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| F<br>I<br>L<br>E<br>D | FEDERAL COURT<br>COUR FÉDÉRALE<br><br>December 05, 2023<br>05 décembre 2023<br><br>S Seeraladevan | D<br>É<br>P<br>O<br>S<br>É |  |
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Court File No. T - - 23

**FEDERAL COURT**

B E T W E E N:

**OAKVILLE STAMPING & BENDING LIMITED**

Plaintiff

- and -

**JEAN-LOUIS CLOUTIER, dba Ontario Sole Proprietorship 290728005 and dba SELIT, and  
CENTRE DE PLOMBERIE JEAN LÉPINE INC.**

Defendants

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**STATEMENT OF CLAIM**

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**TO THE DEFENDANT:**

**A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU** by the Plaintiff. The claim made against you is set out in the following pages.

**IF YOU WISH TO DEFEND THIS PROCEEDING**, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the [Federal Courts Rules](#), serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court, **WITHIN 30 DAYS** after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the [Federal Courts Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

**IF YOU FAIL TO DEFEND THIS PROCEEDING**, judgment may be given against you in your absence and without further notice to you.

Date:

Issued by: \_\_\_\_\_  
Registry Officer

Address of local office: 180 Queen Street West,  
Suite 200  
Toronto, Ontario  
M5V 3L6

TO: **Jean-Louis Cloutier, an individual  
Operating as a Sole Proprietor under  
Ontario Business Identification Number  
290728005**  
208 Donnelly Drive  
Mississauga, Ontario  
L5G 2M4

AND TO: **Centre de Plomberie Jean Lépine Inc.**  
5855 Taschereau Blvd  
Brossard, Québec  
J4Z 1A5

## CLAIMS

1. The Plaintiff claims:

- (a) a declaration that Claims 1, 5, 6, and 7 of Canadian Patent 2,813,010 have been infringed by the Defendants;
- (b) an interim and permanent injunction to restrain the Defendants, their directors, officers, employees, agents or otherwise, and all those over whom they exercise control or otherwise from manufacturing, constructing, importing, exporting, selling or offering for sale, in Canada or from Canada, any items which infringe Canadian Patent 2,813,010;
- (c) an Order directing the Defendants to deliver up to the Plaintiff, or destroy under oath, all articles in their possession, power or control and falling within the scope of any of the claims set out in paragraph (a) herein, used, made, or being made in infringement of Canadian Patent 2,813,010;
- (d) damages or an accounting of profits, as the Plaintiff may later elect, for all acts of infringement by the Defendants of Claims 1, 5, and 7 of Canadian Patent 2,813,010 to the date of trial, to exceed \$50,000, exclusive of interest and costs;
- (e) punitive and exemplary damages;
- (f) pre-judgment and post-judgment interest on such compensation, damages and profits from the date they arose to the date of payment;
- (g) the Plaintiff's costs of the action on a full indemnity basis, including all applicable taxes and post-judgment interest thereon; and

(h) such further and other relief as this Honourable Court may deem just.

2. This action is not being proceeded with as a simplified action.

### **The Parties**

3. The Plaintiff, Oakville Stamping & Bending Ltd. ("OS&B"), is a corporation, incorporated and existing under the laws of Canada, with its registered office address at 2200 Speers Road, Oakville, Ontario, L6L 2X8. OS&B is a manufacturer and distributor of plumbing products, servicing the wholesale and retail industries. OS&B is the owner of Canadian Patent 2,813,010 (the "010 Patent").

4. The Defendant, Jean-Louis Cloutier, ("Cloutier"), an individual, operates a sole proprietorship under the business name Selit, often referred to as Selit Sales Agency or Selit Business Marketing and Distribution, registered under the laws of the Province of Ontario under Ontario Business Identification Number 290728005, doing business in the sales of plumbing fixtures, hardware, and building materials.

5. The Defendant, Centre de Plomberie Jean Lépine Inc. ("Plomberie Jean Lépine") is a corporation existing under the laws of the Province of Québec, registered by the Registraire des Entreprises Québec, under Québec Business Number 1147456090, and claims to do business in the "retail sales plumbing accessories", as well as the "wholesale trade in plumbing, heating and air conditioning equipment and supplies". The corporation claims to have a registered office address at 9151 boul. Saint-Laurent, Montréal, Québec, H2N 1N2, and appears to operate a physical store at 5855 Tashereau Blvd., Brossard, Québec, J4Z 1A5. Plomberie Jean Lépine carries on business as a distributor of bathroom fixtures and accessories.

6. Plomberie Jean Lépine also at times carries out business under the name of Aktuell as a distributor of plumbing products. The corporation distributes these products across Canada, with a focus in Ontario and Québec, through a network of retailers and through its online store available at <https://aktuell.ca/en/>. Aktuell is associated with Cloutier as a sales representative for Cloutier.

### **The 010 Patent**

7. OS&B is the owner of the 010 Patent, a true copy of which is attached hereto as Schedule 1. The 010 Patent is entitled “Connector For Bathtub Tailpipe To Drain Pipe”, and identifies Christopher A. McLeod and Robert Evans as the inventors. As set out therein, the 010 Patent describes and claims an innovative bathtub tailpipe that facilitates the installation of free-standing bathtubs.
8. Prior to the invention of the 010 Patent, in order to connect a drainpipe to a free-standing bathtub that sits directly on or close to the bathroom floor, it was necessary to either destroy the bathroom floor to allow access, or destroy the ceiling directly under the floor holding the bathtub. The invention allows the plumber to connect the drainpipe to the bathtub without destruction of the surrounding floor or the underlying ceiling. This saves significant time and expense in the installation process.
9. The 010 Patent was filed on March 15, 2013, laid open for public inspection on September 15, 2014, and issued on August 23, 2016. The Plaintiff also began producing and selling corresponding drain pipe connection kits under the name ISLAND TUB DRAIN in August 2013, which was welcomed by the plumbing industry as a revolutionary product which saves significant expense and time.

10. The 010 Patent, as specifically set out in the Claims therein, and in Column A of Schedule 2, attached hereto, describes and claims a configuration for *a connector for connecting a bathtub tailpipe to a drain pipe*, comprising:
- (a) a body having an inlet end opposite an outlet end with an intervening passage, wherein the outlet end is mountable to one end of the drain pipe and the inlet end receives the tailpipe;
  - (b) a seal, extending about the passage for slidably engaging the tailpipe in a fluid sealing manner; and
  - (c) a first part configured to be extendably retained and relatively axially movable in relation to a second part, the first part defining the inlet end and the second part defining the outlet end.
11. In a further aspect, the 010 Patent further describes and claims the connector for connecting a bathtub tailpipe to a drain pipe, described above, further comprising a spacer having an external flange for engaging a floor and an internal flange for engaging the first part of the connector to limit lateral movement of the connector.
12. In a further aspect, the 010 Patent further describes and claims a connector having an external flange which is integral with the first part of the connector.
13. In a further aspect, the 010 Patent further describes and claims the connector for connecting a bathtub tailpipe to a drain pipe, described above, further comprising an adapter extending between the outlet end of the passage and the drain pipe to adapt the connector to fit over the drain pipe.
14. The 010 Patent has been and continues to be in good standing, and in full force and effect from August 23, 2016, its date of issue. It will not expire until March 15, 2033. By virtue of its

ownership of the 010 Patent, and further to section 42 of the *Patent Act*, RSC 1985, c P-4, as amended, OS&B is accorded the exclusive right, privilege and liberty of making, constructing, using and selling to others for use, the invention claimed therein.

### **The Defendants' Infringing Activities**

15. The Defendant Cloutier is known to the Plaintiff and to this Court. Cloutier was the president of each of Tomlin Industries (2000) Inc., 7949952 Canada Inc., and 2471030 Ontario Inc., each of which sold plumbing and bathroom products, and were defendants to Federal Court proceeding T-285-17 (the "T-285-17 Defendants"), initiated by the Plaintiff for infringement of the same 010 Patent by a drain for a freestanding bathtub. In this proceeding, which involved a drain having materially similar features and structure to the UNI-TUB Drain referred to below, the T-285-17 Defendants did not dispute infringement.
16. Although the T-285-17 proceeding progressed through to the discovery stage, the Defendants initiated bankruptcy proceedings in the course of the litigation. In April 2019, Plaintiff secured delivery up of the allegedly infringing units from a subsequent purchaser of the assets of the T-285-17 Defendants. Accordingly, in September 2019, proceeding T-285-17 was discontinued.
17. At or around the time of the bankruptcy proceedings for the T-285-17 Defendants, Cloutier registered a sole proprietorship and secured the business name Selit. Selit lists the co-Defendant, Plomberie Jean Lépine, as an authorized sales representative, under its alternate name AKTUELL. Indeed, Plomberie Jean Lépine is owner of the Canadian Registered trademark AKTUELL under TMA941522 in association with goods such as vanities, bathtubs, showers, toilets, faucets, sinks, and mirrors.

18. The Defendants had been selling a variety of goods in the plumbing industry with which Plaintiff did not take issue. However, in at least as early as 2022, Plomberie Jean Lépine under the name AKTUELL began selling a connector for connecting a bathtub tailpipe of a freestanding bathtub to a drain pipe. The product was called the UNI-TUB Drain, and is purportedly manufactured in China by an entity called Uni-Green Co. Further investigation reveals that Uni-Green Co. is claimed to be a subsidiary of Uni-Moulding Co., which is further associated with an entity called Xiamen Uni-Green Industries Co. Ltd. located at 698 Caotang Road Xinming Town, Tong'an Industrial, Xiamen, Fujian, China.
19. As more particularly described in Column B of Schedule 2, attached hereto, the UNI-TUB Drain is a connector for connecting a bathtub tailpipe to a drain pipe comprising:
- (a) a body which has an inlet end opposite an outlet end with a passage extending there between, wherein the outlet end is mountable to one end of the drain pipe and an inlet end receives the tailpipe;
  - (b) a seal which extends about the passage and slidably engages the tailpipe in a fluid sealing manner;
  - (c) a first part extendably retained to a second part wherein the first part defines the inlet end and the second part defines the outlet end, and the first part and the second part are configured to be relatively axially moveable;
  - (d) a spacer which has an external flange for engaging a floor and an internal flange for engaging the first part of the connector to limit lateral movement of the connector; and
  - (e) an external flange being permanently affixed and integral with the first part; and
  - (f) being provided in a kit with an adaptor for extending between the outlet end of the passage and the drain pipe, in order to adapt the connector to fit over the drain pipe.

20. Since the discovery by the Plaintiff of the infringing sales of the UNI-TUB Drain by the Defendant, to the best of the Plaintiff's knowledge, the UNI-TUB Drain has been sold or offered for sale have at the following locations:

(a) In Ontario at:

- (i) Bath & Kitchen Galleries, located at 3411 Fairview Street in Burlington
- (ii) Concept Kitchen & Bath, located at 4129 Harvester Rd Unit E in Burlington
- (iii) Chatham Plumbing, located at 602 Richmond St in Chatham
- (iv) BATH City, located at 7581 Jane St Unit 3-4-5 in Concord
- (v) ORO Bath Design, located at 8111 Jane Street #4 in Concord
- (vi) BATH CREST, located at 1891 Sawmill Rd in Conestogo
- (vii) LTD EMARD BROS. LUMBER CO. LTD, located at 840 Tenth St in Cornwall
- (viii) SEAWAY CONST., located at 809 Pitt ST in Cornwall
- (ix) BATH & KITCHEN STUDIO, located at 332 Guelph St in Georgetown
- (x) BARTON BATH & FLOOR, located at 2440 Barton St. East in Hamilton
- (xi) BETTER BATHS BY DESIGN, located at 1093 John Counter Blvd in Kingston
- (xii) BATH EMPORIUM, located at 5 Shields Court, Unit 100 in Markham
- (xiii) QUARRY DIRECT MISSISSAUGA INC., located at 16-2575 Dundas St W in Mississauga
- (xiv) TAPS MISSISSAUGA, located at 3050 Vega Blvd in Mississauga
- (xv) CENTENNIAL PLUMBING SUPPLY, located at 2901 Steeles Ave W #42 in North York
- (xvi) NOVA BATH LTD., located at 595 Speers Road in Mississauga
- (xvii) CORE PLUMBING FIXTURES, located at 460 Elgin Mills Road East in Richmond Hill
- (xviii) ROYAL BATH & KITCHEN, located at 11300 Yonge Street in Richmond Hill
- (xix) BATHROOM & KITCHEN SOLUTIONS, located at 220 Bunting Road in St. Catharines
- (xx) AMATI, located at 105 Doncaster Ave in Thornhill

- (xxi) MERMAID GALLERY, located at 50 Shirley Street South in Timmins
  - (xxii) H2O BATH & PLUMBING SUPPLIES, located at 717 Kipling Ave in Toronto
  - (xxiii) DUPONT KITCHEN & BATH FIXTURES, located at 2397 Eglinton Ave. in Toronto
  - (xxiv) ELITE KITCHEN & BATH, located at 4884 Dufferin Street Unit #3 in Toronto
  - (xxv) TAPWORKS KITCHEN AND BATH, located at 3355 Kingston Road in Toronto
  - (xxvi) TAPS TORONTO, located at 1020 Lawrence Ave W in North York
  - (xxvii) VANITY MART BATH & KITCHEN DESIGN, located at 90 Frobisher Dr., Unit 1A in Waterloo
  - (xxviii) LAMPERT RÉNOVATION, located at 119 Miranda Ave in York
- (b) In Québec at:
- (i) DÉZIEL DESIGN, located a 368 Chem. Industriel at Gatineau
  - (ii) PLOMBERIE ROY ALMA, located at 795, boul. Saint-Jude Sud in Alma
  - (iii) PLOMBERIE CHAUFFAGE AUX MAX, located at 10, av. Narcisse-Blais in Baie Comeau
  - (iv) PLOMBERIE JEAN LÉPINE, located at 5855, boul. Taschereau Est in Brossard
  - (v) EAU SALLE DE BAIN/PLOMBERIE CÉRAMIQUE, located at 1584, boul Saint-Paul in Chicoutimi
  - (vi) SALLE DE MONTRE BOUTIQUE ET MOI, located at 358, 8<sup>e</sup> Ave in Dolbeau-Mistassini
  - (vii) BAIN-HUR, located at 652, boul. Mercure in Drummondville
  - (viii) PLOMBERIE TETREAULT, located at 114, rue Court in Granby
  - (ix) PLOMBERIE AUX CONSOMMATEURS, located at 709, rue de la Vistation in Joliette
  - (x) CIOT SURPLUS LAVAL, located at 1795, autoroute Jean-Noël Lavoie in Laval
  - (xi) LÉOPOLD BOUCHARD INC, located at 385, Av. Taniata in Lévis
  - (xii) LIQUIDATION PLOMBERIE MASCOUCHE, located at 939, rue Longpré in Mascouche
  - (xiii) CIOT, located at 9151, boul. St-Laurent in Montréal

- (xiv) ATELIER DE DÉCOR MERCIER, located at 27, av. Sainte-Brigitte Sud in Montmagny
- (xv) PLOMBERIE PIERREFONDS, located at 14915, Boul. de Pierrefonds in Pierrefonds
- (xvi) Splash, located at 48-A, boul. Brunswick in Pointe Claire
- (xvii) CIOT, located at 1385, de la Pointe-aux-Lièvres in Québec
- (xviii) LEBLOND BOUTIQUE, located at 472, 2e rue Est in Rimouski
- (xix) PLOMBERIE CLAUDE GIRARD & ASSOCIÉS, located at 190, boul. Marcotte in Roberval
- (xx) GROSSISTE M.R. BOUCHER, located at 77, rue Principale in Saint-Antonin
- (xxi) PLOMBERIE CONCEPT, located at 1550, boul. St-Antoine in St-Jérôme
- (xxii) NORMAND CHARTIER, located at 6375, 4e Avenue in Saint-Georges-de-Beauce
- (xxiii) CÉRAMIQUE & MARBRE MONDIAL, located at 5970, Bd Métropolitain E in Saint-Léonard
- (xxiv) BOUTIQUE PLOMBERIE MASCOUCHE, located at 189, boul. Curé-Labelle in Sainte-Rose
- (xxv) J & M GRÉGOIRE, located at 4135, rue Bertrand Fabi in Sherbrooke
- (xxvi) BO.BAIN, located at 526, chemin des Érables in Trois-Rivières
- (xxvii) PLOMBERIE RENE CARLE, located at 2950 BOUL ST-JEAN in TROIS-RIVIERES
- (xxviii) PLOMBERIE PHCB, located at 422, rue Gamache in Victoriaville.

21. The invention of the 010 Patent is also the subject of patent protection in the United States, in U.S. patent 9,551,138 (the “138 US Patent”) and U.S. patent 10,385,557. The UNI-TUB Drain was also previously sold in the United States on the Amazon.com platform. Through the Amazon Patent Evaluation Express Program, the Plaintiff formally alleged infringement in 2023 of the 138 US Patent by the UNI-TUB Drain. On July 5, 2023, Plaintiff received an assessment in its favour concluding that infringement was likely, and ordering that the relevant sales listing for the UNI-TUB Drain be removed from Amazon.

22. The Plaintiff has demanded that the Defendant Plomberie Jean Lépine cease its infringing activities, and advised of the assessment of infringement of the corresponding U.S. 138 Patent, but the Defendant has refused to cease.
23. The full extent of the Defendants' infringement is not within the knowledge of the Plaintiff, but is particularly in the knowledge of the Defendants, and will be the subject of examination for discovery.
24. By reason of the facts set out above, and as set out in Schedule 2, attached hereto, the Plaintiff states that the Defendants have infringed and continue to infringe Claims 1, 5, and 7 of the 010 Patent. The aforesaid activities of the Defendants have been without the consent or authority of the Plaintiff.
25. The aforesaid acts of the Defendants will likely continue unless restrained by this Court. By reason of the aforesaid acts, the Defendants have and will continue to make a profit, and the Plaintiff has and will continue to suffer damages for which the Defendants should be held jointly and severally liable.
26. Further, the conduct of the Defendant Cloutier in particular displays a wanton and callous disregard of the Plaintiff's rights. Cloutier was well aware from the T-285-17 Proceedings that OS&B held rights in the 010 Patent and did not dispute infringement of a freestanding drain sold by the T-285-17 Defendants. Cloutier then formed a new entity as a sole proprietorship and engaged in the sale of the UNI-TUB Drain having materially similar structure to the drain alleged to infringe the 010 Patent in the T-285-17 Proceedings. Cloutier then engaged Plomberie Jean Lépine to sell the UNI-TUB Drain under another name in order to both distance himself and engage others in acts of patent infringement. Cloutier's conduct is further deserving of an award of punitive and exemplary damages.

27. The Defendants have benefited from the Plaintiff's intellectual property. Accordingly the Plaintiff should be compensated by an award of damages or an accounting of profits, as well as aggravated and punitive damages, interest, and the Plaintiff's costs.
28. The Plaintiff pleads and relies upon the *Patent Act*, RSC 1985, c. p-4.
29. The Plaintiff proposes that this action be tried at Toronto, Ontario, Canada.

DATED at Toronto, Ontario, this 5th day of December, 2023.

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**GOWLING WLG (CANADA) LLP**

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100 King Street West  
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Solicitors for the Plaintiff

## **SCHEDULE 1**

**Canadian Patent No. 2,813,010**



Office de la propriété  
intellectuelle  
du Canada

Un organisme  
d'Industrie Canada

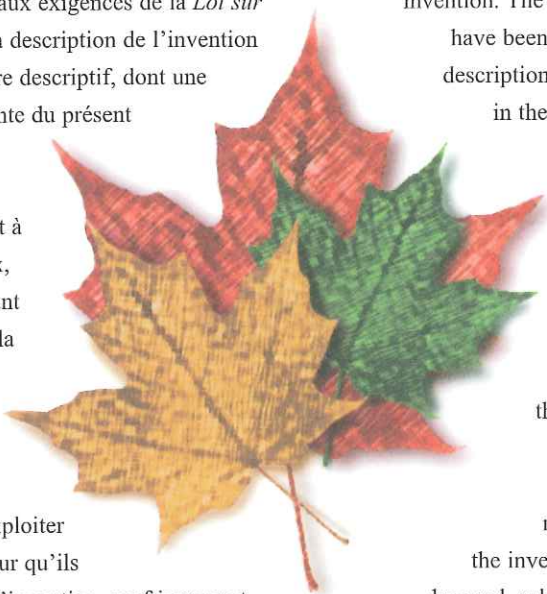
Canadian  
Intellectual Property  
Office

An Agency of  
Industry Canada

## Brevet canadien / Canadian Patent

Le commissaire aux brevets a reçu une demande de délivrance de brevet visant une invention. Ladite requête satisfait aux exigences de la *Loi sur les brevets*. Le titre et la description de l'invention figurent dans le mémoire descriptif, dont une copie fait partie intégrante du présent document.

Le présent brevet confère à son titulaire et à ses représentants légaux, pour une période expirant vingt ans à compter de la date du dépôt de la demande au Canada, le droit, la faculté et le privilège exclusif de fabriquer, construire, exploiter et vendre à d'autres, pour qu'ils l'exploitent, l'objet de l'invention, sauf jugement en l'espèce rendu par un tribunal compétent, et sous réserve du paiement des taxes périodiques.



The Commissioner of Patents has received a petition for the grant of a patent for an invention. The requirements of the *Patent Act* have been complied with. The title and a description of the invention are contained in the specification, a copy of which forms an integral part of this document.

The present patent grants to its owner and to the legal representatives of its owner, for a term which expires twenty years from the filing date of the application in Canada, the exclusive right, privilege and liberty of making, constructing and using the invention and selling it to others to be used, subject to adjudication before any court of competent jurisdiction, and subject to the payment of maintenance fees.

B R E V E T   C A N A D I E N

**2,813,010**

C A N A D I A N   P A T E N T

Date à laquelle le brevet a été  
accordé et délivré

**2016/08/23**

Date on which the patent  
was granted and issued

Date du dépôt de la demande

**2013/03/15**

Filing date of the application

Date à laquelle la demande est  
devenue accessible au public  
pour consultation

**2014/09/15**

Date on which the application  
was made available for  
public inspection

Commissaire aux brevets / Commissioner of Patents

Canada

3256 (CIP0 91) 09/15





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CA 2813010 C 2016/08/23

(11)(21) **2 813 010**

(12) **BREVET CANADIEN  
CANADIAN PATENT**

(13) **C**

(22) **Date de dépôt/Filing Date:** 2013/03/15

(41) **Mise à la disp. pub./Open to Public Insp.:** 2014/09/15

(45) **Date de délivrance/Issue Date:** 2016/08/23

(51) **Cl.Int./Int.Cl.** *E03C 1/22* (2006.01)

(72) **Inventeurs/Inventors:**  
MCLEOD, CHRISTOPHER A., CA;  
EVANS, ROBERT, CA

(73) **Propriétaire/Owner:**  
OAKVILLE STAMPING & BENDING LTD., CA

(74) **Agent:** GOWLING WLG (CANADA) LLP

(54) **Titre :** RACCORD DE TUYAU ARRIERE DE BAIGNOIRE A UN TUYAU D'EVACUATION

(54) **Title:** CONNECTOR FOR BATHTUB TAILPIPE TO DRAIN PIPE

(57) **Abrégé/Abstract:**

A connector is provided for connecting a bathtub tailpipe to a drain pipe. The connector has an inlet end to receive the tailpipe and an outlet end that is mountable to the drain pipe, and has a passage extending therebetween. A seal extends about the passage for slidably engaging the tailpipe in a fluid sealing manner.



## CONNECTOR FOR BATHTUB TAILPIPE TO DRAIN PIPE

### FIELD OF INVENTION

[0001] This invention relates generally to bathtub drain pipe connectors and more particularly to connectors for sealingly connecting tailpipes of free standing bathtubs to drain pipes.

### 5 BACKGROUND OF THE INVENTION

[0002] The drainage system for an island bathtub is supplied beneath the bath in the floor. Generally, no lateral access is provided necessitating connection of the bathtub to the drain pipe either from above or below the floor. In an existing building, connection from above the floor requires destruction of the existing floor. Destruction creates new challenges including  
10 refinishing the floor around a bathtub and providing proper support for the bathtub.

[0003] In the construction process for a new building, access from below the floor requires the bathtub be installed prior to finishing the ceiling of the room beneath the bath. This early installation of the bath subjects the bathtub to damage for the duration of the construction process.

### 15 SUMMARY OF THE INVENTION

[0004] The present invention provides a connector for sealingly connecting a bathtub tailpipe to a drain pipe. The connector comprises a seal and a body wherein the body has an inlet end opposite an outlet end with a passage extending therebetween. The outlet end is mountable to one end of the drain pipe, and the inlet end receives the tailpipe. The seal extends about the  
20 passage for slidably engaging the tailpipe in a fluid sealing manner.

[0005] The connector may further comprise a first part extendably retained to a second part wherein the first part and second part are relatively axially moveable. The first part defines the inlet end and receives the tailpipe, and the second part defines the outlet end, and is mountable to one end of the drain pipe.

25 [0006] The seal extending about the passage may have a generally annular body and comprise a first end opposite a flanged end. The first end and the annular body are insertable into one

of the two parts of the connector, and the flanged end interfaces with both the first part and the second part.

[0007] The first part of the connector may have an interior flange for receiving the first end of the seal. The first part of the connector may have an end opposite the interior flange that engages the flanged end of the seal. The first part of the connector and the second part of the connector may threadedly engage. The second part of the connector may have an inner flange that registers with the flanged end of the seal. The flanged end on the seal may be compressed between the end of the first part and the inner flange of the second part in response to the first part and the second part being urged towards each other through the threaded engagement.

[0008] The connector may further comprise a spacer having an external flange for engaging a floor and an internal flange for engaging the first part of the connector to limit lateral movement of the connector.

[0009] The external flange may be integral with the first part of the connector.

[0010] The connector may further comprise an adapter extending between the outlet end of the passage and the drain pipe to adapt the connector to fit over the drain pipe.

[0011] A seal is also provided for sealing against a bathtub tailpipe wherein the seal forms part of a connector having a first part and a second part for connecting the bathtub tailpipe to a drain pipe. The seal comprises an annular body having a first end opposite a flanged end with a passage extending therebetween. The interior of the annular body has at least one radially inwardly projecting rib for sealingly engaging the tailpipe. The first end and the annular body are insertable into one of the two parts of the connector. The flanged end of the seal interfaces with the first part and the second part of the connector.

#### BRIEF DESCRIPTION OF THE DRAWINGS

[0012] Preferred embodiments of the present invention are described below with reference to the accompanying illustrations in which:

FIGURE 1 is a perspective view of a connector for connecting a bathtub tailpipe to a drain pipe;

FIGURE 2 is a cross-section view of the connector in Figure 1;

FIGURE 3 is a perspective view of the connector preparing to receive a bathtub tailpipe;

5 FIGURE 4 is an enlarged view of the encircled area in Figure 2;

FIGURE 5 is a cross-section view of a seal.

#### DETAILED DESCRIPTION

[0013] A connector 10 sealingly connects a bathtub tailpipe 40 to a drain pipe 42 as indicated in the accompanying illustrations. The connector 10 has a body 12 having an inlet end 14  
10 opposite an outlet end 16 with a passage 18 extending therebetween. The inlet end 14 receives the bathtub tailpipe 40, the outlet end 16 is mountable to the drain pipe 42. In this way, the connector 10 connects the bathtub tailpipe 40 to the drain pipe 42. The passage 18 permits fluid such as bathwater to flow from the bathtub tailpipe 40 to the drain pipe 42. To sealingly connect the bathtub tailpipe 40 to the drain pipe 42, a seal 50 extends about the  
15 passage 18 that slidably engages the tailpipe 40 in a fluid sealing manner. The seal 50 inhibits the fluid such as bathwater from flowing out of the passage 18 and into the periphery.

[0014] The connector 10 further comprises a first part 20 defining the inlet end 14, and a second part 30 defining the outlet end 16. The first part 20 and the second part 30 are extendably retained to each other and are relatively axially moveable. In one embodiment,  
20 the first part 20 and the second part 30 may threadedly engage. The seal 50 extending about the passage 18 has a generally annular body 52 having a first end 54 and a flanged end 56. The first end 54 and the annular body 52 are insertable into one of the two parts of the connector 10. A portion of the flanged end 56 extends between the first part 20 and second part 30. The first part 20 and the second part 30 are urged toward each other, and the flanged  
25 end 56 interfaces with both the first part 20 and the second part 30. This causes compression of the seal 50 between the first part 20 and the second part 30 to effect the sealing therebetween.

[0015] In one embodiment, the first end 54 and the annular body 52 of the seal are insertable into the first part 20 of the connector. The first part 20 has an interior flange 22 for receiving the first end 54 of the seal. The first part has an end 24 opposite the interior flange 22 that engages the flanged end 56 of the seal preventing it from inserting into the first part 20. The second part 30 has an inner flange 32 that registers with the flanged end 56. Because the first part 20 and the second part 30 are urged toward each other when threadedly engaged, the flanged end 56 is compressed between the first part 20 and the second part 30, that is, between the end 24 and the inner flange 32. This compression of the seal 50 between the first part 20 and the second part 30 effects the sealing feature of the connector 10.

[0016] In an alternative embodiment, the first end 54 and the annular body 52 may be insertable into the second part 30 rather than the first part 20. The flanged end 56 would still be compressed between the first part 20 and the second part 30 effecting the sealing function.

[0017] The connector 10 further comprises a spacer 33 having an external flange 34 for engaging a floor 38 and an internal flange 36 for engaging the first part of the connector 20 to limit lateral movement of the connector 10. In one embodiment, this external flange 34 and internal flange 36 may form part of an annular plate as shown in Figure 2. This annular plate may be externally round, square, or any other suitable shape. The external flange 34 of the spacer 33 engages the floor 38 to limit lateral movement, whereas the internal flange 36 is held in place between the first part 20 and the second part 30. By being held in place and having the external flange 34 engage the floor, the internal flange 36 limits the lateral movement of the connector 10. The external flange 34 may be fixed to the floor which may be wood. Figure 2 shows the external flange 34 with apertures 35 for receiving fasteners such as screws. In other embodiments, the external flange 34 may be secured using glue or other adhesive agents. Alternatively, the external flange 34 could be secured by fitting into pre-cut recesses in the floor. Fixing the external flange 34 to the floor 38 provides a secured connector 10 to which the remaining plumbing can be attached. The depth of the spacer 33 is determined by the height of the first part 20. The spacer 33 must be deep enough to ensure the first part 20 does not protrude above the floor 38 in order to provide clearance for the bathtub that is placed upon the floor 38.

[0018] The external flange 34 may alternatively be integral with the first part 20 obviating the need for an internal flange. In this embodiment, the external flange 34 would be located on the first part 20 such that sufficient clearance is provided for the bathtub when placed on the floor 38.

5 [0019] The connector 10 may further comprise an adapter 44 extending between the outlet end 16 of the passage 18 and the drain pipe 42 to adapt the connector 10 to fit over the drain pipe 42. In one embodiment, this adapter 44 may increase the external diameter of the drain pipe 42 so that the drain pipe 42 and the connector 10 fit more closely together. Alternatively, this adapter 44 may decrease the internal diameter of the outlet end 16 to enable a more snug  
10 fit between the connector 10 and the drain pipe 42. In other embodiments, the adapter 44 may otherwise increase or decrease the external or internal diameters of the drain pipe 42 or outlet end 18 to enable a close fit. Adhesive agents may be placed between the various elements to secure them in place.

[0020] Alternatively, an adapter 44 may be unnecessary and the drain pipe 42 could fit  
15 directly within the second part 30. In these cases, the drain pipe 42 may register directly with part of the seal 50 or may instead register with the inner flange 32 of the second part 30. In still other embodiments, the drain pipe 42 may have a larger diameter than the outlet end 18 of the connector 10. In these cases, the outer circumference of the second part 30 may be modified to accommodate the attachment of a larger diameter drain pipe 42.

20 [0021] As mentioned above, the seal 50 has an annular body 52 having a first end 54 opposite a flanged end 56. The interior of the annular body 52 has at least one radially inwardly projecting rib 58 for sealingly engaging the tailpipe. Additional ribs such as the second rib 60, third rib 62, and fourth rib 64 may also be provided.

[0022] The scope of the claims should not be limited by the embodiments set forth in the  
25 examples, but should be given the broadest interpretation consistent with the description as a whole.

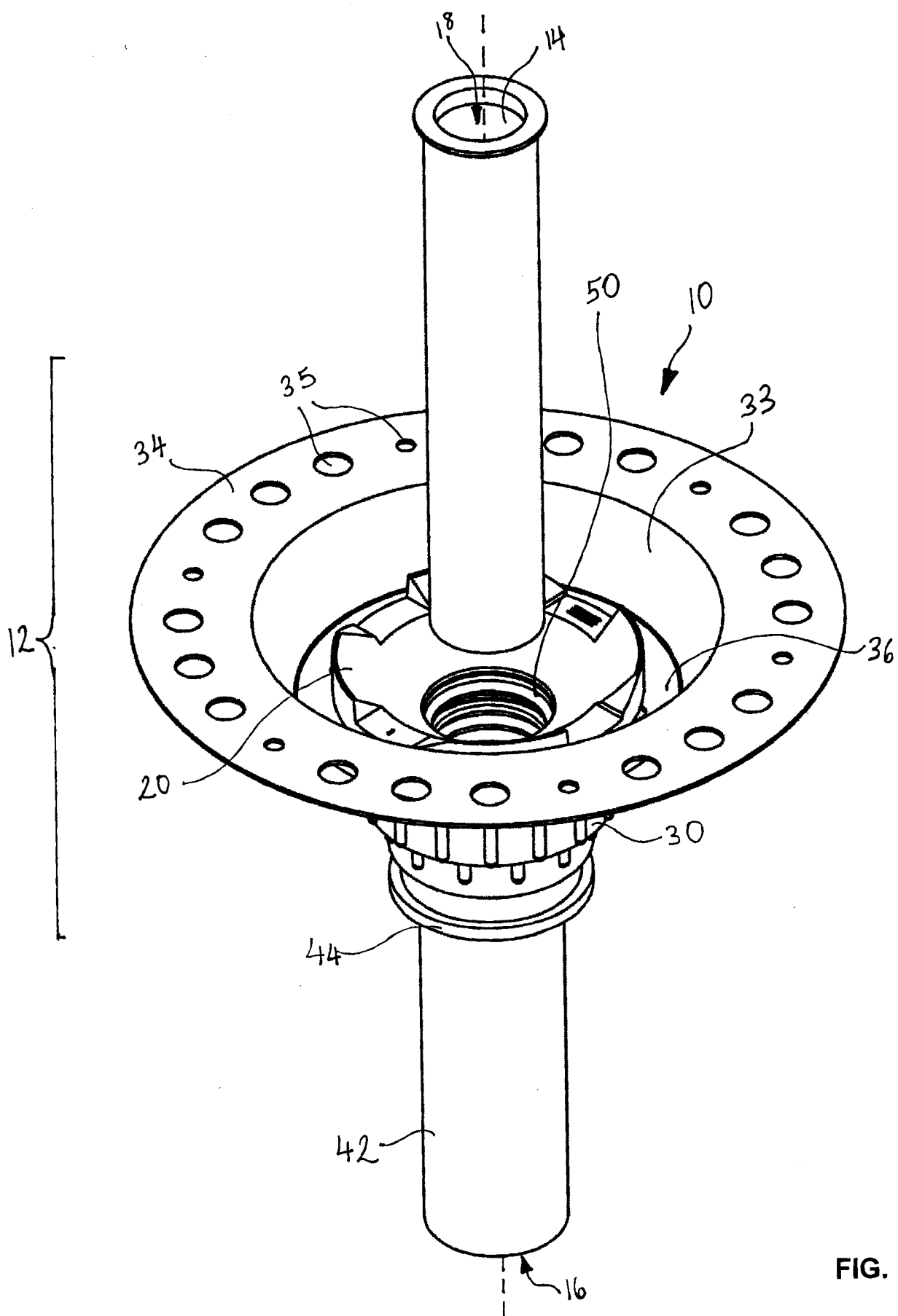
## Parts List

|    |                  |    |                                |
|----|------------------|----|--------------------------------|
| 10 | connector        | 50 | seal                           |
| 12 | body             | 52 | annular body                   |
| 14 | inlet end        | 54 | first end                      |
| 16 | outlet end       | 56 | flanged end                    |
| 18 | passage          | 58 | radially projecting inward rib |
| 20 | first part       | 60 | second rib                     |
| 22 | interior flange  | 62 | third rib                      |
| 24 | end              | 64 | fourth rib                     |
| 30 | second part      |    |                                |
| 32 | inner flange     |    |                                |
| 33 | spacer           |    |                                |
| 34 | external flange  |    |                                |
| 35 | apertures        |    |                                |
| 36 | internal flange  |    |                                |
| 38 | floor            |    |                                |
| 40 | bathtub tailpipe |    |                                |
| 42 | drain pipe       |    |                                |
| 44 | adapter          |    |                                |

## WHAT IS CLAIMED IS:

1. A connector for connecting a bathtub tailpipe to a drain pipe comprising:  
a body having an inlet end opposite an outlet end with a passage extending therebetween wherein:
  - the outlet end is mountable to one end of the drain pipe;
  - the inlet end receives the tailpipe;a seal, extending about the passage for slidably engaging the tailpipe in a fluid sealing manner; and  
a first part extendably retained to a second part wherein:
  - the first part defines the inlet end;
  - the second part defines the outlet end;wherein the first part and the second part are relatively axially moveable.
2. The connector as claimed in claim 1 wherein said seal has a generally annular body extending about the passage and comprises a first end opposite a flanged end wherein:  
the first end and the annular body are insertable into one of the two parts of the connector; the flanged end interfaces with both the first part and the second part.
3. The connector as claimed in claim 2 wherein the first end and the annular body of said seal are insertable into the first part of the connector.
4. The connector as claimed in claim 3 wherein:
  - the first part has an interior flange for receiving the first end of the seal;
  - the first part has an end opposite the interior flange that engages the flanged end of the seal;
  - the first part threadedly engages the second part;
  - the second part has an inner flange that registers with the flanged end of the seal;
  - the flanged end of the seal is compressed between the end of the first part and the inner flange of the second part in response to the first part and the second part being urged toward each other through the threaded engagement.

5. The connector as claimed in claim 1 further comprising a spacer having an external flange for engaging a floor and an internal flange for engaging the first part of the connector to limit lateral movement of the connector.
6. The connector as claimed in claim 5 wherein said external flange is integral with said first part.
7. The connector as claimed in claim 1 further comprising an adapter extending between the outlet end of the passage and the drain pipe to adapt the connector to fit over the drain pipe.



**FIG. 1**

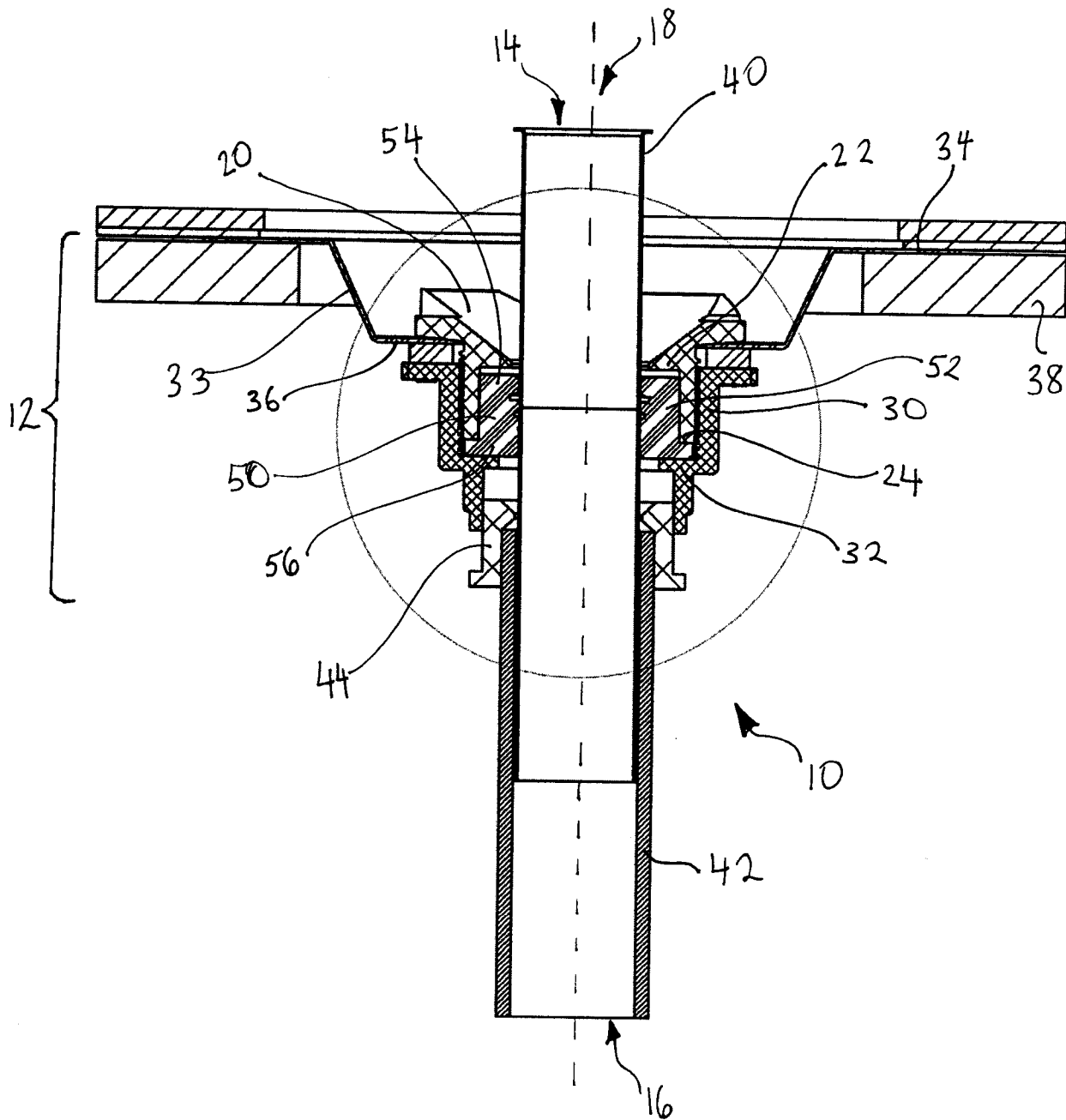


FIG. 2

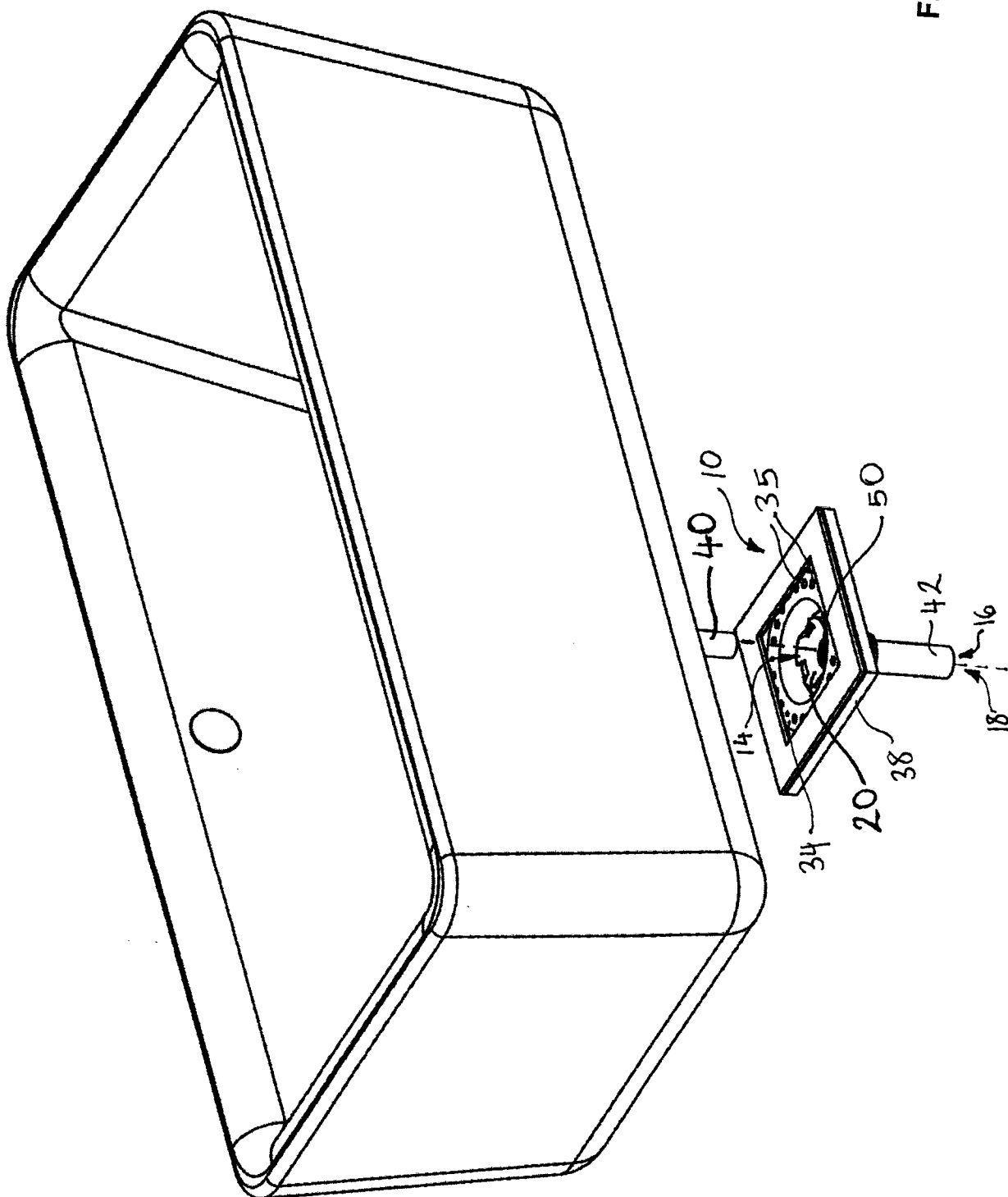


FIG. 3

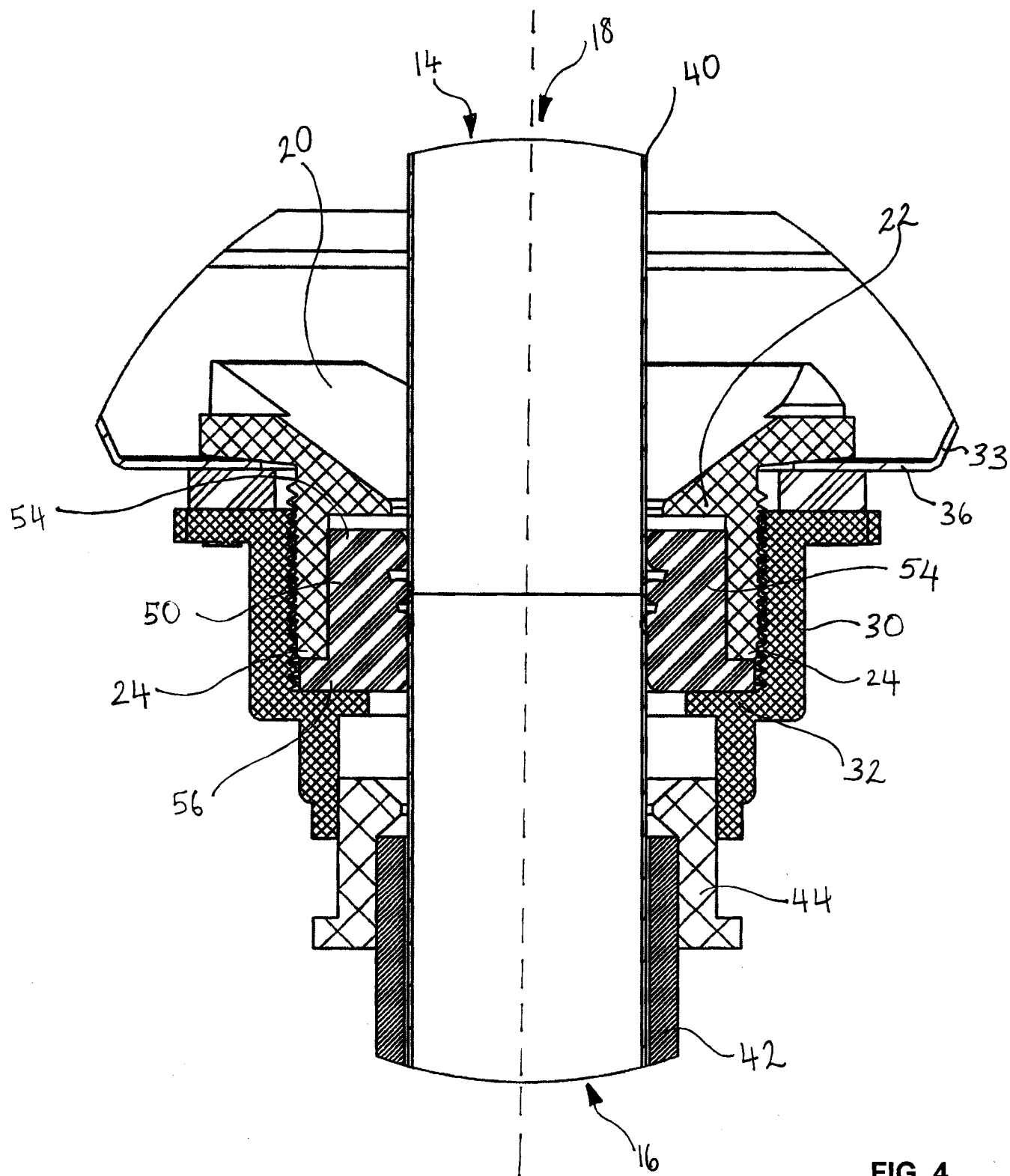


FIG. 4

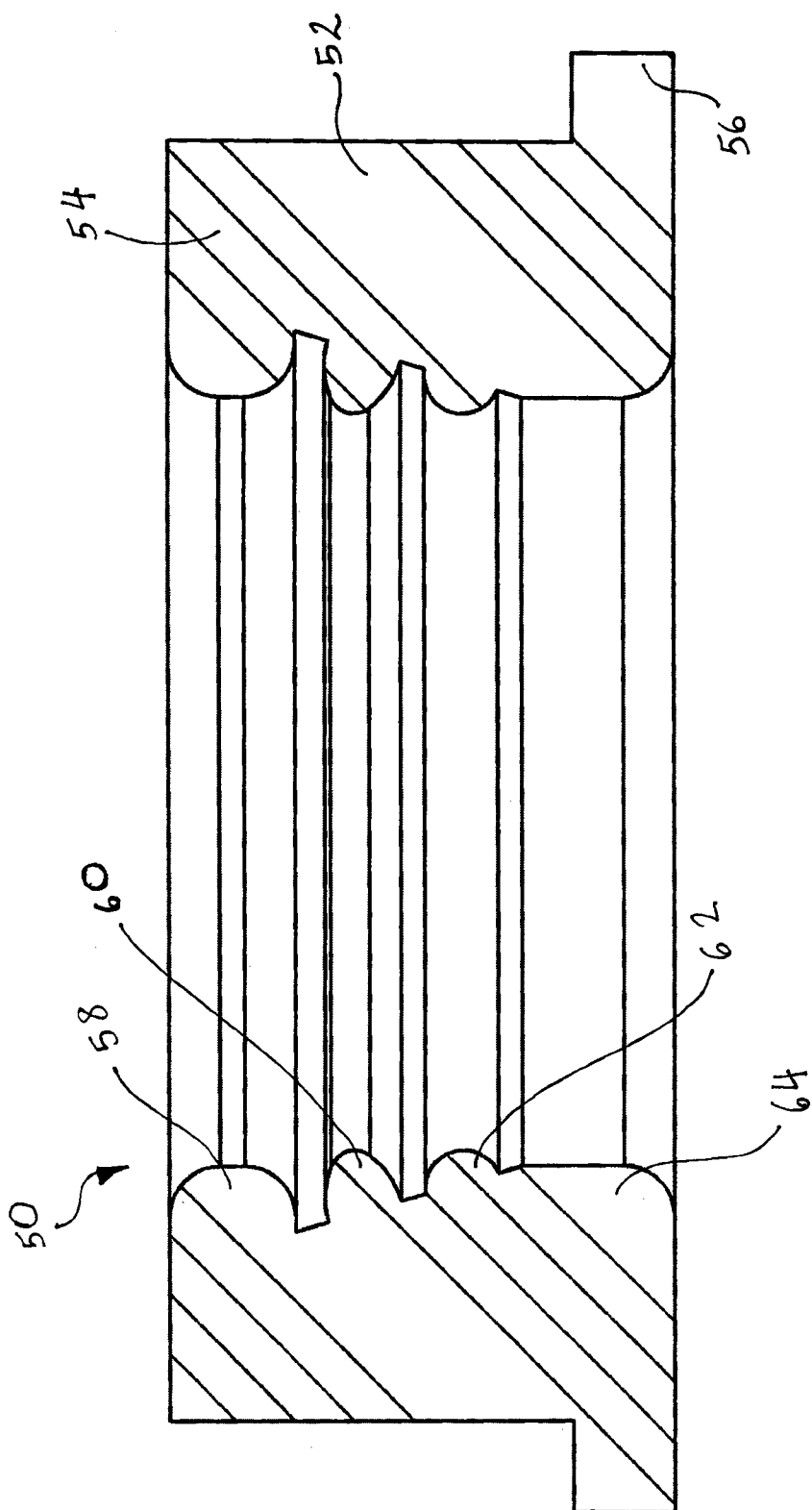


FIG. 5

## ABSTRACT

A connector is provided for connecting a bathtub tailpipe to a drain pipe. The connector has an inlet end to receive the tailpipe and an outlet end that is mountable to the drain pipe, and has a passage extending therebetween. A seal extends about the passage for slidably engaging the tailpipe in a fluid sealing manner.

## SCHEDULE 2

### Column A

#### Claim 1

A connector for connecting a bathtub tailpipe to a drain pipe comprising:

a body having an inlet end opposite an outlet end with a passage extending therebetween wherein:

the outlet end is mountable to one end of the drain pipe;

the inlet end receives the tailpipe;

a seal, extending about the passage for slidably engaging the tailpipe in a fluid sealing manner; and

a first part extendably retained to a second part wherein:

the first part defines the inlet end;

the second part defines the outlet end;

wherein the first part and the second part are relatively axially moveable.

#### Claim 5

The connector as claimed in claim 1

further comprising a spacer having an external flange for engaging a floor and an internal flange for engaging the first part of the connector to limit lateral movement of the connector.

### Column B

#### The UNI-TUB Drain:

(a) is provided in a kit which includes a connector for connecting a bathtub tailpipe to a drain pipe.

(b) has a body with an inlet end opposite an outlet end with a passage extending therebetween

wherein the outlet end is mountable to one end of the drain pipe and

the inlet end receives the tailpipe.

(c) has a seal which extends about the passage and slidably engages the tailpipe in a fluid sealing manner.

(d) has a first part extendably retained to a second part wherein

the first part defines the inlet end,

the second part defines the outlet end, and

the first part and the second part are configured to be relatively axially moveable.

#### The UNI-TUB Drain:

(a) is a connector in accordance with claim 1.

(b) has a spacer which has an external flange for engaging a floor and an internal flange for engaging the first part of the connector to limit lateral movement of the connector.

**Claim 6**

The connector as claimed in claim 5 wherein said external flange is integral with said first part.

**Claim 7**

The connector as claimed in claim 1

further comprising an adapter extending between the outlet end of the passage and the drain pipe to adapt the connector to fit over the drain pipe.

**The UNI-TUB Drain:**

(a) is a connector in accordance with claim 5.

(b) has an external flange which is permanently affixed and therefore integral with the first part.

**The UNI-TUB Drain:**

(a) is a connector in accordance with claim 1.

(b) is sold in a kit with an ABS pipe which functions as an adapter for the outlet end of the passage to provide a connection to fit over the drain pipe.