

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-1245**

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JOSEPH A. STALLARD,

Plaintiff - Appellant,

v.

UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:22-cv-01236-LMB-JFA)

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Submitted: July 20, 2023

Decided: July 25, 2023

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Before NIEMEYER and THACKER, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Joseph A. Stallard, Appellant Pro Se. Dennis Carl Barghaan, Jr., Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph A. Stallard appeals the district court's order granting the United States Patent & Trademark Office's (USPTO) motion to dismiss Stallard's civil action under the Administrative Procedure Act, 5 U.S.C. §§ 500 to 559. Stallard's action challenged § 1202.10 of the USPTO's *Trademark Manual of Examining Procedure*, which provides examining attorneys with guidance on criteria for evaluating an application to register a character in a creative work as a trademark. Upon review of the record, we discern no reversible error. Accordingly, we affirm the district court's order. *Stallard v. USPTO*, No. 1:22-cv-01236-LMB-JFA (E.D. Va. Mar. 1, 2023). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*