

## **INFORMATION MEMORANDUM**



TO: Distribution

SUBJECT: Update to September 11, 2013 Information Memorandum to the Food Industry

DATE: September 25, 2013

### **PURPOSE**

The purpose of this update is to provide the food industry with additional information regarding our September 11, 2013, information memorandum entitled, "Use of Projectioneering LCC and FoodQuestTQ LLC Intellectual Property by the Food and Drug Administration without Permission."

Since that time, we have learned that the FDA's Food Defense Programs: Strategic Partnership Program Agroterrorism (SPPA) also makes unauthorized use of Projectioneering and FoodQuestTQ LLC intellectual property.

A full description of the subject FDA activity appears here:

<http://www.fda.gov/Food/FoodDefense/FoodDefensePrograms/default.htm>

### **BACKGROUND**

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In January 2013, FoodQuestTQ LLC advised the FDA that they were using, without permission, intellectual property that is owned by Projectioneering LLC and reduced to practice for the food industry by FoodQuestTQ LLC.

On April 27, 2013, the Office of General Counsel, Health and Human Services (HHS-OGC) issued a legal opinion that there was no evidence that the FDA improperly took Projectioneering LCC and FoodQuestTQ LLC intellectual property to duplicate the FoodQuestTQ LLC suite of computerized risk management software tools.

A copy of the April 27, 2013, letter from HHS-OGC appears as an attachment to the report appears here: <http://www.nfpcportal.com/Portals/1/Technical%20Paper%20No%20%208%20-%205-9-2013.pdf>

### **THE POSITION OF PROJECTIONEERING LLC AND FOODQUESTTQ LLC**

It is the position of Projectioneering LLC and FoodQuestTQ LLC that the FDA has:

1. Committed gross plagiarism of a program of research conducted by Dr. John Hnatio at The George Washington University during the period 2000 through 2006;

2. Taken without permission the ideas contained in Dr. Hnatio's research and a 2007 patent filing with the United States Patent and Trademarks Office (USPTO) and subsequent USPTO patent issuance (Complexity Systems Management Method, Patent No.: US 8,103,601 B2.)
3. Stolen a portfolio of twenty trade secrets developed to reduce the patent to practice for food risk management that were solely and exclusively owned by Projectioneering LLC and FoodQuestTQ LLC.

A copy of Dr. Hnatio's patent appears here:  
<http://www.patentgenius.com/patent/8103601.html>

**FDA PROCESSES AND COMPUTER AUTOMATED TOOLS THAT USE FOODQUESTTQ INTELLECTUAL PROPERTY WITHOUT PERMISSION**

FoodQuestTQ LLC contends that the FDA is intentionally using Projectioneering LLC and FoodQuestTQ LLC intellectual property, without permission, in the seven FDA activities listed below that imitate FoodQuestTQ products. The FDA is now making the following products publicly available to the food industry free of charge.

1. The FDA Food Protection Plan
2. Food Defense Plan Builder
3. Food Defense Mitigation Strategies Database
4. iRisk
5. Food Related Emergency Exercise Boxed (FREE-B)
6. Post 2007 Updates to C.A.R.V.E.R. plus SHOCK
7. Strategic Partnership Program Agroterrorism (SPPA)

Figure 1: List of FDA Products that Imitate FoodQuestTQ Products

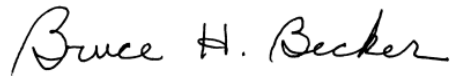
**CAUTION TO ALL PARTIES**

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.

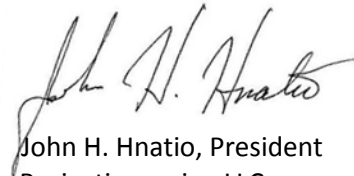
**RECOMMENDATION TO AVOID FUTURE LIABILITY**

To avoid future liability in this matter all parties should refrain from using the FDA Food Protection Plan, Food Defense Plan Builder, the Food Defense Mitigation Strategies Database, iRisk , FREE-B tools and any Projectioneering LLC or FoodQuestTQ LLC intellectual property being applied as part of the FDA Strategic Partnership Program Agroterrorism (SPPA).

It is recommended that you refrain from using any of the seven FDA products listed in Figure 1, above, which contain Projectioneering and FoodQuestTQ intellectual property. In the event that Projectioneering LLC and FoodQuestTQ LLC prevail in this matter, any party that knowingly uses the above FDA referenced products can be held liable for infringement under 35 USC, Chapter 29, et 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, President  
FoodQuestTQ LLC  
Date: September 25, 2013



John H. Hnatio, President  
Projectioneering LLC  
Date: September 25, 2013

cc:

Secretary Sebelius, HHS  
Commissioner Hamburg, FDA