FBI Exhibit No. 77: FDA infringes on FoodQuestTQ LLC researcher’s USPTO granted patent

In 2003, the FoodQuestTQ LLC researcher filed an invention disclosure with the U.S. Patent and Trademarks Office (USPTO). The invention disclosure described a science-based process to support the improved decision making and the management of complex situations and events. The invention disclosure was determined by USPTO to be insufficient under *in re Warmarden* for a business process patent.

In 2007, plaintiff re-filed claiming preference to the original 2003 invention disclosure and providing additional explanation of the integrated nature of the process methods with the data transformation aspects of the patent. This was at the very time when Supreme Court rulings were questioning the patentability of process methods and USPTO examiners were cautioned with respect to granting process method patents. The 2007 patent was subjected to additional scrutiny as the result of new policies requiring new and careful review of all business process invention disclosures. In the case of the FoodQuestTQ LLC researcher, all 20 patent claims were approved without question after USPTO examination. The process method and data transformation aspects of the patent have been subsequently upheld by USPTO rulings. See [FBI Exhibit No. 77 a.](FBI%20Exhbit%20No.%2077%20a..pdf)

The patent integrates as inseparable 20 individual process method steps that may be applied in whole or in part, with the structuring and generation of specific data that allows for its mathematical transformation to produce in tangible form knowledge that is used to improve the management of complex events and situations. Each of the 20 claims defines an individual step that may be applied in whole or in part to form a cumulative mathematical process that is designed to produce statistically valid results.

A detailed analysis of each of the 20 claims as they apply to the integrated and inseparable process and data transformation steps to produce statistically derived facts to improve the management of food defense events appears at [FBI Exhibit 77 b.](FBI%20Exhbit%20No.%2077%20b..pdf)