

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of)	
)	
Benjamin Alan Balsler, Sr.)	Proceeding No. D2025-30
)	
Respondent)	
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FINAL ORDER

The Acting Deputy General Counsel for Enrollment and Discipline and the Acting Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Mr. Benjamin Alan Balsler, Sr. (“Respondent”), by counsel, have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the Joint Stipulated Facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of New Orleans, Louisiana, has been a registered practitioner (USPTO Registration No. 58,169) and an attorney in good standing in the State of Georgia (Bar No. 035833). As a registered practitioner, Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

2. At all times relevant hereto, Respondent was engaged in practice before the Office in trademark matters.

3. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26.

Legal Background

USPTO.gov Sponsored Accounts

4. Since 2019, as part of the Office’s continuing efforts to protect the integrity of the U.S. trademark register, and to better protect its customers from scams and fraudulent activities related to the U.S. trademark register, the USPTO began requiring customers to create a USPTO.gov account to file electronic trademark forms with the USPTO.

5. For all times relevant, use of a USPTO.gov account required compliance with the Terms of Use for USPTO Websites (“Terms of Use”).¹ Each time an account holder logs in to their USPTO.gov account, they are presented with a message stating that, by signing in, they certify to the Terms of Use.

6. As of August 6, 2022, in a further attempt to prevent the filing of applications and other trademark submissions that are fraudulent or violate the USPTO’s signature and representation rules, the USPTO required trademark owners and attorneys to verify their identity in order to file electronic trademark forms from their then-verified USPTO.gov account.² At that time, the USPTO did not require identity verification for sponsored support staff accounts, relying on the sponsoring attorney to verify the identity of the sponsored support staff.³

7. For all times relevant, use of a verified USPTO.gov account required compliance with the USPTO Trademark Verified USPTO.gov Account Agreement (“the USPTO Trademark Verified Account Agreement”).⁴

USPTO Trademark Sponsorship Tool and Sponsorship Process

8. The USPTO Trademark sponsorship tool (“Trademark Sponsorship Tool”) is, and has been, the sole method for an attorney to sponsor the USPTO.gov accounts of trademark support staff from the attorney’s USPTO.gov account.⁵

9. Accessing the USPTO’s online Trademark Sponsorship Tool requires an attorney user to log in to their USPTO.gov account, at which point the attorney is reminded that, by signing in, he or she certifies to the Terms of Use.⁶

10. After entering the email address associated with each USPTO.gov support staff account the attorney wishes to sponsor, the USPTO Trademark Sponsorship Tool requires the attorney to certify on-screen by checking a box that he or she acknowledges and agrees, in part, to the following:

¹ Available at www.uspto.gov/terms-use-uspto-websites.

² See *Trademarks USPTO.gov Account ID Verification Program*, 87 FR 41114 (July 11, 2022).

³ As of January 20, 2024, after discovering that U.S.-licensed attorneys had sponsored accounts for individuals who are not directly supervised attorney support staff, which violates the USPTO Trademark Verified Account Agreement that applies to all USPTO.gov account holders, the USPTO also required attorney support staff to verify their identity to continue filing electronic trademark forms from their USPTO.gov account. See *Requiring Identity Verification for Attorney-Sponsored Accounts*, 88 Fed. Reg. 60667 (Sep. 5, 2023).

⁴ Available at www.uspto.gov/sites/default/files/documents/TM-verified-account-agreement.pdf.

⁵ The USPTO makes a guide to the Trademark Sponsorship Tool available at <https://www.uspto.gov/sites/default/files/documents/Trademark-sponsorship-tool-guide.pdf>.

⁶ *Id.* at page 2.

- a. He or she grants access to the USPTO's trademark electronic filing system to the individual(s) associated with the listed account(s) to work under the sponsoring attorney's direction and control.
- b. He or she is responsible under 37 C.F.R. § 11.18 for any actions taken under the attorney's authority by the individual(s) associated with the listed account(s) while sponsored.
- c. He or she has read and understand the Terms of Use and all applicable USPTO customer account agreements, and agrees to abide by them, as well as the rules and policies of the USPTO regarding customer accounts.⁷

11. The USPTO Trademark Verified Account Agreement requires, in part, that the sponsoring attorney:

- a. Only sponsor support staff who (a) are directly employed or retained by the attorney, the attorney's company, or the attorney's law firm and (b) work under the attorney's direct supervision;
- b. Agree that they will not attempt to sponsor any foreign or domestic company, group, client, agent, attorney or other practitioner;
- c. Understand that each USPTO.gov account is intended for use by the individual to whom it is registered, and that each attorney support staff sponsored must have a separate trademark verified USPTO.gov account in their own name, and that accounts are not permitted to be shared among support staff individuals;
- d. Be responsible for the conduct of each attorney support staff acting under the sponsoring attorney's supervision when using a sponsored USPTO.gov account;
- e. Take reasonable steps to ensure that each sponsored attorney support staff is familiar with the terms of the USPTO Trademark Verified Account Agreement and with the relevant laws, regulations, and policies of the USPTO with respect to the duties to which their access pertains;
- f. Take reasonable steps to ensure that each sponsored attorney support staff's access and use of USPTO systems is consistent with the tasks assigned to that individual;
- g. Promptly remove the sponsorship of the USPTO.gov account for where the attorney support staff is no longer under the attorney's employ and/or supervision; and

⁷ *Id.* at page 4.

- h. Immediately remove sponsorship of the USPTO.gov account for any attorney support staff whom the sponsoring attorney has reason to believe has abused or misused any USPTO system, including but not limited to knowingly submitting false statements or signatures, and immediately report the misuse or abuse to the USPTO, and that each support staff has an account in their own name.⁸

USPTO Trademark Rules of Practice
and the USPTO Rules of Professional Conduct

12. The rules governing practice before the Office in trademark matters are available to all practitioners and, in large measure, are set forth in the USPTO Trademark Manual of Examining Procedure (“TMEP”). All practitioners assisting clients in trademark matters before the Office should know the rules governing practice before the Office, including the guidance set forth in the TMEP.

13. The USPTO Rules of Professional Conduct are available to all practitioners. All practitioners engaged in practice before the USPTO in trademark matters should know the USPTO Rules of Professional Conduct.

Joint Stipulated Facts

14. On October 29, 2003, Respondent became licensed to practice law in the State of Georgia (No. 035833).

15. On December 12, 2005, as a condition for registration to practice in patent matters before the USPTO, Respondent signed an Oath or Affirmation (Form PTO-1209) stating that he would “observe the laws and rules of practice of the United States Patent and Trademark Office.”

16. On January 31, 2006, Respondent was registered as an attorney with the USPTO (Reg. No. 58,169).

17. Since 2016, as an attorney at Next IP Law Group LLC, currently located in New Orleans, Louisiana, Respondent provided trademark services to clients.

18. Respondent created a USPTO.gov account for his use in representing persons before the Office.

19. Respondent acknowledges that, on March 22, 2023, he sponsored a family member’s USPTO.gov account.

20. Respondent asserts that, prior to sponsoring the family member’s USPTO.gov account, he did not review either the USPTO Verified Account Agreement or the Terms of Use.

⁸ Document cited at FN 3, at “3. Attorney – Acceptable Use and Sponsorship of Attorney Support Staff.”

21. Respondent's sponsorship of the family member's USPTO.gov account was improper because the family member was not Respondent's employee or support staff and was not supervised by Respondent.

22. Respondent acknowledges that sponsoring prohibited persons for USPTO.gov accounts is conduct prejudicial to the integrity of the USPTO trademark registration and maintenance processes.

23. Respondent removed the sponsorship of the family member from the sponsoring USPTO.gov account.

Joint Legal Conclusions

24. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts, above, Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R § 11.101 (practitioner shall provide competent representation) by not reviewing the USPTO Trademark Verified USPTO.gov Account Agreement and by violating the Agreement by sponsoring a prohibited person for a USPTO.gov support staff account; and
- b. 37 C.F.R. § 11.804(d) (engaging in conduct that is prejudicial to the administration of the USPTO trademark registration system) by violating the USPTO Trademark Verified USPTO.gov Account Agreement in sponsoring a prohibited person for a USPTO.gov support staff account.

Agreed-Upon Sanction

25. Respondent freely and voluntarily agrees, and it is hereby ORDERED, that:

- a. Respondent is publicly reprimanded;
- b. The OED Director electronically publish this Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <https://foiadocuments.uspto.gov/oed/>;
- c. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Reprimand

This notice concerns Mr. Benjamin Alan Balsler, Sr. of New Orleans, Louisiana, who is registered to practice as a patent attorney (USPTO Registration No. 58,169) and is an attorney in good standing in the State of Georgia (Bar No. 035833). Mr. Balsler has engaged in practice before the United States Patent

and Trademark Office (“USPTO”) in both trademark and patent matters. The USPTO Director has publicly reprimanded Mr. Balsler for violating the USPTO Rules of Professional Conduct, namely: 37 C.F.R. §§ 11.101 and 11.804(d). Such violations are predicated on Mr. Balsler improperly sponsoring a family member for a USPTO.gov support staff account where, because the family member was not employed or retained by Respondent or Respondent’s law firm, such sponsorship violated the USPTO’s account sponsorship rules. Mr. Balsler agreed that his improper trademark sponsorship of another person’s USPTO.gov account violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101(a) (a practitioner shall provide competent representation to a client) and 11.804(d) (a practitioner shall not engage in conduct prejudicial to the administration of justice, *i.e.*, the integrity of the USPTO trademark registration and maintenance processes).

The USPTO Director has issued prior orders imposing discipline on trademark practitioners who violated the USPTO Rules of Professional Conduct based on not complying with the USPTO.gov account sponsorship rules and improperly sponsoring USPTO.gov accounts belonging to individuals not employed by or under the direct supervision of the sponsoring attorney, including, in part: *In re Toledano*, Proceeding No. D2025-07 (Sept. 3, 2025 Final Order); *In re Ufomadu*, Proceeding No. D2025-20 (Jun. 25, 2025 Final Order); *In re Huang*, Proceeding No. D2023-37 (Jan. 8, 2024 Final Order); and *In re Haffner*, Proceeding No. D2023-35 (May 21, 2024 Final Order). These cases (as well as all USPTO disciplinary decisions involving patent and trademark practitioners) are accessible at: <https://foiadocuments.uspto.gov/oed/>.

Further, the USPTO has informed attorneys that sponsoring individuals who are not the attorney’s supervised support staff may violate trademark rules and undermine the U.S. trademark register. *See, e.g., Requiring Identity Verification for Attorney-Sponsored Accounts*, 88 FR 60667 (Sept. 5, 2023). Protection of the integrity of the U.S. trademark register is of the utmost concern to the USPTO because the U.S. trademark register is a reflection of trademarks actually used in commerce and its accuracy serves the critical purpose of avoiding needless costs and burdens to applicants, who rely upon its contents when choosing a mark.

Practitioners who engage in practice before the USPTO in trademark matters are reasonably expected to know (a) the applicable USPTO trademark rules of practice, including the

USPTO.gov account sponsorship rules, (b) the potential harm to trademark applicants and to the U.S. trademark register when such trademark rules of practice are violated, and (c) the potential disciplinary consequences when such conduct violates provisions of the USPTO Rules of Professional Conduct.

Practitioners who sponsor USPTO.gov accounts in connection with their trademark practice should regularly and frequently search the USPTO's online trademark search system for applications naming him or her as the current attorney of record for applications filed over a given period of time. The attorney may use the search phrase AT:firstname AND AT:lastname AND FD: [YYYYMMDD TO YYYYMMDD] and then find unauthorized filings by comparing the search results to the list of actual application filings kept by the attorney. If unauthorized filings are found, the attorney should promptly inform the USPTO via TMScams@uspto.gov.

This action is the result of a settlement agreement between Mr. Balser and the Acting OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26.

- d. Nothing in this Agreement or the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office; (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf;
- e. Based on Respondent's agreement to do so, Respondent waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge this Final Order in any manner;
- f. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

(signature page follows)

(signature page for Final Order (D2025-30))

LOUIS BOSTON Digitally signed by LOUIS
BOSTON
Date: 2025.12.19 11:42:41 -05'00'

Louis J. Boston Jr.
Associate General Counsel for General Law
United States Patent and Trademark Office

Date

on delegated authority by

John A. Squires
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order was sent, on this day, to parties in the manner indicated below:

Via first-class certified mail, return receipt requested, to the Respondent via counsel:

Ms. Kathryn W. Munson
Member
Stanley Reuter Alford
Owen Munson & Paul, LLC
909 Poydras Street, Suite 2500
New Orleans, Louisiana 70112
Counsel for Respondent

and via email to:

kwm@stanleyreuter.com

Via-email to the OED Director:

Ms. Lena Munasifi
Lena.Munasifi@uspto.gov
Counsel for the OED Director

12/19/2025
Date

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