’s prior Exhibit D and here at Exhibits 6 and 2 depict outdoor faucets with a similar circular perimeter and grips for turning the handle. As noted, applicant is not claiming the round perimeter shape of the handle, and believes that consumers viewing the applicant’s ads would understand this to be the case, given that, as the examining attorney notes, the majority of outdoor faucet handles are round in overall perimeter shape.

However, applicant’s trademark design features *noticeably* are different from what the examining attorney identifies as third party “grips,” and applicant believes that similar photo or image advertising by competitors merely emphasizes that the normative advertising for the outdoor faucet consumer can be picture based and that it is normal for those in the industry to differentiate themselves by virtue of the faucet handle product design. *See e.g., In re The Black & Decker Corporation*, 81 USPQ2d 1841 (TTAB 2006) (Board stated that “look for” promotion was not fatal in a market where it was common industry practice for manufacturers of keys and door hardware to use the key head shape and design as an indication of source and found secondary meaning in a particular key head design even in the absence of “look for” promotion).

Further evidence supporting the fact that the applicant’s trademark has acquired distinctiveness is found in the fact that third parties create replicas of applicant’s faucet handle. *See In re Carl Walther GmbH*, 2010 WL 4502071 (TTAB 2010) (“It simply stands to reason that a party would only attempt to replicate another party’s trade dress or product configuration, under license or not, if that trade dress or product configuration is perceived by the consumers as distinctive.”). Exhibit 7 is a website page showing a “Danco 88864 Plastic Woodford Handle.” This handle is not manufactured by or under license of the applicant. This replica handle copies the raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle that make up the applicant’s trademark. Notably, it is also clearly marketed as a replica of applicant’s handle as it is identified as a “Woodford” handle. This intentional copying is persuasive evidence of consumer recognition in the client’s product configuration trade dress. *See, e.g., Coach Leatherware Co. v. AnnTaylor, Inc.*, 933 F.2d 162, 169 (2d Cir. 1991) (intentional copying of another party’s mark constitutes “persuasive evidence of consumer recognition”); *see also, Hartford House Ltd. v Hallmark Cards Inc.*, 647 F.Supp. 1533 (D.Colo. 1986) (the fact that a party licenses its greeting card trade dress for different goods “demonstrate[s] that the distinctive look is recognized in the market as having a value separate from the [greeting] cards”).

Applicant’s advertising shows the configuration that makes up the instant trademark. Applicant contends that consistent use of these images over almost half a century have conditioned the relevant plumbers and contracting consumers to understand that the raised tubular ridges grouped in threes and

spaced evenly around an outdoor faucet handle are only on handles made by the applicant.

### ***Third Party Declarations***

The 36 third party consumer declarations submitted by applicant attesting to the source indicating function of the raised tubular ridges grouped in threes and spaced evenly around applicant's outdoor faucet handle are significant and direct evidence that applicant's mark has acquired distinctiveness. These declarations together with the number of product sales, the evidence of the length of use of the mark and advertising therefor are sufficient to prove applicant's mark has acquired distinctiveness. These third party declarations are significant in showing that applicant's efforts to build consumer recognition in the product configuration have been successful. *See Mattel, Inc. v. Azrak-Hamway International, Inc.*, 221 USPQ 302, 305 n. 2 (2d Cir. 1983) (indicating that the ultimate test in determining whether a designation has acquired distinctiveness is applicant's success, rather than its efforts, in educating the public to associate the proposed mark with a single source).

Applicant notes that, contrary to the examining attorney's contention regarding the fact that the declarations are not spontaneous communications and therefore not sufficient to prove acquired distinctiveness, "the fact that the affidavits may be similar in format and expression is of no particular significance . . . since the affiants have sworn to the statements contained therein." *In re Flex-O-Glass, Inc.*, 194 USPQ 203, 206 (TTAB 1977). Each declaration left several portions blank in which the consumers could fill in the pertinent information concerning their knowledge of the mark, the applicant and the product. *See In re Petersen Manufacturing Co.*, 229 USPQ 466 (TTAB 1986); *In re Data Packaging Corp.*, 172 USPQ 396 (CCPA 1972); and *In re Schenectady Varnish Co.*, 126 USPQ 395 (CCPA 1960). Accordingly, applicant believes the large number of third party declarations is rather significant, direct evidence that the applicant's mark has acquired distinctiveness.

Applicant believes that the length of time the applicant has used the mark in commerce, the amount and nature of the related advertising, the number of products using the trademark sold as well as the fact that third parties are making replicas of the product design of applicant's outdoor faucet handles and the 36 consumer declarations, in totality, sufficiently prove that applicant's product configuration mark has acquired distinctiveness under Section 2(f).

### **Conclusion**

Given the arguments and evidence previously submitted and including the arguments above and the evidence submitted herewith, applicant respectfully requests that the examining attorney reconsider the final refusal to register the applicant's mark and withdraw the functionality and non-distinctiveness refusals under Trademark Act Sections 1, 2 and 45, and find applicant's Section 2(f) evidence sufficient.

Should the examining attorney be of the opinion that a telephone interview would facilitate the prosecution of the application, please telephone the undersigned at (303) 863-9700.

### **EVIDENCE SECTION**

#### **EVIDENCE FILE NAME(S)**

**ORIGINAL PDF FILE** [evi\\_721645198-211428895\\_ . Exhibit 1.pdf](#)

**CONVERTED PDF FILE(S)**  
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<b>DESCRIPTION OF EVIDENCE FILE</b>	Exhibit 1 is a copy of applicant's utility patent registration; Exhibit 2 is enlarged images of competing outdoor faucet handles; Exhibit 3 is a page from the Internet showing competing outdoor faucet handle designs; Exhibit 4 is data from the U.S. Census Bureau; Exhibit 5 is additional evidence of applicant's use of the mark; Exhibit 6 is comprised of Internet pages from applicant's competitors; Exhibit 7 is a website page showing a third party replica of applicant's outdoor faucet handle
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DESCRIPTION OF THE MARK</b> (and Color Location, if applicable)	The mark consists of six groups of three raised tubular ridges, each spaced evenly around an outdoor faucet handle. The dashed lines indicate matter not being claimed in the application.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Sarah J. Miller/

<b>SIGNATORY'S NAME</b>	Sarah J. Miller
<b>SIGNATORY'S POSITION</b>	Attorney of record, Colorado bar member
<b>DATE SIGNED</b>	03/25/2012
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Sun Mar 25 21:35:35 EDT 2012
<b>TEAS STAMP</b>	USPTO/RFR-72.164.51.98-20 120325213535113306-851388 71-490bdf1b481404735e6e81 4788594c6d3a-N/A-N/A-2012 0325211428895897

PTO Form 1930 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 4/30/2009)

## **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **85138871** has been amended as follows:

### **ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

In the office action dated September 29, 2011, the examining attorney made final the refusal to register applicant's product configuration trademark application based on functionality and non-distinctiveness under Trademark Act Sections 1, 2 and 45. The examining attorney also made final the refusal of applicant's Section 2(f) claim and made final the requirement for an acceptable description of the mark.

For the reasons set forth in its previous response and as set forth below, applicant respectfully requests the examining attorney reconsider the final refusal. Applicant's Notice of Appeal is being filed concurrently with this request for reconsideration pursuant to TMEP § 2.11.

### **Amended Drawing & Description**

With applicant's response dated August 31, 2011, applicant submitted an amended drawing of the mark in which the hollow, inner circle in the center of the handle and the circular perimeter shape of the entire handle are shown in dotted lines and, therefore, are not to be considered as to be a part of applicant's

mark. Applicant also submitted a similar amended description of the mark that removed all reference to the perimeter shape of the handle and hollow center.

However, it appears that the examining attorney may have overlooked the amendments made to the drawing and applicant's related response text indicating that the outside, circular shape of the handle, in addition to the inside hollow center, are not a part of the mark. Accordingly, applicant hereby submits that the current drawing of the mark of record on TARR shows that the round perimeter shape in addition to the round hollow center handle is *not* a part of the mark. Only the raised, tubular ridges grouped in threes and spaced evenly around the handle make up the applied-for mark.

Applicant has amended the description of the drawing in the manner suggested by the examining attorney.

A large part of the examining attorney's final refusal is based on the round perimeter shape of the outdoor faucet handle being a part of the applicant's mark. Consequently, in light of applicant's amendment to the drawing and description of the mark, applicant notes that many of the examining attorney's arguments and claims in the final office action no longer apply.

### **Applicant's Trademark is NOT Functional**

As noted above, applicant is not seeking to register the round shape or inner circle of the handle as a part of the trademark, but is seeking only to register the raised, tubular ridges grouped in threes and spaced evenly around the outdoor faucet handle as its trademark. These arbitrary design features that make up applicant's mark are not needed to grip or turn the handle and serve no purpose other than to identify the applicant as the source of the goods.

The question of whether a product feature is "functional" should not be confused with whether that product feature performs a "function" (i.e., it is de facto functional) or "fails to function" as a trademark. TMEP § 1202.02(a)(v). Most objects do perform a function; the question is whether or not the object has to be in the specified shape or has to contain the specified design features to fulfill that function. *Id.* The fact is, the ability to turn or grip an outdoor faucet handle is not dependent on the specific raised, tubular ridges grouped in threes and spaced evenly around the outdoor faucet handle that make up the applicant's trademark. The evidence of third party outdoor faucet handle designs submitted by applicant may show that outdoor faucet handles are circular in shape, but as noted, the circular shape is not a part of the trademark. Rather, the evidence of third party handles submitted by the applicant demonstrates that no specific design on a faucet handle is necessary for it to be gripped or turned.

### ***Morton-Norwich Factor No. 1***

Applicant reiterates that it does not have a utility patent that discloses the utilitarian advantages of the design elements that make up the applicant's trademark. TMEP § 1202.02(a)(v)(A) states that "[i]t is important to read the patent to determine whether the patent actually claims the features presented in the proposed mark; if it does, the utility patent is strong evidence that the particular product features claimed as trade dress are functional; if it does not, *or if the features are referenced in the patent, but only as arbitrary or incidental features, then the probative value of the patent as evidence of functionality is substantially diminished or negated entirely.*" (emphasis added); *See also TrafFix Devices, Inc. v. Marketing Displays, Inc.*, 58 USPQ2d 1001, 1005 (2001)(where a manufacturer seeks to protect arbitrary, incidental or ornamental aspects or features of a product found in the patent claims, such as arbitrary curves in the legs or an ornamental pattern painted on the springs, functionality will not be established if

the manufacturer can prove that those aspects do not serve a purpose within the terms of utility patent).

The applicant's utility patent noted by the examining attorney only shows applicant's trademark in one drawing as an arbitrary or incidental feature. The fact that the draftsman of the application chose logically to draw Figure 1 in the form of applicant's actual handle does not mean that the design features thereof are claimed as a part of the utility patent. Component No. 10 of Figure 1 in Applicant's patent application No. US 2010/0206392 noted by the examining attorney refers only the faucet handle itself and does not call out any design features of the raised, tubular ridges grouped in threes and spaced evenly around the handle. *See Exhibit 1.*

Further, the language excerpted from applicant's utility patent by the examining attorney as shown below discusses the turning mechanism of the hydrant handle, but does not discuss any of applicant's trademark design features.

“Hydrants generally include a partially hollow housing 6 with a handle 10 rotatably interconnected thereto. The hollow portion, or bore 14 provides a fluid path from a fluid inlet pipe 18 to an outlet. To initiate or cease fluid flow, the handle 10 is turned...” At Section [0003], the application states “rotation of the handle 10 initially closes the drain valve 50 and opens the inlet valve 38, the handle 10 is rotated in the opposite direction, to close the hydrant, which initially closes the inlet valve 38...”

As noted above, applicant has amended the drawing and description of the mark to show that it is not claiming the round perimeter shape of the faucet handle or the hollow circle in the center. Accordingly, the text excerpted from the patent by the examining attorney describing the “hollow portion” and “rotation” of faucet handle in the patent refers to features that do not make up applicant's trademark.

In contrast, the design features that make up applicant's mark are the subject of U.S. design Patent No. D521113 a shown at Exhibit A in applicant's previous response, which is a “factor that weighs against a finding of functionality, because design patents by definition protect only ornamental and nonfunctional features.” TMEP § 1202.02(a)(v)(A).

### ***Morton-Norwich Factor No. 2***

Applicant also does not tout the product design's utilitarian advantages as is required per the second *Morton-Norwich* factor in order for the identified trade dress to be functional. Applicant's advertising materials may, for example, tout the advantages of its faucets as frost-proof or freeze-less, but not the raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle.

### ***Morton-Norwich Factor No. 3***

With regard to the third *Morton-Norwich* factor, competitors will be able to compete efficiently and effectively in the marketplace for outdoor faucet handles even if they are unable to utilize applicant's mark. The evidence previously submitted as Exhibit C shows that there are numerous competitors and competitive designs in the marketplace. Applicant is the only party manufacturing outdoor faucet handles using the raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle. The examining attorney indicates that applicant's previously submitted evidence at page 79 from Campbell Manufacturing Catalog and page 80 from Merrill MFG depict wall faucets with “similar circular perimeters and grips for turning the handle.” Applicant is not claiming the circular perimeter of its handle design, and the Campbell and Merrill handles do not use grips at all similar to applicant's trademark. Exhibit 2 shows the previously submitted Campbell and Merrill faucets closer up and next to applicant's

handle. The Campbell and Merrill handles are competitive designs that do not have any design features that resemble the applicant's raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle.

#### ***Morton-Norwich Factor No. 4***

There is nothing about the applicant's mark that results in a comparatively simple or cheap method of manufacturing. As explained in its previous response, applicant's outdoor faucet handles are made from die cast aluminum and were previously made of stainless steel. The die casting process allows applicant to create the design features on the handle that make up the applicant's trademark. Die casting is one of the standard methods for creating specific shapes or designs out of materials such as steel and aluminum and can be used by competitors to create competitive caps/rings. For example, many competitors make faucet handles resembling flowers with petals that are open in the middle. *See* Exhibit 3. The raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle that are the mark in this application do not save money in manufacturing and is not simpler than other configurations.

#### **Applicant's Product Configuration Mark has Acquired Distinctiveness Under § 2(f)**

Applicant has proven the raised tubular ridges grouped in threes and spaced evenly around the outdoor faucet handle that make up applicant's trademark have acquired distinctiveness based on the evidence submitted with its previous response. Specifically, applicant's evidence regarding the years of use of the mark and extensive amount of sales and advertisement are sufficient to infer consumer recognition of applicant's product configuration as its trademark. Further, applicant has proven via direct evidence in the form of consumer declarations that consumers have in fact come to this conclusion.

#### ***Length and exclusivity of use of the mark in the United States by applicant***

Applicant has exclusively and continuously used the product configuration trademark in commerce for over 42 years. During this time, applicant has been the only manufacturer of outdoor faucet handles with raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle. The almost half-century of use of and concurrent advertisement of the applicant's mark in commerce, and the fact that over 20 million faucet handles featuring applicant's mark have been sold during that time, should be accorded more weight as is due in determining acquired distinctiveness. "Distinctiveness is acquired by 'substantially exclusive and continuous use' of the mark in commerce." *In re Owens-Corning Fiberglas Corporation*, 227 USPQ 417, 424 n.11 (Fed. Cir. 1985).

As an illustration of the impact of the length of use the mark and number of sales of applicant's products using the mark, applicant notes that in 2010, the U.S. Census Bureau indicated there were 130,599,000 single family homes. *See* Exhibit 4. This would mean that, if applicant's outdoor faucet handle were used on every single-family home in the U.S, then applicant's trademark would be found on approximately every 6<sup>th</sup> or 7<sup>th</sup> home in the U.S. Averaging applicant's total sales of the product using the mark over the last 42 years shows that the applicant sells approximately 500,000 products with the mark annually. Furthermore, the applicant's consumers generally are plumbers and contractors, not individual home-buyers, making the pool of consumers purchasing the applicant's 20 million faucet handles much smaller.

#### ***Expense, Type and Amount of Advertising***

Applicant disagrees with the examining attorney that applicant's evidence shows it does not promote the

configuration as a trademark, that there is no reference to the configuration or any of its features and no promotion of the configuration as a trademark. In *Brooks Shoe Mfg. Co., Inc. V. Suave Shoe Corp.*, 221 USPQ 536, 541 (11<sup>th</sup> Cir. 1983), the Court held “the advertising and promotional activities must involve ‘image advertising’ that is, the ads must feature in some way the trade dress itself.” Applicant submits that in the instant case, the repetitive, continuous and consistent use of drawings and photographs of the applicant’s product that “show” the product configuration is suitable and effective advertisement of the configuration mark as a trademark. “The test of secondary meaning is the effectiveness of the effort to create it” and not just the type or extent of the advertising. *Id.* If this were not the case, than any applicant could simply utilize the words “look for” in its advertising, and after a number of years, without further effort or evidence, be assured it had acquired distinctiveness in its product configuration mark. Applicant further submits that the type and nature of product design marks do not all lend themselves readily to standard “look for” advertising, and therefore trademarks such as the applicant’s should not suffer an unintentional prejudice for not utilizing “look for” advertising.

Therefore, although the text of “look for” advertising may make it simpler to show consumers have made the connection between the configuration as a trademark, 42 years of photographic and drawing advertising that always shows and emphasizes the shape of the applicant’s outdoor faucet handle such as shown in applicant’s previous Exhibits B1-2 and G and the additional advertising evidence submitted herewith at Exhibit 5, make it difficult for the applicant’s targeted plumbing or contracting consumer to view the applicant’s outdoor faucet handle configuration as anything other than an indication of source. *See e.g. Yamaha International Corp. v. Hoshino Gakki Co.*, 231 USPQ 926 (TTAB 1986), *aff’d*, 6 USPQ2d 1001 (Fed. Cir. 1988) (Guitar head shapes were held to be valid trademarks for guitars even in the absence of efforts to explicitly stress and promote the head designs. The constant promotional display of full product pictures serves as a vehicle for stimulating recognition of the head shape designs, given the custom of guitar players to note, recall and identify the source of guitars by the head shape.).

The examining attorney indicates that similar advertising by competitors shown at applicant’s prior Exhibit D and here at Exhibits 6 and 2 depict outdoor faucets with a similar circular perimeter and grips for turning the handle. As noted, applicant is not claiming the round perimeter shape of the handle, and believes that consumers viewing the applicant’s ads would understand this to be the case, given that, as the examining attorney notes, the majority of outdoor faucet handles are round in overall perimeter shape.

However, applicant’s trademark design features *noticeably* are different from what the examining attorney identifies as third party “grips,” and applicant believes that similar photo or image advertising by competitors merely emphasizes that the normative advertising for the outdoor faucet consumer can be picture based and that it is normal for those in the industry to differentiate themselves by virtue of the faucet handle product design. *See e.g., In re The Black & Decker Corporation*, 81 USPQ2d 1841 (TTAB 2006) (Board stated that “look for” promotion was not fatal in a market where it was common industry practice for manufacturers of keys and door hardware to use the key head shape and design as an indication of source and found secondary meaning in a particular key head design even in the absence of “look for” promotion).

Further evidence supporting the fact that the applicant’s trademark has acquired distinctiveness is found in the fact that third parties create replicas of applicant’s faucet handle. *See In re Carl Walther GmbH*, 2010 WL 4502071 (TTAB 2010) (“It simply stands to reason that a party would only attempt to replicate another party’s trade dress or product configuration, under license or not, if that trade dress or product configuration is perceived by the consumers as distinctive.”). Exhibit 7 is a website page showing a “Danco 88864 Plastic Woodford Handle.” This handle is not manufactured by or under license of the applicant. This replica handle copies the raised tubular ridges grouped in threes and spaced

evenly around an outdoor faucet handle that make up the applicant's trademark. Notably, it is also clearly marketed as a replica of applicant's handle as it is identified as a "Woodford" handle. This intentional copying is persuasive evidence of consumer recognition in the client's product configuration trade dress. See, e.g., *Coach Leatherware Co. v. AnnTaylor, Inc.*, 933 F.2d 162, 169 (2d Cir. 1991) (intentional copying of another party's mark constitutes "persuasive evidence of consumer recognition"); see also, *Hartford House Ltd. v Hallmark Cards Inc.*, 647 F.Supp. 1533 (D.Colo. 1986) (the fact that a party licenses its greeting card trade dress for different goods "demonstrate[s] that the distinctive look is recognized in the market as having a value separate from the [greeting] cards").

Applicant's advertising shows the configuration that makes up the instant trademark. Applicant contends that consistent use of these images over almost half a century have conditioned the relevant plumbers and contracting consumers to understand that the raised tubular ridges grouped in threes and spaced evenly around an outdoor faucet handle are only on handles made by the applicant.

### ***Third Party Declarations***

The 36 third party consumer declarations submitted by applicant attesting to the source indicating function of the raised tubular ridges grouped in threes and spaced evenly around applicant's outdoor faucet handle are significant and direct evidence that applicant's mark has acquired distinctiveness. These declarations together with the number of product sales, the evidence of the length of use of the mark and advertising therefor are sufficient to prove applicant's mark has acquired distinctiveness. These third party declarations are significant in showing that applicant's efforts to build consumer recognition in the product configuration have been successful. See *Mattel, Inc. v. Azrak-Hamway International, Inc.*, 221 USPQ 302, 305 n. 2 (2d Cir. 1983) (indicating that the ultimate test in determining whether a designation has acquired distinctiveness is applicant's success, rather than its efforts, in educating the public to associate the proposed mark with a single source).

Applicant notes that, contrary to the examining attorney's contention regarding the fact that the declarations are not spontaneous communications and therefore not sufficient to prove acquired distinctiveness, "the fact that the affidavits may be similar in format and expression is of no particular significance . . . since the affiants have sworn to the statements contained therein." *In re Flex-O-Glass, Inc.*, 194 USPQ 203, 206 (TTAB 1977). Each declaration left several portions blank in which the consumers could fill in the pertinent information concerning their knowledge of the mark, the applicant and the product. See *In re Petersen Manufacturing Co.*, 229 USPQ 466 (TTAB 1986); *In re Data Packaging Corp.*, 172 USPQ 396 (CCPA 1972); and *In re Schenectady Varnish Co.*, 126 USPQ 395 (CCPA 1960). Accordingly, applicant believes the large number of third party declarations is rather significant, direct evidence that the applicant's mark has acquired distinctiveness.

Applicant believes that the length of time the applicant has used the mark in commerce, the amount and nature of the related advertising, the number of products using the trademark sold as well as the fact that third parties are making replicas of the product design of applicant's outdoor faucet handles and the 36 consumer declarations, in totality, sufficiently prove that applicant's product configuration mark has acquired distinctiveness under Section 2(f).

### **Conclusion**

Given the arguments and evidence previously submitted and including the arguments above and the evidence submitted herewith, applicant respectfully requests that the examining attorney reconsider the final refusal to register the applicant's mark and withdraw the functionality and non-distinctiveness refusals under Trademark Act Sections 1, 2 and 45, and find applicant's Section 2(f) evidence sufficient.

Should the examining attorney be of the opinion that a telephone interview would facilitate the prosecution of the application, please telephone the undersigned at (303) 863-9700.

## **EVIDENCE**

Evidence in the nature of Exhibit 1 is a copy of applicant's utility patent registration; Exhibit 2 is enlarged images of competing outdoor faucet handles; Exhibit 3 is a page from the Internet showing competing outdoor faucet handle designs; Exhibit 4 is data from the U.S. Census Bureau; Exhibit 5 is additional evidence of applicant's use of the mark; Exhibit 6 is comprised of Internet pages from applicant's competitors; Exhibit 7 is a website page showing a third party replica of applicant's outdoor faucet handle has been attached.

### **Original PDF file:**

[evi\\_721645198-211428895 . Exhibit 1.pdf](#)

### **Converted PDF file(s) (15 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

### **Original PDF file:**

[evi\\_721645198-211428895 . Exhibit 2.pdf](#)

### **Converted PDF file(s) (2 pages)**

[Evidence-1](#)

[Evidence-2](#)

### **Original PDF file:**

[evi\\_721645198-211428895 . Exhibit 3.pdf](#)

### **Converted PDF file(s) (2 pages)**

[Evidence-1](#)

[Evidence-2](#)

### **Original PDF file:**

[evi\\_721645198-211428895 . Exhibit 4.pdf](#)

### **Converted PDF file(s) (3 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

### **Original PDF file:**

[evi\\_721645198-211428895 . Exhibit 5.pdf](#)

**Converted PDF file(s) (12 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

**Original PDF file:**

[evi\\_721645198-211428895\\_ . Exhibit 6.pdf](#)

**Converted PDF file(s) (3 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

**Original PDF file:**

[evi\\_721645198-211428895\\_ . Exhibit 7.pdf](#)

**Converted PDF file(s) (2 pages)**

[Evidence-1](#)

[Evidence-2](#)

**ADDITIONAL STATEMENTS**

**Description of mark**

The mark consists of six groups of three raised tubular ridges, each spaced evenly around an outdoor faucet handle. The dashed lines indicate matter not being claimed in the application.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Sarah J. Miller/ Date: 03/25/2012

Signatory's Name: Sarah J. Miller

Signatory's Position: Attorney of record, Colorado bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85138871

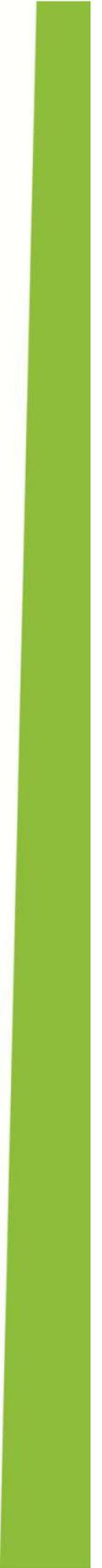
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TEAS Stamp: USPTO/RFR-72.164.51.98-20120325213535113

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94c6d3a-N/A-N/A-20120325211428895897

**EXHIBIT 1**





US 20100206392A1

(19) **United States**

(12) **Patent Application Publication**  
**Ball et al.**

(10) **Pub. No.: US 2010/0206392 A1**  
(43) **Pub. Date: Aug. 19, 2010**

(54) **AUTOMATIC DRAINING FREEZELESS  
WALL FAUCET**

(22) Filed: **Feb. 18, 2009**

**Publication Classification**

(75) Inventors: **William T. Ball**, Colorado Springs,  
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Springs, CO (US)

(51) **Int. Cl.**  
**E03B 9/02** (2006.01)

(52) **U.S. Cl.** ..... **137/302**

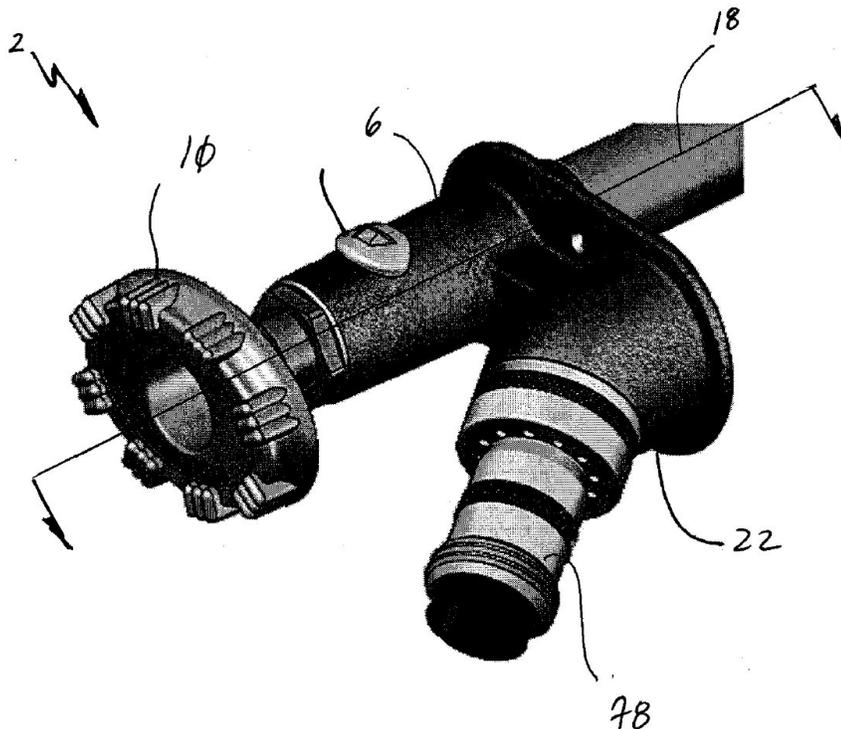
Correspondence Address:  
**SHERIDAN ROSS PC**  
**1560 BROADWAY, SUITE 1200**  
**DENVER, CO 80202**

(57) **ABSTRACT**

A fluid hydrant is provided that includes an improved plunger and stem screw, which controls the position of the plunger. More specifically, a plunger having a generally flat face is provided that helps users appreciate when the hydrant is in a closed position. Furthermore, the stem screw is provided that prevents rotational motion of a control rod that controls the location of the plunger.

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

(21) Appl. No.: **12/388,324**



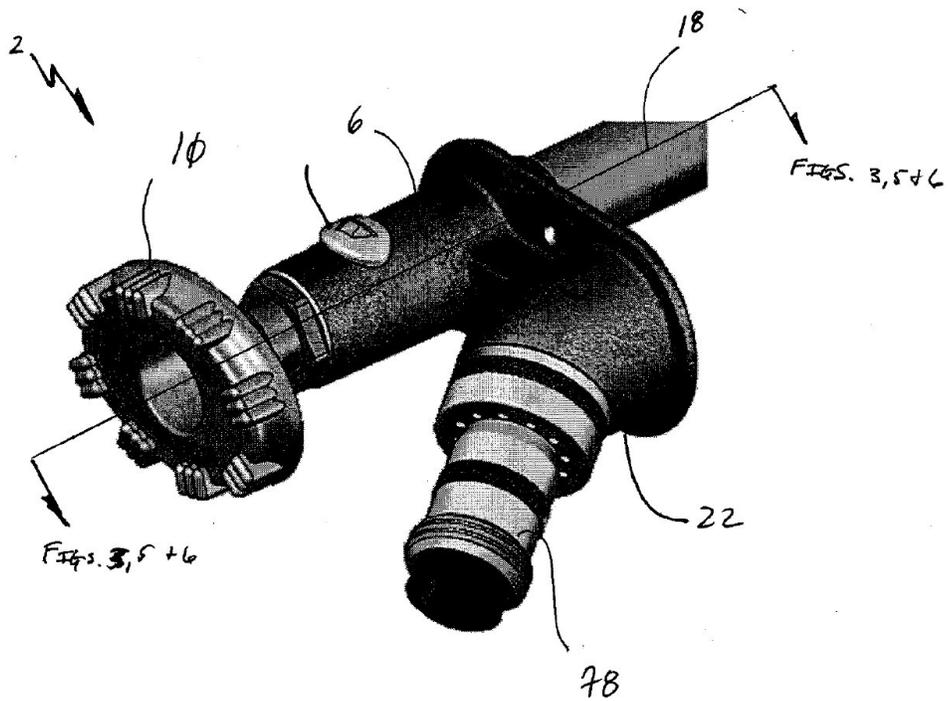
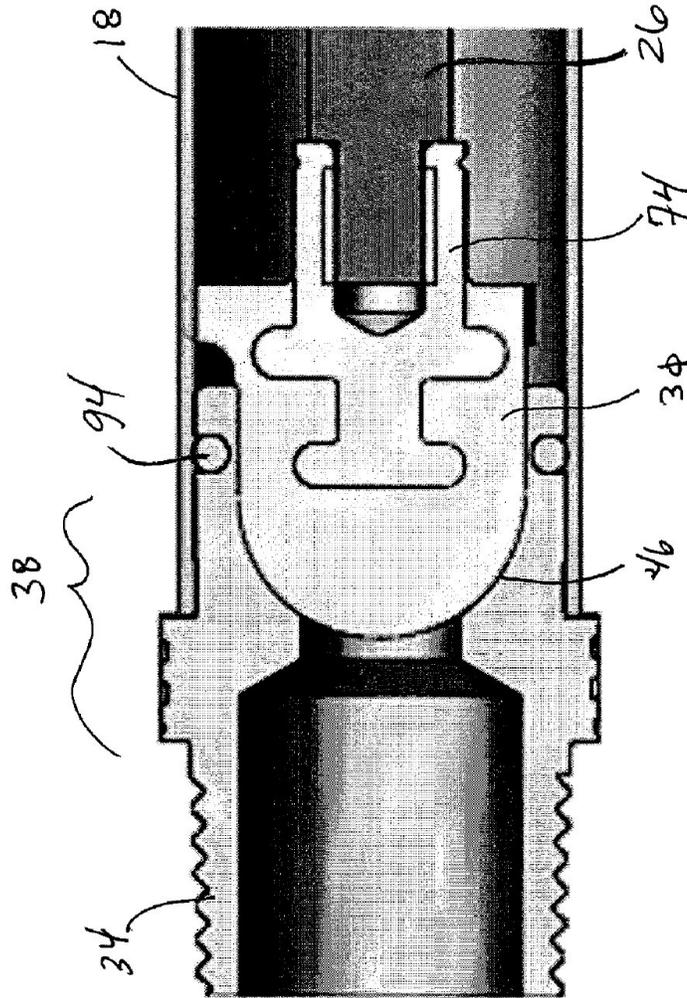
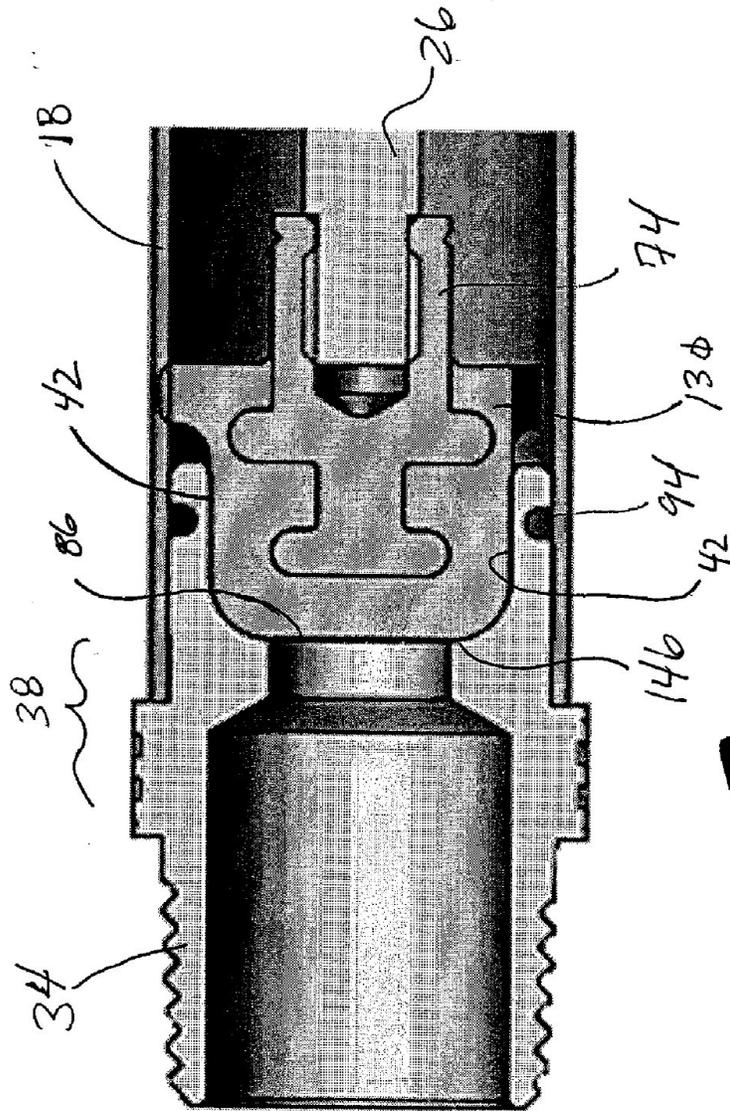


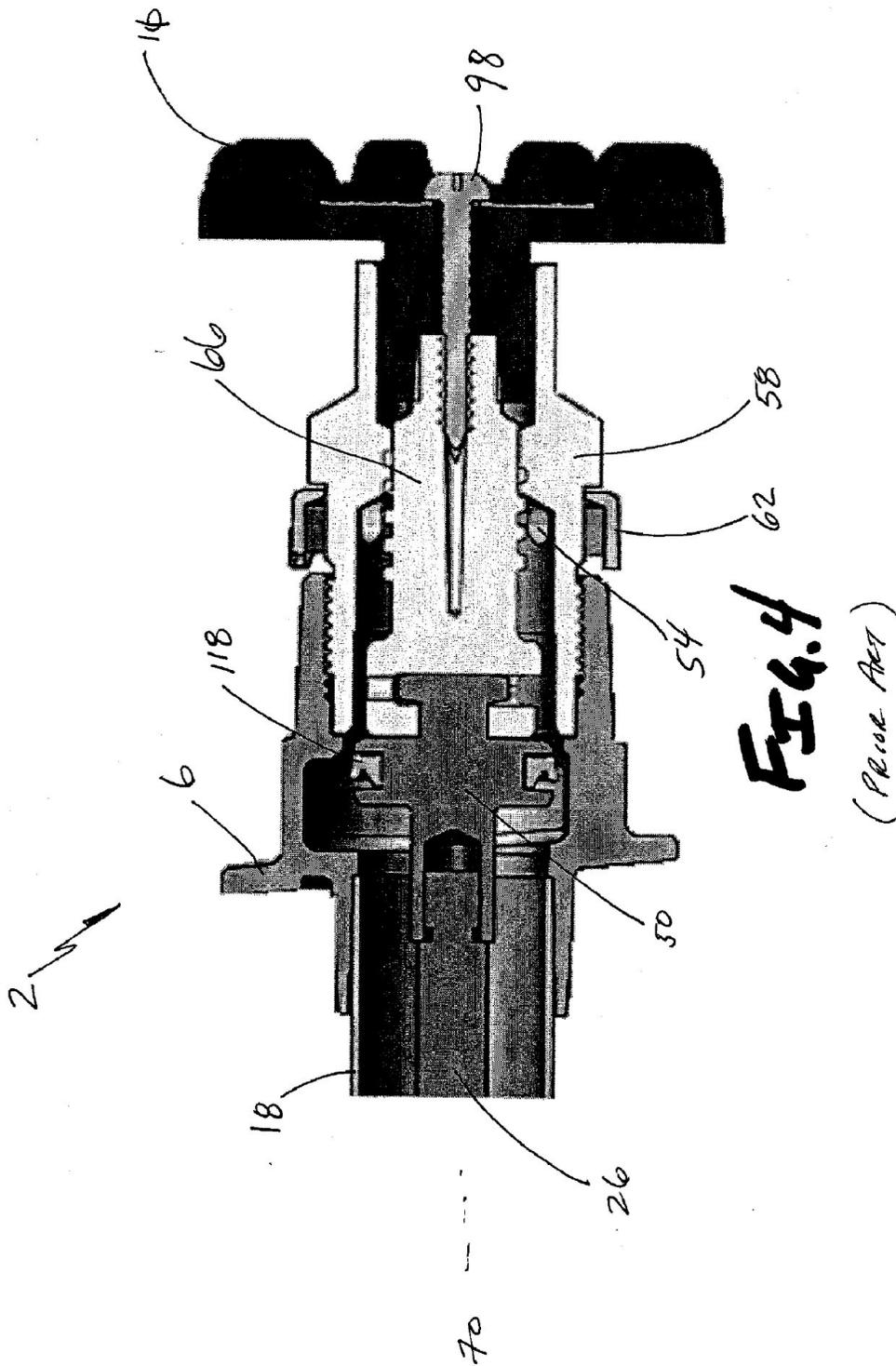
FIG. 1



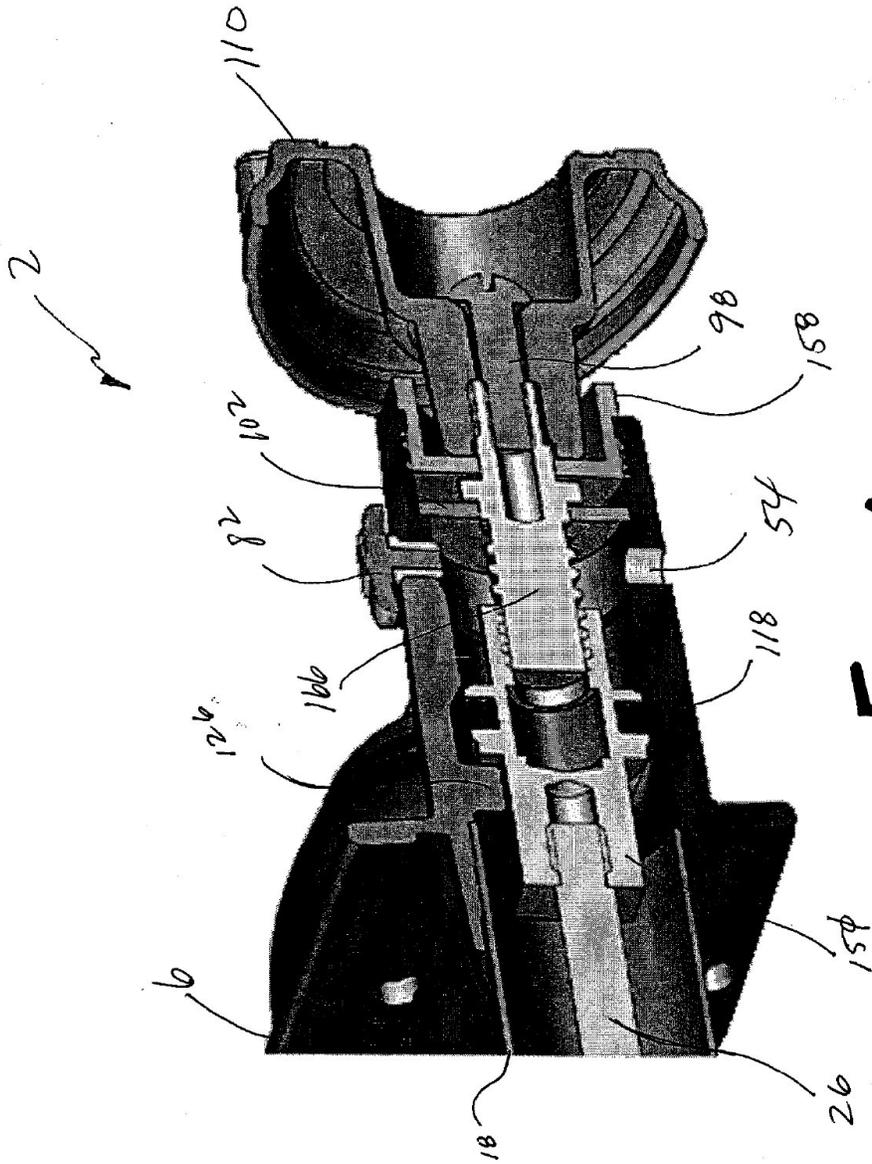
**FIG. 2**  
(PRIOR ART)



**FIG. 3**







**FIG. 6**

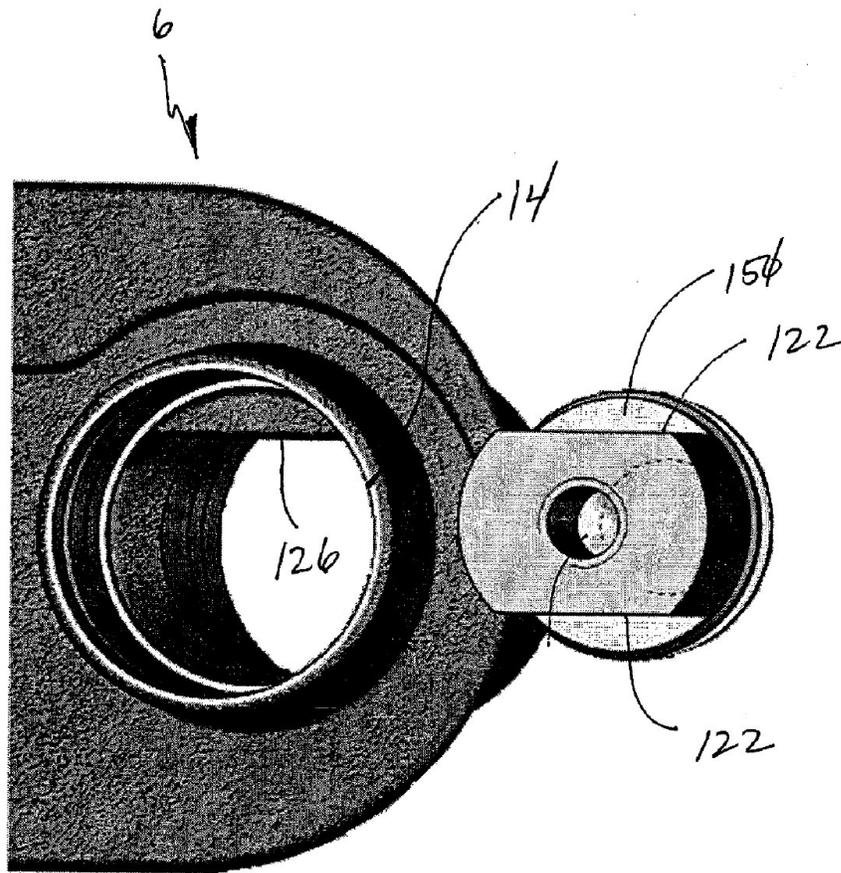


FIG. 7

## AUTOMATIC DRAINING FREEZELESS WALL FAUCET

### FIELD OF THE INVENTION

[0001] The present invention is generally related to a wall hydrant for delivering fluid. Some embodiments of the present invention employ an inlet valve with a flattened plunger and/or a stem screw that substantially prevents rotation of a control rod and associated plunger.

### BACKGROUND OF THE INVENTION

[0002] Referring now to FIGS. 2 and 4, wall hydrants 2 are commonly used for supplying water and are usually associated with an outside of a structure. As such, wall hydrants are exposed to the elements, most notably, reduced temperatures that may damage the hydrant during freezing. Hydrants 2 generally include a partially-hollow housing 6 with a handle 10 rotatably interconnected thereto. The hollow portion, or bore 14 provides a fluid path from a fluid inlet pipe 18 to an outlet. To initiate or cease fluid flow, the handle 10 is turned, which transitions a control rod 26 located within the housing 6 and the pipe 18. An end of the control rod 26 is associated with a plunger 30 that selectively engages an inlet fitting 34 to form an inlet valve 38 that opens and closes the hydrant 2. The plunger 30 is spaced from the inlet fitting 34 to create a fluid path. To cease fluid flow the inlet valve 38 is shut wherein the plunger 30 is located at least partially within the inlet valve 38.

[0003] Often, the plunger 30 includes a hemispherical portion that interfaces with the inlet fitting 34. Such plungers 30 are prone to compress and extrude into inlet fitting 34 when increased pressure from the control rod 26 is applied. That is, most users do not appreciate when the hydrant 2 is in a closed position, some fluid will naturally leak from the outlet and/or other ports of the housing to prevent fluid. As one skilled in the art will appreciate, fluid within the pipe 18 and housing 6 must be drained in order to prevent damage caused by freezing. After the hydrant 2 is closed, this draining fluid is often viewed by the user as an indication that the hydrant is not completely closed and additional rotational force is applied to the handle 2 to “close” the inlet valve 38. Generally, when the user subsequently tightens the handle, any fluid that was located within the pipe 18 and/or housing 6 has been expelled and, thus, the user believes that the subsequent tightening achieved the desired effect. What is often accomplished, however, is that the plunger 30 has been extruded into the inlet fitting 34, thereby potentially damaging the plunger 30 and possibly preventing subsequent closure of the inlet valve 38. More specifically, when attempts are subsequently made to open the hydrant a portion of the plunger may be sheared therefrom, a stem screw that interconnects the handle 10 to the drain valve 50 may snap, etc.

[0004] The inlet valves 38 of prior art hydrants 2 include an inlet fitting 34 that receives the plunger 30 to cease flow of fluid therethrough. The inlet fitting 34 thus includes a cavity therein having sidewalls 42. Contact of the plunger 30 to the sidewalls 42 somewhat obstructs fluid flow through the inlet valve 38. This sidewall/plunger interaction is often referred to as a “blind spot”. For example, the plunger 30 can travel approximately 0.25 inches into the cavity without completely closing the inlet valve 38. As the plunger 30 travels through the blind spot and to its ultimate engagement with an end of the cavity, i.e., the “seat” 46, a drain valve 50 (See FIG. 4)

positioned on the end of the hydrant 2 adjacent to the outlet is opened to allow non-pressurized fluid to drain through holes 54 associated with the housing 6. The drain valve 50 is often employed within a hydrant and situated adjacent to a stem screw 66. Rotation of the handle 10 initially closes the drain valve 50 and opens the inlet valve 38, the handle 10 is rotated in the opposite direction, to close the hydrant, which initially closes the inlet valve 38 and then opens the drain valve 50 to allow any fluid located within the pipe 18 and/or housing 6 to drain through the drain hole 54 of the housing 6.

[0005] The drawback of the blind spot of the prior art is that when the plunger 30 initially contacts the blind spot, some users believe that the hydrant 2 is closed. As explained above, this may be the case, but fluid trapped within the pipe is not able to drain since further rotation of the handle 10 is required to open the drain valve 50. That is, further rotation of the handle is needed to completely close the inlet valve 38 and to allow the drain valve 54 to open such that substantially all fluid within the pipe 18 and/or housing 6 can drain. As one skilled in the art will appreciate, if the plunger 30 is not completely sealed, the fluid may continue to enter the pipe 18 and that fluid will remain trapped within the housing 6 and the pipe 18 which leads to freezing and bursting of the hydrant 2.

[0006] Prior art hydrants 2 also include a large nut 58 or, i.e. “head”, that seals the housing 6 and provides a location for operable interconnection of the handle 10. One drawback of nuts 58 of the prior art is that leak paths are present due to the complicated interconnection of the nut 58 and the housing 6. Furthermore, a plurality of drain holes 54 are often provided that require a splash guard 62 to prevent pressurized fluid from exiting the hydrant 2 and soaking the user.

[0007] Another drawback of hydrants 2 of the prior art are that they employ stem screws 66 that are made of a brittle material. Stem screws 66 are devices that are interconnected between the handle 10 and the control rod 26. As the handle 10 is rotated, the stem screw 66, which is threadingly engaged within the nut 58, also rotates. The rotational motion causes the stem screw 66 to translate along the axis 70 of the pipe 18 by way of a threaded interconnection with the nut 58. The stem screw 66 is slidably and rotatably interconnected to the drain valve 54 such that rotation of the stem screw 66 does not impart substantial rotation onto the drain valve 54. The drain valve 54 is also interconnected to the control rod 26. Stem screws 66 of the prior art are constructed of Delrin, a material that is similar to plastic and thus is susceptible to cracking.

[0008] Although the stem screw 66 has been described as being slidably and rotatably interconnected to the drain valve 50, one skilled in the art will appreciate that some rotation may be imparted from the stem screw 66 due to frictional contact between the two components. Any rotation of the drain valve 50 will necessarily impart rotation on the control rod 26 and thus the plunger 30. Rotation of the plunger 30 will increase wear as it is inserted and removed from the inlet fitting 34. That is, one skilled in the art will appreciate that a rotating and translating plunger 30 wears more quickly than a plunger 30 that simply translates into the inlet fitting 34 without substantial rotation.

[0009] Thus it is a long felt need to provide a hydrant that includes a control rod that does not substantially rotate relative to the rotation of the handle. It is also a long felt need to provide a plunger that is wear resistant and that allows a user to quickly ascertain whether closure of the inlet valve is complete. The following disclosure describes an improved hydrant having a unique stem screw and plunger design that

addresses at least the above-identified issues. Other advantages of the hydrant described herein will be readily apparent to those of skill in the art.

#### SUMMARY OF THE INVENTION

**[0010]** It is one aspect of the present invention to provide a hydrant. More specifically, hydrants of embodiments of the present invention are generally comprised of a housing that possesses a bore for the transportation of fluid therethrough. The bore is also in fluidic communication with a fluid outlet. Rotation of the handle moves a control rod located within a pipe associated with the housing that opens or closes an inlet valve. One end of the control rod is interconnected to a drain valve, which selectively blocks or allows fluid through a drain hole of the housing. The drain valve is also threadingly interconnected to a stem screw that is rotated by rotation of the handle. In some embodiments, the stem screw is rotatably associated with the housing by a nut, which also caps the housing. The stem screw is also positioned by a washer that is spaced from the nut. An insert interconnects the control rod to the plunger that is designed to selectively enter and exit an inlet fitting associated with the pipe to form the inlet valve.

**[0011]** It is one aspect of the present invention to provide a plunger with a generally flat face for selective engagement with a valve seat with a generally flat portion. The face provides a "solid" stop against the inlet fitting, thereby indicating to the user that the hydrant is completely closed. The flat face also helps prevent extrusion of the plunger into the inlet fitting after additional force is applied by the user. Since the plunger can not extrude into the inlet valve, the force applied to the handle to open and close the inlet valve is generally the same. To further prevent such extrusion, the distance between the insert and the face is minimized over that of the prior art. More specifically, a 20 percent reduction of the material between the insert and the face of the plunger with respect to that of the prior art is realized. Furthermore, embodiments of the present invention may include an inlet with a reduced sidewall. Reduction of the sidewall, i.e., "blind spot", is conducive to indicate to the user that the hydrant is shut off. That is, the deeper the blind spot, the more turns subsequent to fluid shut off are needed to completely close the fluid flow and to open the drain valve. Thus by reducing the "blind spot", less handle turns are required to open the drain valve and the chances are increased that the fluid located within the pipe and/or housing will be drained.

**[0012]** It is another aspect of the present invention to provide an ergonomic housing. More specifically, embodiments of the present invention position a fluid outlet on the right side of the handle, thereby making it easier for operation by right handed users. In addition, the outlet may be curved somewhat to enable the positioning of an anti-siphon valve away from the handle to facilitate interconnection of a hose, for example. Such anti-siphon devices are described in U.S. patent application Ser. No. 12/126,476, which is incorporated by reference in its entirety herein. One skilled in the art will appreciate, however, that the outlet may be positioned on the left hand side of the handle, above the handle or below the handle. Furthermore, a plurality of handles may be incorporated onto the housing to provide a hot and cold water through the outlet as shown, for example in U.S. Pat. No. RE 39,235, which is incorporated by reference in its entirety herein.

**[0013]** It is another aspect of the present invention to provide an air vent, i.e., a hole in the housing to allow air to enter the bore. More specifically, embodiments of the present

invention employ a hole through an upper portion of the hydrant that is, preferably, capped with a plug, such that air can enter into the housing and splash associated with the expulsion of a pressurized fluid from the bore is prevented by the plug.

**[0014]** It is another aspect of the present invention to provide a hydrant employing a smaller nut. More specifically, as described above, a nut is used to interconnect the handle to the housing. Nuts of the prior art are screwed into the housing and threadingly interconnected to the stem screw by a fastener. The handle is also interconnected to the stem screw such that rotation of the handle will impart rotation of the stem screw, which is threadingly engaged to an inner portion of the nut. Thus, two leak paths exist. One between the housing and the nut and one between the nut and the stem screw.

**[0015]** Alternatively, the nut of embodiments of the present invention are shorter and less complex than the nuts of the prior art. The nut of the embodiments of the present invention are threadingly engaged onto the housing and include hole therethrough. The hole receives and rotatably engages the stem screw, which is interconnected to the handle via a fastener. Thus, the nut of embodiments of the present invention are smaller and weigh about 80 percent less than those of the prior art, which translates into material savings and part complexity reduction.

**[0016]** It is yet another aspect of the present invention to provide an improved handle. Embodiments of the present invention achieve interconnection of the handle to the stem screw via a spine connection and screw. Alternatively, hydrants of the prior art employ a handle with a square recess that receives a portion of the stem screw. Further, handles of embodiments of the present invention are enlarged, and preferably oval, which increases grip and the torque applied to the stem screw.

**[0017]** It is another aspect of the present invention to provide an improved stem screw. Embodiments of the present invention employ a stem screw made of brass or other rigid metallic material that is not brittle and thus is not prone to cracking. One of skill in the art will appreciate that plastic or other similar material may be employed. The stem screw also includes a portion, i.e. "shoulder", that resides between an inner surface of the nut and a washer, which is spaced from the nut within the housing. This configuration captivates the stem screw and prevents substantial longitudinal movement thereof when rotated. Preferably, the stem screw rotates within the nut, as opposed to being threadingly interconnected thereto, which reduces complexity of the stem screw and the nut. The stem screw is threadingly interconnected to the drain valve such that rotation of the stem screw will impart translational motion onto the drain valve and the control rod. Prior art devices, alternatively, employed a stem screw that translated along with the drain valve and the rod. Other mechanisms are employed within the housing that help prevent the rotation of the drain valve. For example, the drain valve may include flats that selectively interact with flats inside the housing to prevent rotation of the drain valve, which will be described in further detail below. Finally, the thread pitch of the stem screw may be decreased over that of the prior art such that the number of turns required to open the hydrant is substantially reduced. For example, in one embodiment, the pitch of the threads is changed from about 8 threads per inch to about 10 threads per inch, an about 20 percent change over stem screws of the prior art.

**[0018]** It is another aspect of the present invention to provide a hydrant that has ease of assembly. More specifically, the hydrants of the prior art require that the handle, nut and stem screw be interconnected in a subassembly prior to assemblage into the housing. Alternatively, embodiments of the present invention have been designed with interior diameters that step down so assembly may be accomplished from the front of the hydrant. That is, a subassembly comprising the control rod, the plunger and the drain valve may be initially placed within the housing and the pipe. Next, the washer, the stem screw, the nut and the handle may be added to complete the hydrant assembly.

**[0019]** The Summary of the Invention is neither intended nor should it be construed as being representative of the full extent and scope of the present invention. Moreover, references made herein to "the present invention" or aspects thereof should be understood to mean certain embodiments of the present invention and should not necessarily be construed as limiting all embodiments to a particular description. The present invention is set forth in various levels of detail in the Summary of the Invention as well as in the attached drawings and the Detailed Description of the Invention and no limitation as to the scope of the present invention is intended by either the inclusion or non-inclusion of elements, components, etc. in this Summary of the Invention. Additional aspects of the present invention will become more readily apparent from the Detail Description, particularly when taken together with the drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

**[0020]** The accompanying drawings, which are incorporated in and constitute a part of the specification, illustrate embodiments of the invention and together with the general description of the invention given above and the detailed description of the drawings given below, serve to explain the principles of these inventions.

**[0021]** FIG. 1 is a perspective view of a hydrant of one embodiment of the present invention;

**[0022]** FIG. 2 is a cross-sectional detailed view of the inlet valve of prior art hydrants;

**[0023]** FIG. 3 is a detailed cross-sectional view of an inlet valve of one embodiment of the present invention;

**[0024]** FIG. 4 is a detailed cross-sectional view of the hydrant of the prior art;

**[0025]** FIG. 5 is a detailed cross-sectional view of a hydrant of one embodiments of the present invention;

**[0026]** FIG. 6 is a perspective view of FIG. 5; and

**[0027]** FIG. 7 is a partial exploded perspective view of components of one embodiments of the present invention.

**[0028]** To assist in the understanding of the present invention the following list of components and associated numbering found in the drawings is provided herein:

#	Components
2	Hydrant
6	Housing
10	Handle
14	Bore
18	Pipe
22	Outlet
26	Control rod
30	Plunger

-continued

#	Components
34	Inlet fitting
38	Inlet valve
42	Side wall
46	Seat
50	Drain valve
54	Drain hole
58	Nut
62	Splash guard
66	Stem screw
70	Longitudinal axis
74	Insert
78	Valve
82	Vent
86	Face
90	Outer surface
94	Seal
98	Screw
102	Washer
106	Inner surface
110	Handle
114	Shoulder
118	Sealing ring
122	Drain valve flat
126	Housing flat
130	Plunger
146	Seat
150	Drain valve
158	Nut
166	Stem screw

**[0029]** It should be understood that the drawings are not necessarily to scale. In certain instances, details that are not necessary for an understanding of the invention or that render other details difficult to perceive may have been omitted. It should be understood, of course, that the invention is not necessarily limited to the particular embodiments illustrated herein.

DETAILED DESCRIPTION

**[0030]** Referring now to FIGS. 1, 3, 5, 6 and 7, one embodiment of a hydrant 2 the present invention is provided that generally includes a housing 6 that is interconnected to a handle 110 on one end and a pipe 18 on the other end. The pipe 18 is also interconnected to an inlet fitting 34 that is associated with the fluid source of a building. The pipe 18 also includes a centrally-located control rod 26 that is interconnected on one end to an insert 74 that is also interconnected to a plunger 130 that selectively moves into and out of the inlet fitting 34 to form an inlet valve 38. The other end of the control rod 26 is interconnected to a drain valve 150 that is threadingly interconnected to a stem screw 166. The stem screw 166 is interconnected on another end to the handle 110 that is held in place by a nut 159. Rotation of the handle 110 rotates the stem screw 166, which transitions the drain valve 150 along a longitudinally axis 70 of the pipe 18. The transition of the drain valve 150 also translates the control rod 26 and thus moves the plunger 130 into or out of the inlet 34 to cease or begin the flow of fluid through the pipe, respectively.

**[0031]** Referring now to FIG. 1, the housing 6 is generally constructed of cast metal. One skilled in the art will appreciate however, that the housing 6 may be machined or otherwise formed of a rigid material. The housing 6 is designed to fasten to an exterior portion of a structure, wherein the pipe 18 is then interconnected thereto. The housing 6 includes an outlet 22 that may be designed to threadingly receive an anti-siphon

valve 78 or other backflow prevention device. The housing 6 also includes a vent 82 positioned on the upper end thereof to allow air to enter therethrough to prevent a vacuum being created within the housing and/or to aid in the expulsion of fluid through a drain hole (not shown), when the flow of fluid is ceased.

[0032] Referring now to FIG. 3, the inlet valve 38 of the hydrant 2 of one embodiment of the present invention is shown. FIG. 2 shows the inlet valve of the hydrant of the prior art for comparison purposes. The plunger 130 includes a generally flat (or semi-flat) face 86 that selectively engages a seat 46 of the inlet fitting 34. Other shapes can also be employed. The face 86 provides a stop that helps users identify when the inlet valve is completely closed. The inlet fitting 34 also includes a sidewall 42 then interfaces with an outer surface 90 plunger to initially close the inlet valve 38. As the plunger 130 is fully inserted, the drain valve 150 is opened to allow fluid to exit the hydrant. The inlet fitting 34 is threadingly engaged to the pipe 18. Preferably, however, the inlet fitting 34 is interference fit onto the pipe 18 wherein a seal 94 provides additional leak prevention.

[0033] Referring now to FIGS. 5 and 6, the stem screw 166 and drain valve 150 of one embodiment of the present invention is shown. FIG. 4 shows the prior art and is provided for comparison purposes. The handle 110 of one embodiment of the present invention is interconnected to the stem screw 166 via a spline connection and further interconnected thereto via a screw 98. A nut 158 is provided with an aperture therethrough that is interconnected to the housing 6. A portion of the stem screw 166 is rotatably engaged within the nut 158. A washer 102 is spaced a predetermined distance from an inner surface 106 of the nut 158. The stem screw 166 includes a shoulder 114 that is positioned within the space between the washer 102 and the inner surface 106 such that longitudinal movement of the stem screw 166 is substantially prevented. Further, the stem screw 166 includes a plurality of threads that operably interconnect the stem screw 166 to the drain valve 150. The housing 6 includes at least one drain hole 54, slot or opening and an air vent 32 that allows fluid to exit the housing 6. Alternatively, with reference to FIG. 4, hydrants of the prior art employ a nut 58 having a plurality of drain holes 54 and a splash guard 62. Of course, embodiments may employ the draining scheme of the prior art.

[0034] The drain valve 150, which is operably interconnected to the stem screw 166 on one end, is also interconnected to the control rod 26. The drain valve 150 includes a sealing ring 118 when closed. When closed, the sealing ring 118 engages the inner surface of the housing to prevent fluid from escaping from the drain hole 54 and directing fluid from the pipe 18 to the outlet 22 of the housing and the valve 78 if applicable. When opened, the drain valve 150 is positioned such that the sealing surface 118 is positioned away from the inner surface of the housing 6 such that fluid can both escape from the outlet 22 and the drain hole 54, which allows any trapped fluid within the pipe and/or the housing to escape.

[0035] In operation, with reference to FIGS. 3, 5 and 6, when the handle 110 is turned in a clockwise position, the stem screw 166 is also rotated. Rotation of the stem screw 166 imparts a rotational motion which pushes, via the threaded interconnection between the stem screw 166 and the drain valve 150, the drain valve 150 to an open position, thereby allowing fluid to escape from the outlet 22 and the drain hole 54. Initially, rotation of the stem screw 156, via the drain valve 150, translates the control rod 26 longitudinally to place the

outer surface 90 of the plunger 150 and engagement with sidewalls 42 of the inlet fitting 34, to cease pressurized flow of fluid through the pipe 18. It will be apparent to one of skill in the art that embodiments of the present invention may not employ a drain valve wherein the stem screw is associated directly with the control rod or associated with the control rod by way of another member that imparts translational motion onto the control rod when the stem screw is rotated. As rotation of the handle 110 continues, the drain valve 150 is further transitioned until the control rod 26 pushes the plunger 130 completely into the inlet fitting 34 wherein the face 86 is sealingly engaged onto the seat 46, thereby completely preventing flow through the hydrant. Any fluid trapped within the pipe 18 and/or housing 6 is thus allowed to drain through the drain hole 54 and/or the outlet 22 and interconnected valve 78, if applicable. As one skilled in the art will appreciate, the stem screw 166 is captivated between the washer 102 and inner surface 106 of the nut 158 such that rotation of the stem screw 166 does not impart substantial translation thereof.

[0036] In order to open the hydrant 2, the handle is rotated clockwise, thereby rotating the stem screw 166 to pull the drain valve 150 towards the handle 110 via the threaded interconnection between the stem screw 166 and the drain valve 150. This action also pulls the control rod 26 towards the handle 110 and disengages the face 86 of the plunger 130 and the seat 46 of the inlet fitting 34. It is important to note that the outer surface 90 of the plunger 130 of the side wall 42 of the inlet fitting are at this point still engaged, not interconnected, thereby preventing substantial fluid flow from the pipe 18. As the handle 110 continues to be rotated, the drain valve 150 is further pulled towards the handle 110, thereby placing the sealing ring 118 in contact with the inner surface of the housing 6, which prevents fluid from exiting the drain hole 54. Prior to or just subsequent thereof, the plunger 130 is completely removed from the inlet fitting 34 which allows pressurized fluid to flow through the outlet 22 of the hydrant 2.

[0037] Referring now to FIGS. 5, 6, and 7, in order to ensure that the control rod 26 does not rotate, which imparts possible damaging, rotation on the plunger 130, the drain valve 150 of embodiments of the present invention include flats 122. More specifically, described herein, the threaded interconnection between the drain valve 150 and the stem screw 160 may impart some rotation onto the control rod 26, which would rotate the plunger 134 and cause wear thereof. In order to avoid this possible rotation, the drain valve 150 may include at least one flat 122 that cooperates with a flat 126 within the bore 14 of the housing 6 to prevent substantial rotation of the drain valve 150. One skilled in the art will appreciate that other mechanisms may be used to achieve this goal such as the use of a key and keyway.

[0038] The hydrant 2 and associated hardware may be integrated into any faucet assembly. Preferably, the faucet assembly are those manufactured by WCM Industries, Inc., which hold various patents and published patent applications, all of which are incorporated by reference in their entirety herein. For example, the following are incorporated by reference in their entirety herein: U.S. Pat. No. 7,249,609 entitled "Yard hydrant with closure valve check valve", U.S. Pat. No. 7,111,875 entitled "Wall hydrant with slip clutch assembly", U.S. Pat. No. 7,100,637 entitled "Wall hydrant having backflow preventor", RE39,235 entitled "Freezerless wall hydrant for delivery of hot or cold water through a single discharge conduit", U.S. Pat. No. 7,059,337 entitled "Fluid hydrant", U.S.

Pat. No. 6,948,518 entitled "Escutcheon for wall mounted faucets and hydrants", U.S. Pat. No. 6,948,509 entitled "Fluid hydrant", U.S. Pat. No. 6,883,534 entitled "Freeze protection device for wall hydrants/faucets", U.S. Pat. No. 6,857,442 entitled "Freeze protection device for wall hydrants/faucets", U.S. Pat. No. 6,830,063 entitled "Freezeless protection device for wall hydrants/faucets", U.S. Pat. No. 6,805,154 entitled "Freeze protection device for wall hydrants/faucets", U.S. Pat. No. 6,769,446 entitled "Freeze protection device for wall hydrants/faucets", U.S. Pat. No. 6,679,473 entitled "Push and turn hydrant for delivery of hot or cold water through a single discharge conduit", D482,431 entitled "Wall hydrant", U.S. Pat. No. 6,532,986 entitled "Freeze protection device for wall hydrants/faucets", D470,915 entitled "Wall hydrant", U.S. Pat. No. 6,431,204 entitled "Solenoid actuated wall hydrant", U.S. Pat. No. 6,206,039 entitled "Freezeless wall hydrant for delivery of hot or cold water through a single discharge conduit", U.S. Pat. No. 6,142,172 entitled "Freeze protection device for wall hydrants/faucets", U.S. Pat. No. 6,135,359 entitled "Heated yard hydrant", U.S. Pat. No. 5,813,428 entitled "Combination wall hydrant and backflow preventor", U.S. Pat. No. 5,701,925 entitled "Sanitary yard hydrant", U.S. Pat. No. 5,632,303 entitled "Wall water hydrant having backflow and back siphonage preventor", U.S. Pat. No. 5,590,679 entitled "Wall water hydrant having backflow and back siphonage preventor", U.S. Pat. No. 5,246,028 entitled "Sanitary yard hydrant", 20080047615 entitled "Yard hydrant with check valve", 20080047612 entitled "Automatic draining double check vacuum breaker", 20080006327 entitled "Hydrant Roof Mount", 20070095396 entitled "Assembly to mount a hydrant to a roof", 20070044840 entitled "Motor actuated wall hydrant", 20070044838 entitled "Yard hydrant with closure valve check valve", 20070039649 entitled "Yard hydrant with drain port air line", 20060254647 entitled "Yard hydrant with drain port check valve", 20060196561 entitled "Wall hydrant having a backflow preventor", 20060108804 entitled "Wall hydrant with slip clutch assembly", 20060086921 entitled "Wall hydrant assembly with a rotatable connector", 20050067833 entitled "Pipe coupling for joining pipes of varying diameters", 20050034757 entitled "Freeze protection device for wall hydrants/faucets", and 20040194395 entitled "Round wall-mounted hydrant housing for freezeless wall hydrants and method of installation thereof".

[0039] While various embodiments of the present invention have been described in detail, it is apparent that modifications and alterations of those embodiments will occur to those skilled in the art. However, it is to be expressly understood that such modifications and alterations are within the scope and spirit of the present invention, as set forth in the following claims.

What is claimed is:

1. A fluid hydrant including:

- a pipe with a first end and a second end, said pipe having a longitudinal axis,
- a housing associated with said first end of said pipe,
- an inlet valve associated with said second end of said pipe,
- a handle operably associated with said housing,
- a rod with a first end and a second end positioned within said pipe,
- a plunger associated said second end of said rod that cooperates with said inlet valve to selectively open and close said inlet valve, wherein rotation of said handle transitions said rod between a first position that closes said

inlet valve and a second position that opens said inlet valve, the improvement comprising:

- a stem screw associated with said handle and positioned within said housing, said stem screw including a threaded portion, and
- a drain valve with a first end operably associated with said stem screw and a second end operatively associated with said first end of said rod, wherein rotation of said stem screw moves said drain valve along said longitudinal axis, said drain valve being associated with said rod whereby said rod is moved between said first position and said second position, wherein said drain valve is substantially prevented from rotating, and wherein said stem screw does not move substantially along said longitudinal axis.

2. The apparatus of claim 1, wherein said plunger has a generally flat face for engagement within said inlet valve, whereby said plunger is substantially prevented from extruding into said inlet valve upon application of additional handle rotation.

3. A wall hydrant, comprising:

- a housing with a bore therethrough;
- an outlet in fluidic communication with said bore;
- a fitting associated with said housing and including an aperture therethrough, said fitting having a first portion positioned outside said housing and a second portion positioned within said bore;
- a washer positioned within said bore and spaced from said second portion of said fitting;
- a stem screw, which is at least partially threaded, having a first end and a second end with a shoulder therebetween, said shoulder positioned between said second portion of said fitting and said washer, said stem screw being rotatably associated to said fitting and said washer;
- a handle associated with said stem screw, wherein rotation of said handle rotates said stem screw;
- a means for transitioning associated with said stem screw, wherein rotation of said stem screw transitions said means for transitioning from a first position to a second position;
- a pipe interconnected to said housing;
- an inlet valve interconnected to said pipe; and
- a rod positioned within said pipe, said rod being associated on a first end to said means for transitioning and on a second end to a plunger that is selectively positionable within said inlet valve, wherein rotation of said stem screw moves said plunger from a first, open position away from said inlet valve and to a second, closed position into said inlet valve, and wherein the position of said stem screw is substantially maintained.

4. The apparatus of claim 3, wherein said means for transitioning is a drain valve that is threadingly associated with said stem screw wherein rotational interaction of said threaded portion of said stem screw and threads of said drain valve imparts translational motion of said drain valve along said longitudinal axis.

5. The apparatus of claim 3, wherein said means for transitioning is a threaded portion of said rod that is threadingly associated with said stem screw wherein rotational interaction of said threaded portion of said stem screw and said threaded portion of said rod imparts translational motion of said rod along said longitudinal axis.

6. The apparatus of claim 3, wherein said plunger includes a generally flat face that is adapted to engage a seat of said inlet valve to substantially prevent the flow of fluid through said inlet valve.

7. The apparatus of claim 3, further comprising an insert associated with said rod wherein said plunger is interconnected to said an insert.

8. The apparatus of claim 3, wherein said housing includes a wall that extends into said bore that engages a portion of said drain valve to generally prevent rotation thereof.

9. The apparatus of claim 3, further comprising an anti-siphon valve associated with said outlet that allows fluid within said pipe to drain from said wall hydrant when said inlet valve is in said second, closed position.

10. The apparatus of claim 3, wherein said threaded portion of said stem screw comprises a left-hand thread.

11. A wall hydrant, comprising:

a housing including a fluid inlet and a fluid outlet;

a fitting associated with said housing;

a washer positioned within said housing and spaced from said fitting;

a stem screw rotatably associated with said fitting and said washer, said stem screw having a protrusion that is positioned between said washer and said fitting that prevents longitudinal travel of said stem screw;

a pipe associated with said housing; and

a rod positioned within said pipe, said rod being associated on a first end to said stem screw and on a second end to an inlet valve, wherein said rotation of said stem screw selectively opens and closes said inlet valve.

12. The apparatus of claim 11, further comprising a handle associated with said stem screw, wherein rotation of said handle rotates said stem screw.

13. The apparatus of claim 11, further comprising an insert associated with said rod wherein said plunger is interconnected to said an insert.

14. The apparatus of claim 11 wherein said rod is associated with said stem screw by way of a drain valve operably

associated with said stem screw, wherein rotation of said stem screw transitions said drain valve from a first position to a second position.

15. The apparatus of claim 14, wherein said housing includes a wall that extends into said bore that engages a portion of said drain valve to generally prevent rotation thereof.

16. The apparatus of claim 14, further comprising an anti-siphon valve associated with said outlet that allows fluid within said pipe to drain therefrom when said inlet valve is in said closed position.

17. The apparatus of claim 11 wherein said inlet valve includes a plunger, which is associated with said rod, for selective insertion into a fluid inlet of said wall hydrant.

18. The apparatus of claim 17, wherein said plunger has a generally flat face for engagement within said inlet valve.

19. A method of supplying fluid, comprising:

providing a hydrant having a handle interconnected to a stem screw that is associated with a rod positioned within a fluid pipe;

selectively rotating said handle;

selectively rotating said stem screw while preventing longitudinal movement thereof;

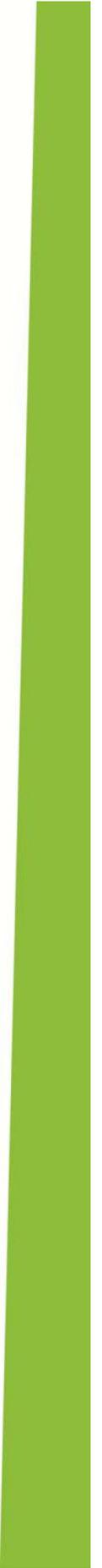
transitioning said rod with respect to said stem screw; and  
transitioning a plunger from an inlet valve, thereby allowing fluid from a fluid source through said fluid pipe and out an outlet of the hydrant.

20. The method of claim 19, wherein said plunger possesses a generally flat face for insertion within an inlet.

21. The method of claim 20, further comprising blocking fluid flow through a port of said hydrant with a drain valve that is interconnected between said rod and said stem screw.

\* \* \* \* \*

**EXHIBIT 2**





Campbell Manufacturing



Merrill Manufacturing



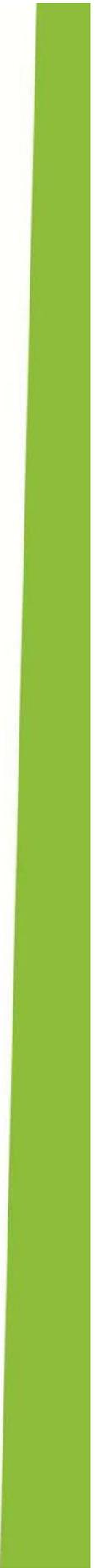
APPLICANT

**EXHIBIT 3**





**EXHIBIT 4**



**Table 982. Total Housing Inventory for the United States: 1990 to 2010**

[In thousands (106,283 represents 106,283,000), except percent. Based on the Current Population Survey and the Housing Vacancy Survey and subject to sampling error; see source and Appendix III for details]

Item	1990	1995	2000	2002 <sup>1</sup>	2005	2006	2007	2008	2009	2010
<b>All housing units</b> .....	<b>106,283</b>	<b>112,655</b>	<b>119,628</b>	<b>119,297</b>	<b>124,600</b>	<b>126,383</b>	<b>128,017</b>	<b>129,211</b>	<b>129,944</b>	<b>130,599</b>
Vacant .....	12,059	12,669	13,908	14,332	15,786	16,487	17,666	18,574	18,785	18,739
Year-round vacant .....	9,128	9,570	10,439	10,771	11,990	12,497	13,288	13,838	14,121	14,294
For rent .....	2,662	2,946	3,024	3,347	3,742	3,747	3,851	4,027	4,386	4,284
For sale only .....	1,064	1,022	1,148	1,220	1,460	1,841	2,118	2,210	2,016	1,983
Rented or sold .....	660	810	856	842	1,067	1,110	1,133	1,068	992	908
Held off market .....	4,742	4,793	5,411	5,362	5,720	5,798	6,186	6,533	6,726	7,120
Occasional use .....	1,485	1,667	1,892	1,819	1,896	1,866	1,995	2,056	2,064	2,241
Usual residence elsewhere .....	1,068	801	1,037	995	1,136	1,201	1,140	1,162	1,185	1,254
Other .....	2,189	2,325	2,482	2,548	2,688	2,731	3,051	3,315	3,478	3,625
Seasonal <sup>2</sup> .....	2,931	3,099	3,469	3,561	3,796	3,990	4,378	4,736	4,665	4,444
Total occupied .....	94,224	99,985	105,720	104,965	108,814	109,896	110,351	110,637	111,159	111,860
Owner .....	60,248	64,739	71,250	71,278	74,962	75,596	75,192	75,043	74,892	74,791
Renter .....	33,976	35,246	34,470	33,687	33,852	34,300	35,159	35,594	36,267	37,069
<b>PERCENT DISTRIBUTION</b>										
All housing units .....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Vacant .....	11.3	11.2	11.6	12.0	12.7	13.0	13.8	14.4	14.4	14.3
Total occupied .....	88.7	88.8	88.4	88.0	87.3	87.0	86.2	85.6	85.6	85.7
Owner .....	56.7	57.5	59.6	59.7	60.2	60.3	58.7	58.1	0.6	57.3
Renter .....	32.0	31.3	28.8	28.2	27.2	27.5	27.5	27.5	0.3	28.4

<sup>1</sup> Revised. Based on 2000 census controls. <sup>2</sup> Includes vacant seasonal mobile homes.

Source: U.S. Census Bureau, "Housing Vacancies and Home Ownership," <<http://www.census.gov/hhes/www/housing/hvs/hvs.html>>.

**Table 983. Occupied Housing Inventory by Age of Householder: 1990 to 2010**

[In thousands (94,224 represents 94,224,000). Based on the Current Population Survey and Housing Vacancy Survey; see source for details]

Age of householder	1990	1995	2000	2002 <sup>1</sup>	2005	2006	2007	2008	2009	2010
<b>Total</b> .....	<b>94,224</b>	<b>99,986</b>	<b>102,560</b>	<b>105,053</b>	<b>108,814</b>	<b>109,896</b>	<b>110,351</b>	<b>110,637</b>	<b>111,159</b>	<b>111,860</b>
Under 25 years old .....	5,143	5,502	5,964	6,378	6,574	6,598	6,497	6,227	6,095	6,060
25 to 29 years old .....	9,508	8,662	8,197	8,238	8,839	9,001	9,173	9,030	9,060	9,041
30 to 34 years old .....	11,213	11,206	9,939	10,184	9,636	9,451	9,352	9,278	9,314	9,477
35 to 39 years old .....	10,914	11,993	11,573	10,933	10,582	10,552	10,503	10,476	10,167	9,794
40 to 44 years old .....	9,893	11,151	12,013	11,849	11,784	11,518	11,130	10,898	10,687	10,525
45 to 49 years old .....	8,038	10,080	10,835	11,213	11,843	12,024	12,011	11,885	11,841	11,690
50 to 54 years old .....	6,532	7,882	9,414	10,132	10,651	10,927	11,086	11,336	11,586	11,721
55 to 59 years old .....	6,182	6,355	7,455	8,268	9,555	9,948	10,017	10,146	10,209	10,437
60 to 64 years old .....	6,446	5,860	6,011	6,427	7,376	7,627	8,112	8,542	8,905	9,345
65 to 69 years old .....	6,407	6,088	5,679	5,649	5,931	6,092	6,334	6,597	6,810	7,038
70 to 74 years old .....	5,397	5,693	5,420	5,142	5,043	5,071	5,066	5,079	5,280	5,449
75 years old and over .....	8,546	9,514	10,059	10,641	11,000	11,088	11,069	11,144	11,203	11,285

<sup>1</sup> Revised. Based on 2000 census controls.

Source: U.S. Census Bureau, "Housing Vacancies and Home Ownership," <<http://www.census.gov/hhes/www/housing/hvs/hvs.html>>.

**Table 984. Vacancy Rates for Housing Units—Characteristics: 2000 to 2010**

[In percent. Rate is relationship between vacant housing for rent or for sale and the total rental and homeowner supply, which comprises occupied units, units rented or sold and awaiting occupancy, and vacant units available for rent or sale. Based on the Current Population/Housing Vacancy Survey; see source for details. For composition of regions, see map, inside front cover]

Characteristic	Rental Units				Homeowner units			
	2000	2005	2009	2010	2000	2005	2009	2010
<b>Total units</b> .....	<b>8.0</b>	<b>9.8</b>	<b>10.6</b>	<b>10.2</b>	<b>1.6</b>	<b>1.9</b>	<b>2.6</b>	<b>2.6</b>
Northeast .....	5.6	6.5	7.2	7.6	1.2	1.5	2.0	1.7
Midwest .....	8.8	12.6	10.7	10.8	1.3	2.2	2.6	2.6
South .....	10.5	11.8	13.6	12.7	1.9	2.1	2.9	2.8
West .....	5.8	7.3	9.0	8.2	1.5	1.4	2.6	2.7
Units in structure:								
1 unit .....	7.0	9.9	9.8	9.6	1.5	1.7	2.3	2.2
2 units or more .....	8.7	10.0	11.3	10.8	4.7	6.2	8.7	9.2
5 units or more .....	9.2	10.4	12.3	11.6	5.8	6.6	8.7	9.5
Units with—								
3 rooms or less .....	10.3	12.1	13.3	13.4	10.4	12.0	14.2	14.9
4 rooms .....	8.2	9.6	10.9	10.2	2.9	3.3	5.0	5.5
5 rooms .....	6.9	9.3	9.7	9.1	2.0	2.2	3.1	3.0
6 rooms or more .....	5.2	8.1	8.3	7.7	1.1	1.4	1.8	1.7

Source: U.S. Census Bureau, "Housing Vacancies and Home Ownership," <<http://www.census.gov/hhes/www/housing/hvs/hvs.html>>.

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## How many single family homes are there in the United States?

In: Mortgage Insurance, Home Equity and Refinancing, Foreclosure [\[Edit categories\]](#)

### Answer:

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It may be that the terminology is different than single family [homes](#). However, barring that, here are some census.gov numbers for you.

In 2009, the US Census Bureau reports all housing units totalling in at 130 million 159 thousand.

Also in 2009 91,241,000 total housing units for single detached and mobile homes in the United States with 79,918,000 total occu[jie]d year round. And of these, some are renters and some are owner occupied.

(While searching for specific information broad and general terms may need to be refined more narrowly.)

Source: [http://www.census.gov/compendia/statab/cats/construction\\_housing/housing\\_units\\_and\\_characteristics.html](http://www.census.gov/compendia/statab/cats/construction_housing/housing_units_and_characteristics.html)

Note: There are comments associated with this question. See the [discussion page](#) to add to the conversation.

**EXHIBIT 5**



# DON'T LET WINTER WEATHER BURST YOUR BUBBLE

**Freezeless AND Anti-Rupture?** What's the difference? A freezeless faucet has the shut off mechanism well within the heated portion of the home – but what if a garden hose or other device is inadvertently left connected to a faucet during freezing temperatures? Water in the tube fails to drain, this water then begins to freeze and pressure in the tube is increased as ice forms and tries to compress the water trapped in the tube. The tube ruptures and the next time the faucet is used the wall fill with water. Woodford Model 19 Freezeless Faucets have a patented pressure relief valve which allows for expansion during freezing temperatures, saving the faucet and preventing a costly repair or call back. With Woodford's Model 19, you're protected – even from other people's mistakes!

## WOODFORD'S MODEL 19

- Anti-Rupture
- Anti-Siphon ASSE 1019 Freezeless Wall Faucets



Anti-Rupture



Mounting Sleeve



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Simple, straightforward and low [shipping](#) rates for these mounting sleeves.

## Mounting Sleeve Installation Instructions by Woodford

Take the guesswork and possible rework out of your wall faucet installations with this easy-to-install Mounting Sleeve. Designed for use with [Woodford's outdoor faucet models: 14, 16, 17, & 19](#), this hassle free device makes installing the faucet a snap, and ensures an installation that will allow for a clean exterior finish. We also offer a huge selection of [repair parts for Woodford faucets](#).



shown with Woodford faucet model 17

### Woodford Mounting Sleeve

for use with [Wall Faucet Models 14, 16, 17, & 19](#) only

The Woodford wall faucet mounting sleeve takes the guesswork out of how far to stub-out Woodford freezeless faucets through brick, stone, or stucco veneers. It also provides a secure anchor for the faucet.

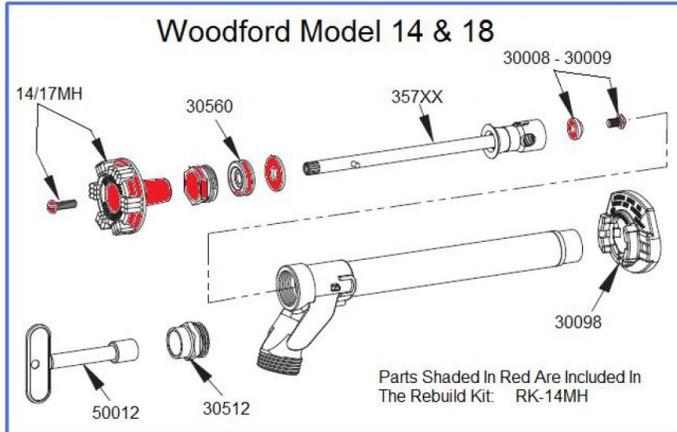
The mounting sleeve allows the plumber to determine a stub-in location and set an adjustable finish depth required by the brick or stone mason. A number scale in increments of 1/2" is built into the top of the mounting sleeve ([click here](#) to see the number scale).

The faucet installation is completed by mating the faucet wall flange to the front of the mounting sleeve and securing with two furnished flange screws. The proper drain angle is automatically set by the rear tube rest. This reduces risk of freezing and ensures the faucet properly drains.



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To purchase genuine Woodford repair kits, click on RK-item numbers below.

### Model 14



- Freezeless
- No anti-siphon protection
- Will not rupture from freezing when valve is shut off and hose is removed.
- Round metal handle

Complete repair kit .....[RK-14MH](#)  
 Metal wheel handle Only.....[RK-14/17MH](#)  
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### UPGRADE TO RK-PRV

**Pressure Relief Valve (PRV) prevents faucet casing tube from bursting in freezing conditions even if a hose is unintentionally left on. See below for more information.**

### Model 17



- Freezeless
- Anti-siphon protection
- Will not rupture from freezing when valve is shut off and hose is removed.
- Round metal handle

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<b>CONNECTION</b>	Pipe Thread Or Sweat
<b>HANDWHEELS</b>	Oval, Powder-coated, Die Cast Aluminum
<b>ITEM</b>	Faucet, Sillcock
<b>MATERIAL OF CONSTRUCTION</b>	Brass

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<a href="#">10206</a>	Hex Nut	<a href="#">Y34</a> , <a href="#">Y1</a> , <a href="#">W34</a> , X34	\$4.37	<input type="text"/>
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- Faucet must be installed with downward pitch toward nozzle
- hose must be removed in freezing weat

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The Freezeless Woodford Model 17 wall faucet drains as handle is shut off and hose is removed. This faucet is designed for residential outside water service applications.

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### Item Description

Woodford - RK-14/17MH - Model 14/17 Metal Handle Repair Kit

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### Woodford Frost Free Outside Faucet 17CP3-12-MH for the 12" pipe



**Installed price: \$249.00**

Installed price includes normal installation. Upgrades, difficult access, irregularities, code compliance may be extra.

The freezeless Model 17 is designed and intended for year-round residential irrigation purposes regardless of outside temperature. This faucet will not rupture from freezing when the valve is shut off and the hose is removed. The Model 17 contains an integral backflow protection device which protects up to 125 psi of backpressure and therefore does not require an add-on vacuum breaker.

The Close Coupled Model 17CC, with standard C inlet, is designed for use in non-freeze areas and fits within 2" x 4" stud wall.

**Features:**

- 3/4" male hose thread nozzle
- Stainless steel seat - eliminates wire draw
- EPDM packing to prevent leaking
- Full circle operating threads on valve body and retainer
- No-lead solder
- Standard "O" size seat washer
- Powder-coated, die cast aluminum handle



**NEW**



Model 19



**Woodford Model 19  
Anti-Rupture Anti-Siphon  
Freezeless Wall Faucet**

The NEW patented Pressure Reducing Valve, included in the Model 19, is designed to eliminate pipe rupture. It automatically reduces water pressure when the hose has been inadvertently left on the faucet during freezing temperatures.



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### WOODFORD MODEL 14 & 17 HNDL REPLACEMENT KIT RK-14/17MH

Item condition: **New**

Time left: 2 days 14 hours (Feb 04, 2012 06:17:56 AM PS)

Quantity:  More than 10 available

Price: **US \$9.79**

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[NEW Woodford RK-17MH Model 17 Faucet Repair Kit Metal Handle \\*\\* FREE Shipping \\*\\*](#)

**New**

**EXHIBIT 6**





# Campbell Catalog

## Frostproof Wall Faucets



Catalog Section Index

part	length	pcs/ctn	master/ctn
WF4A	4	1	20
WF6A	6	1	20
WF8A	8	1	20
WF10A	10	1	20
WF12A	12	1	20
WF14A	14	1	20

Imported

**FROSTPROOF WALL FAUCET**  
(1/2 copper x 1/2 mpt)



part	length	pcs/ctn	master/ctn
WF4B	4	1	20
WF6B	6	1	20
WF8B	8	1	20
WF10B	10	1	20
WF12B	12	1	20
WF14B	14	1	20

Imported

**FROSTPROOF WALL FAUCET**  
(1/2 fpt x 3/4 mpt)



part	length	pcs/ctn	master/ctn
AWF6A	6	1	20
AWF8A	8	1	20
AWF10A	10	1	20
AWF12A	12	1	20
AWF14A	14	1	20

Imported

**ANTI-SIPHON FROSTPROOF WALL FAUCET**  
(1/2 copper x 1/2 mpt)



part	length	pcs/ctn	master/ctn
AWF6B	6	1	20

**ANTI-SIPHON FROSTPROOF**

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- [Floats, Air Volume Controls, Tank Acc.](#)
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**Merrill's Product Catalog: Frost Proof Wall Faucets**



**Product Options**

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- [Merrill / Arrowhead Wall Faucets](#)

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### Danco 88864 Plastic Woodford Handle

Plastic, Woodford Frost Proof Sillcock Handle, Fits Model 14. [Read More](#)



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### Product Details

**SKU Number:** u740946

**Model Number:** 88864

**Shipping Weight:** 6.7 ounces

**UPC:** 037155888641

**Shipping:** This item is also available for shipping outside the Continental US

Description

Ratings and Reviews

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Plastic, Woodford Frost Proof Sillcock Handle, Fits Model 14.

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