

INFORMATION MEMORANDUM



TO: Distribution

SUBJECT: Application of Analytics to FoodQuestTQ LLC Updates to the Food Industry

DATE: February 22, 2014

PURPOSE

The purpose of this information memorandum is to keep the food industry apprised of current developments in the matter of *FoodQuestTQ LLC versus the Department of Health and Human Services and the Food and Drug Administration*.

CURRENT STATUS

Since May 2013, FoodQuestTQ LLC has issued the eleven (11) pieces of correspondence including this update relating to our ongoing dispute with the Department of Health and Human Services and the Food and Drug Administration to the food industry.

Table 1, below, provides the date and topic of each update including the nine (9) cautionary notices sent to the food industry not to use the Projectioneering LLC owned intellectual property that was pirated from FoodQuestTQ LLC by the Department of Health and Human Services and the Food and Drug Administration.

Update Number	Title	Date	Summary
No. 1	Unfair Government Competition with Small Business	5-10-2013	Provides comprehensive case study of Food and Drug Administration actions to unfairly compete with FoodQuestTQ LLC
No. 2	FDA Using Projectioneering LLC Intellectual Property	5-20-2013	First FoodQuestTQ LLC cease and desist notification to the food industry
No. 3	Twenty Specific Examples of Projectioneering LLC and FoodQuestTQ LLC Intellectual Property Being Used by the Food and Drug Administration (FDA) without Permission	6-4-2013	Provides industry with the specific trade secrets stolen by the Department of Health and Human Services and the Food and Drug Administration; second FoodQuestTQ LLC cease and desist notice to the food industry
No. 4	Examples of FDA Plagiarism of FoodQuestTQ LLC Products	9-9-2013	Provides specific examples of plagiarism of FoodQuestTQ LLC owned intellectual property by the Department of Health and Human Services and the Food and Drug Administration

No. 5	Use of Projectioneering LLC and FoodQuestTQ LLC Intellectual Property by the Food and Drug Administration without Permission	9-12-2013	Detailed analyses of FoodQuestTQ LLC intellectual property plagiarized by the Food and Drug Administration; third FoodQuestTQ LLC cease and desist notice to the food industry
No. 6	Use of Projectioneering LCC and FoodQuestTQ LLC Intellectual Property by the Food and Drug Administration without Permission	9-24-2013	Detailed analyses of FoodQuestTQ LLC intellectual property plagiarized by the Food and Drug Administration; fourth FoodQuestTQ LLC cease and desist notice to the food industry
No. 7	Update to September 11, 2013 Information Memorandum to the Food Industry	9-26-2013	Notification that the Food and Drug Administration Strategic Partnership Program Agroterrorism (SPAA) contains FoodQuestTQ LLC owned intellectual property; fifth FoodQuestTQ LLC cease and desist notice to the food industry
No. 8	Small Business Administration referral of the matter of FoodQuestTQ LLC versus the Food and Drug Administration to the Office of Inspector General, Department of Health and Human Services, for Investigation	11-27-2013	Broad industry notification via <u>Food Safety News</u> ; Freedom of Information Act requests by FoodQuestTQ LLC, and; sixth cease and desist notice to the food industry
No. 9	Update on the matter of FoodQuestTQ LLC versus the Food and Drug Administration	12-21-2013	Broad industry notification via Fox News; Congressional appearance by FoodQuestTQ LLC, and; seventh cease and desist notice to the food industry
No. 10	Update on the matter of FoodQuestTQ LLC versus the Department of Health and Human Services and the Food and Drug Administration	1-28-2014	Latest developments; updated table of alleged government violations of law; eighth cease and desist notice to the food industry
No. 11	Application of Analytics to FoodQuestTQ LLC Updates to the Food Industry	2-22-2014	Summary of computer analytics software to monitor openings of FoodQuestTQ correspondence to the food industry including cease and desist notifications; ninth cease and desist notice to the food industry

Table 1: Information Updates Sent by FoodQuestTQ LLC to the Food Industry

APPLICATION OF ANALYTICS

FoodQuestTQ LLC uses a variety of commercial computer tools to assist us in our marketing, sales and communication efforts. As it relates to this analysis, the results of two commercially purchased software tools are used, namely, “Sales Force” and “Mail Chimp.”

For the period from May 10, 2013, thorough January 28, 2014, we have analyzed the number of openings of the above updates and cease and desist notifications by food company and organization using “Sales Force” and “Mail Chimp.” For purposes of the below analysis only those instances of thirty (30) or more openings per company or organization are included. The below analysis does not include statistics resulting from this update.

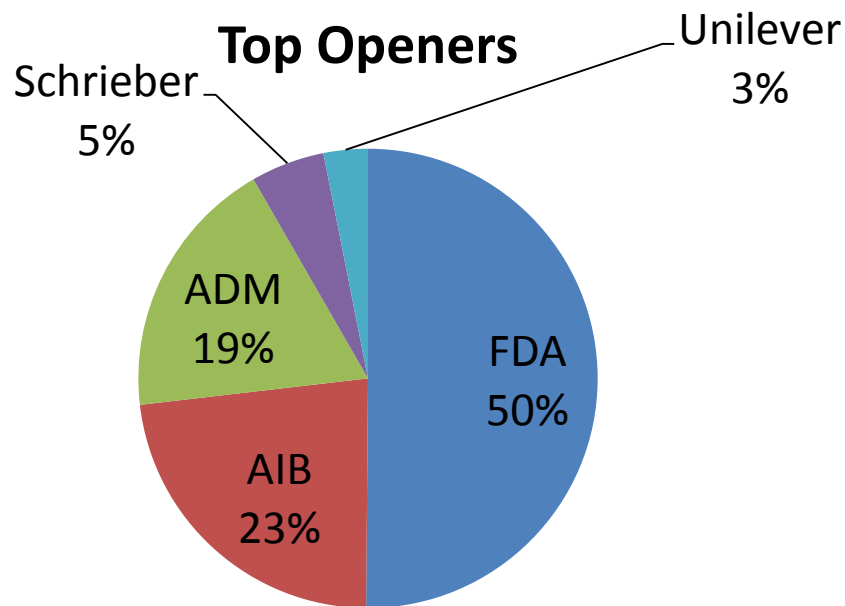


Table 2: Representation of Data by Thirty or More Openings by Company or Organization

FOUR SIGNIFICANT OBSERVATIONS BASED ON THE TOTAL AVAILABLE DATA

1.	Total number of openings: 458
2.	Total openings of updates that include cease and desist notices: 411
3.	Significant statistical outliers: Number of openings by ADM, AIB, Schrieber Foods and Unilever
4.	Unusual correlations of date and times of openings among ADM, AIB and FDA

Table 3: Four significant Observations Bases on Total Available Data

BROAD MEDIA DISSEMINATION

Wide dissemination of the matter of *FoodQuestTQ LLC versus the Department of Health and Human Services and the Food and Drug Administration* by the media informing industry of the plagiarism, patent pirating and theft of FoodQuestTQ LLC trade secrets includes:

Food Safety News

UPI and API (national and international)

FOX News

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:

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 4: 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:

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 5: FoodQuestTQ Tools Duplicated by the FDA

CAUTION TO ALL PARTIES

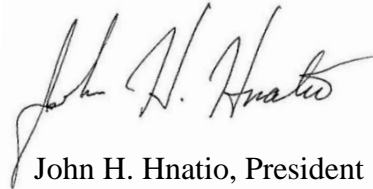
Please be advised that any use of Projectioneering LLC and FoodQuestTQ LLC owned intellectual property, without the express written permission of Projectioneering LLC and FoodQuestTQ LLC will be considered by Projectioneering LLC and FoodQuestTQ LLC as the unauthorized use of Projectioneering LLC and 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 Becker, President
FoodQuestTQ LLC
Date: February 22, 2014



John H. Hnatio, President
Projectioneering LLC
Date: February 22, 2014

cc:

Secretary Sebelius, HHS
Commissioner Hamburg, FDA
Inspector General Levinson, OIG-HHS
Assistant Attorney General Baer, DOJ