



## **INFORMATION MEMORANDUM**

TO: Distribution

SUBJECT: Update on the matter of *FoodQuestTQ LLC versus the Food and Drug Administration*

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DATE: December 20, 2013

## **CURRENT STATUS**

Since the time of our last update on November 27, 2013, the Associated Press, Fox News and other news media outlets have picked up the story of *FoodQuestTQ LLC versus the Food and Drug Administration*. The link below will take you to one representative example of the recent press coverage concerning our ongoing dispute with the Food and Drug Administration (FDA).

[http://www.foxnews.com/politics/2013/12/16/small-businesses-claim-us-government-stealing-their-ideas/?cmpid=cmt\\_twitter\\_fn](http://www.foxnews.com/politics/2013/12/16/small-businesses-claim-us-government-stealing-their-ideas/?cmpid=cmt_twitter_fn)

Also, on December 6, 2013, we were invited by Entrepreneurs for Growth to address Congressional staff in the U.S. House of Representatives on the issue of unfair government competition with small business. The link below will take you to a videotape of those proceedings.

<http://www.youtube.com/watch?v=VfEzurmhLGM>

In our last communication on November 27, 2013, we informed you that the National Ombudsman for Small Business, Small Business Administration, has referred our case to the Office of Inspector General (OIG), Department of Health and Human Services (HHS), for investigation. We are still awaiting word whether the OIG-HHS will conduct an investigation. We will keep you apprised of any developments in this regard.

## **BLACKLISTING OF FOODQUESTTQ BY THE FDA**

As part of the National Ombudsman's referral of our case to the Inspector General at HHS, he included a letter from officials at the Department of Health and Human Services demonstrating that the Food and Drug Administration engaged in "blacklisting" FoodQuestTQ LLC within the food industry. In this particular case, a former business partner was contacted by the U.S. Government for a special interview regarding their company's affiliation with FoodQuestTQ. The former business partner immediately terminated their partnership agreement with our company.

Based on this revelation, it appears that HHS and FDA have been quietly “spreading the word” throughout the food industry not to work with FoodQuestTQ or risk the retribution of the U.S. Government- a sort of guilt by association approach to quell dissent. For example, we utilize a software utility called, “MailChimp” to help us in our sales and marketing efforts. The software allows us to view who opens and distributes copies of the information we provide to the food industry. The FDA is on our “Mail Chimp” addressee list for the same information we send to the food industry including our information memoranda. When we reviewed the opening and distribution of our information memoranda we found that FDA employees have opened and/or distributed the documents over 500 times within just the past few months.

**FOODQUESTTQ FILES A FREEDOM OF INFORMATION (FOIA) REQUEST**

Based on this information, we filed a FOIA request with the FDA requesting that they provide us with all e-mail traffic, distribution and connected e-mail strings to determine the extent to which the FDA has “blacklisted” FoodQuestTQ. In response to our FOIA request, the FDA provided us with three e-mails simply indicating the receipt of the documents. They did not provide any e-mail traffic, distribution or connected e-mail strings for the over 500 documented openings of materials related to our dispute with FDA. We have subsequently appealed the denial of this information and provided the U.S. Government with validated screen shots of “MailChimp” server records showing that the FDA opened/distributed the documents over 500 times. We are still awaiting word from the FDA with respect to our appeal. We will keep you apprised of any developments in this regard.

**FDA UNAUTHORIZED USE OF FOODQUESTTQ INTELLECTUAL PROPERTY**

In prior notifications, all addressees were cautioned to avoid future liability by refraining from the use of the FDA Food Protection Plan and the following five FDA tools that are currently accessible free of charge to the food industry at the FDA official government website, namely:

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|---|
| 1. Food Defense Plan Builder                      |
| 2. Food Defense Mitigation Strategies Database    |
| 3. iRisk  |
| 4. Food Related Emergency Exercise Boxed (FREE-B) |
| 5. Post 2007 Updates to C.A.R.V.E.R. plus SHOCK   |

Table 1: FDA Tools in Dispute

FDA copyright infringement in the case of *FoodQuestTQ versus the Food and Drug Administration* includes the plagiarizing of FoodQuestTQ funded and copyrighted research as embodied in the CSM METHOD® and other research, patent infringement and theft of FoodQuestTQ LLC owned trade secrets that the FDA used to duplicate the following six FoodQuestTQ LLC commercial products, namely:

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|--|
| 1. Food DefenseTQ (with TQ standing for Threat Quotient)                       |
| 2. Food Defense Architect (FDAR)   |
| 3. Food Safety Architect (FSAR)  |
| 4. POISON Metadata Repository of Intentional and Unintentional Food Poisonings |
| 5. Food Event Analysis and Simulation Tool (FEAST)                             |
| 6. Food Response and Emergency Evaluation (FREE) Tool                          |

Table 2: FoodQuestTQ Tools Duplicated by the FDA

**CAUTION TO ALL PARTIES**

Please be advised that any use of Projectioneering LLC and FoodQuestTQ LLC owned intellectual property, without the express written permission of Projectioneering LLC and FoodQuestTQ LLC will be considered by Projectioneering LLC and FoodQuestTQ LLC as the unauthorized use of Projectioneering LLC and FoodQuestTQ LLC owned intellectual property pursuant to Title 35, USC, Chapter 29, et seq.

**RECOMMENDATION TO AVOID FUTURE LIABILITY**

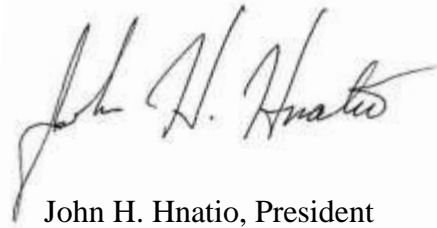
To avoid future liability in this matter all parties should refrain from using the FDA Food Protection Plan or any of the five computer software tools listed in Table 1, above, since they contain the FoodQuestTQ LLC and Projectioneering LLC owned intellectual property in contention. In the event that Projectioneering LLC and FoodQuestTQ LLC prevail in this matter, any party that knowingly uses the above referenced FDA products can be held liable for infringement under 35 USC, Chapter 29, e seq. You can legally license, without fear of future liability, products that provide the same capabilities as the FDA imitations by contacting FoodQuestTQ LLC.

*Bruce H. Becker*

Bruce Becker, President

FoodQuestTQ LLC

Date: November 27, 2013



John H. Hnatio, President

Projectioneering LLC

Date: November 27, 2013

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cc:

Secretary Sebellius, HHS

Commissioner Hamburg, FDA

Inspector General Levinson, OIG-HHS