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Pro Se Plaintiff

March 19, 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
Plaintiff's Response to Defendant's Request to File Letter Brief (ECF No. 10)

Dear Judge Kirsch:

I. ACKNOWLEDGMENT OF THE DEPUTY ATTORNEY GENERAL'S INVOLVEMENT.

Plaintiff respectfully acknowledges the involvement of United States Deputy Attorney General Todd Blanche in this matter. Mr. Blanche's office embodies the foundational principle that no institution - including those within the executive branch - is above the law. It is precisely that principle which Plaintiff invokes before this Court. The Department of Justice, at its best, stands for the proposition that governmental authority must be exercised within constitutional boundaries and that citizens who are harmed by unlawful agency conduct are entitled to meaningful judicial remedy.

Drawing on 35 years of direct experience with the judicial system, Plaintiff understands precisely what it means when the Office of the Deputy Attorney General enters a district court proceeding arising from a $4,122 penalty assessment against a pro se inventor. It means the institutional stakes of this case have been recognized at the highest levels of the Department of Justice. Plaintiff welcomes that recognition. The constitutional and statutory issues before this Court - the limits of agency authority, the right to meaningful procedural guidance, the prohibition on using the threat of permanent property destruction to coerce payment of a contested penalty during active litigation - deserve exactly that level of institutional attention. Plaintiff is gratified that the government agrees.

II. THE REQUESTED SEVEN-DAY EXTENSION CANNOT BE PERMITTED TO CONSUME THE REMAINING WINDOW BEFORE APRIL 2, 2026.

Defendant requests until March 25, 2026 to file a five-page letter brief on jurisdiction and threshold issues. Plaintiff does not oppose the filing of a letter brief. Plaintiff opposes any briefing schedule that functionally eliminates the Court's ability to rule on the pending TRO motion before April 2, 2026 - the date on which Application No. 18/973,067 will be permanently and irreversibly abandoned.

The mathematics are unforgiving. If Defendant files on March 25, this Court has seven days to consider that brief and rule on two pending emergency motions before the property right at issue ceases to exist. Seven days is not adequate time for a briefing cycle on threshold issues of the complexity Defendant intends to raise. The practical effect of granting the extension as requested - without simultaneously directing that the TRO motion will be ruled upon before April 2 regardless of the briefing schedule - is to allow the briefing process itself to run out the clock on an irreversible deadline.

This Court has had the TRO motion before it for 22 days. It has had the expedited discovery motion - including a preservation order request targeting evidence subject to routine government retention schedules - before it for the same 22 days. The threshold issues Defendant intends to raise were identified and rebutted in Plaintiff's letter filed earlier on March 17th, which addressed five independent grounds excusing exhaustion, each established by the USPTO's own employees on the USPTO's own recorded lines and docket.

The temporary restraining order mechanism exists precisely because some harms cannot wait for ordinary litigation timelines. A battered woman seeking emergency protection from a violent ex-partner does not wait 22 days for a restraining order while the court considers threshold briefing. The TRO mechanism was designed to prevent irreversible harm before it occurs - not to provide a procedural vehicle for delay while the harm advances. Plaintiff faces permanent destruction of a statutory property right on April 2, 2026. That deadline is not speculative. It is not manufactured. It is written in the USPTO's own penalty determination, signed by the Assistant Commissioner for Patents, with no extensions available. Twenty-two days is not an emergency response. It is the ordinary litigation timeline the emergency mechanism was specifically designed to bypass.

Plaintiff respectfully requests that this Court, in granting Defendant's request to file a letter brief, simultaneously direct that the pending TRO motion will be ruled upon no later than April 1, 2026, regardless of the briefing schedule. The alternative - allowing the briefing process to consume the remaining 15-day window without a ruling - is functionally equivalent to denying the TRO without explanation, on a record that does not support denial.

III. THE EVIDENTIARY RECORD ON THE INSTITUTIONAL BLACKOUT IS NOT LIMITED TO WHAT HAS BEEN FILED.

Plaintiff notes for the Court's awareness that the evidentiary record documenting the institutional blackout policy at the USPTO is not limited to the recordings and admissions already before this Court. Plaintiff is in possession of additional recordings documenting the blackout policy operating across multiple USPTO offices on multiple dates. These recordings will be produced

through the discovery process or introduced at the TRO hearing. Their existence is relevant to the Court's assessment of the scope and reach of the conduct at issue, and to the adequacy of any threshold ruling that assumes the record is limited to what has been disclosed to date.

Plaintiff further notes that Michele Eason - the USPTO employee who initiated an outbound callback on government telecommunications infrastructure and stated she had been instructed not to help Plaintiff - holds the title of Lead Paralegal Specialist in the Office of Petitions and Enforcement Technology. A Lead Paralegal Specialist is not a junior customer service representative who might have mischaracterized a policy. She is a senior institutional actor whose statement - made on a government-initiated call, on government-recorded infrastructure - that she had received a specific instruction carries the full evidentiary weight of her seniority and institutional role.

IV. PLAINTIFF SEEKS REMEDY, NOT DISMANTLEMENT.

Plaintiff has no desire to dismantle any lawful program of the United States Patent and Trademark Office. The show cause program, properly administered with adequate notice, consistent standards, and meaningful procedural guidance, may serve legitimate institutional purposes. Plaintiff does not challenge the government's authority to administer the patent system or to enforce compliance with micro entity certification requirements.

What Plaintiff challenges is specific: a penalty imposed under standards never disclosed in the operative notice, after a confirmation of correctness was reversed 59 days later without explanation, through a process whose own enforcers could not articulate three days after enforcement, administered by an agency that instructed its employees - including its Lead Paralegal Specialist - not to help the applicant it was penalizing. Plaintiff seeks only what any applicant is entitled to: compliance with the mandatory publication statute, resumption of prosecution upon payment of all required fees, and a penalty determination that comports with the most basic requirements of due process.

The government has not offered any of these things. What it has offered - voluntary dismissal without prejudice and a petition process its own employees confirmed takes 3 to 5 months, through the same team that imposed the penalty, with no commitment on the April 2 deadline - is not a remedy. Plaintiff remains open to a genuine resolution. The government has not yet proposed one.

CONCLUSION

A restraining order is the paradigmatic emergency TRO. Courts do not ask a battered woman seeking protection from an imminent threat to wait 22 days while threshold briefing is completed. The property right at stake here - a patent application that will be permanently and irreversibly abandoned on April 2, 2026 - is entitled to the same urgency the TRO mechanism was designed to provide. If this Court is unable to act on the pending TRO motion before April 2, 2026, Plaintiff will have no adequate remedy in this Court and will proceed accordingly.

Plaintiff respectfully requests that this Court: (1) grant Defendant's request to file a letter brief by March 25, 2026; (2) simultaneously direct that the pending TRO motion will be ruled upon no later than April 1, 2026, regardless of the briefing schedule; and (3) note that the evidentiary record on the institutional blackout extends beyond what has been filed to date and that additional recordings across multiple USPTO offices will be produced through discovery or introduced at the TRO hearing.

Respectfully submitted,

/s/ Terry Lee Torres
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Consistent with Plaintiff's 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 18, 2026, a copy of this response was served upon counsel for Defendant by the following means:

By electronic mail addressed to Mr. Junis L. Baldon, Assistant United States Attorney, at junis.baldon2@usdoj.gov; and

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
Terry Lee Torres
Pro Se Plaintiff