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Pro Se Plaintiff

March 14, 2026

The Honorable Robert Kirsch
United States District Judge
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: Torres v. Squires, No. 3:26-cv-01795-RK-RLS
Update on Publication, Notice of April 2, 2026 Abandonment Deadline, and Notice of
Payment Under Protest.

Dear Judge Kirsch:

I am writing to bring several important developments to the Court's attention. I will keep this as straightforward as possible.

I. THE PATENT PUBLISHED - BUT THAT WAS NEVER THE WHOLE STORY.

My patent application published on February 26, 2026, as scheduled. I want to be clear about something, however: the emergency motion I filed on February 24 was never only about whether the application would publish. It was equally about the fact that the USPTO deliberately refused to tell me - or anyone - whether it would or not.

On January 9, 2026, I called the USPTO's Office of Petitions and asked a simple question: will my application publish on February 26 as required by law? The representative's answer was: "We have not been given information on whether the application (subject to show cause orders) will be published." He works there. He did not know - or was not allowed to say.

That was not an accident. Over the course of three months, I contacted the USPTO five separate times through five different channels. Every single contact produced the same result: nothing. One employee called me back on an official government line and told me she had been **“instructed not to help”** me. Another told me it was the “direction of the office” not to discuss these matters. A third, when I described what was happening to me, simply said: “Right.”

The USPTO used my uncertainty about the fate of my own patent as a tool to pressure me into paying a penalty I am contesting in this Court. The application published. But the conduct that produced that uncertainty - and the penalty that is now threatening permanent abandonment - has not been resolved.

II. APRIL 2, 2026 IS 19 DAYS AWAY AND THERE ARE NO EXTENSIONS.

The USPTO’s January 30, 2026 penalty determination states clearly that if the \$4,122 penalty is not paid by April 2, 2026, my patent application will be permanently abandoned. Not delayed. Not suspended. Permanently gone. The USPTO has confirmed there are no extensions of time available under any circumstances.

I filed my emergency motion on February 24, 2026 - 19 days ago - asking this Court to stay that penalty while the case is decided. That motion is still pending. The deadline has gone from 37 days away to 19 days away while I have waited.

I have no other options. I went through the USPTO’s own petition process. My petition was sent back to the same office that imposed the penalty. I filed an emergency petition directly to the Director. It expired without a response. I am not here as a first resort. I am here because every other door has been closed.

III. TO SAVE MY PATENT, I WILL HAVE TO SURRENDER A DISPROPORTIONATE SHARE OF ITS VALUE.

I do not have \$4,122 readily available. To prevent permanent abandonment, I have been in discussions with a private investor who has agreed to cover the penalty on my behalf. I am grateful for that lifeline. But it comes at a cost that goes far beyond \$4,122.

In exchange for covering this payment, I will be required to surrender a significant share of the patent's future value - an interest that is worth orders of magnitude more than the penalty itself. To be direct about it: I am being forced to give away a piece of my invention just to pay a penalty that a federal court has not yet determined is even lawful.

This is the real injury. The USPTO assessed a \$4,122 penalty. But the true cost to me - forced to find outside capital to survive an administrative deadline while my emergency motion sits unresolved - is not \$4,122. It is a permanent reduction in what I own.

I am placing the Court on notice that my damages claim is not limited to the \$4,122 penalty. By compelling me to seek outside financing to survive an administrative deadline while this emergency motion remained unresolved, the USPTO has caused economic injury that substantially exceeds the face amount of the penalty. I will seek recovery of the full value surrendered as a direct and foreseeable consequence of the agency's conduct, including the equity interest in the patent transferred to the investor under duress. That disproportion is itself part of what I am asking this Court to remedy.

IV. I WILL PAY BEFORE APRIL 2 - BUT I AM DOING SO UNDER PROTEST.

I want to be completely honest with the Court. I will not allow April 2 to pass without paying this penalty. I cannot. Permanent abandonment is irreversible and I have spent years and significant money building this patent. I will pay to protect it.

But I am not paying because I believe the penalty is valid. I am paying because I have no choice. I am paying under protest and under duress, and I am preserving every legal claim I have filed in this case. Payment of this penalty is not an admission that it was lawful. It is not a waiver of any of my claims. It is a compelled payment - made because the alternative is permanent destruction of my property, and because this Court has not yet had the opportunity to rule on an emergency motion that has been pending for 19 days.

The Supreme Court has said that the government cannot force a person to choose between keeping their property and challenging an unlawful government action. *Frost v. Railroad Commission*, 271 U.S. 583 (1926). That is exactly the choice I am facing. I am asking this Court

to recognize that the payment I am about to make is not voluntary - and that I reserve every right to seek its full return, and the recovery of all consequential losses flowing from it, if I prevail.

I am asking the Court to act on my pending emergency motion before April 2, 2026. If the Court is not in a position to do so, I respectfully ask that it say so, so that I can proceed with the investor arrangement with enough time to prevent abandonment. Either way, I need to know where things stand. Nineteen days is not much time.

Respectfully submitted,

/s/ Terry Lee Torres

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Consistent with my practice of maintaining a publicly accessible record of these proceedings at <https://www.uspto.news>, this letter will be added to that repository upon filing with the Court.

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2026, a copy of this letter was served upon counsel for Defendant by the following means:

By certified mail, return receipt requested, addressed to:

Junis L. Baldon,
Assistant United States Attorney
402 East State Street, Room 430
Trenton, New Jersey 08608

/s/ Terry Lee Torres
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