

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580



July 24, 2014

Dear Ms. Ramirez:

We are writing to you in response to a letter we received from the Federal Trade Commission's (FTC) Consumer Response Center regarding a recent complaint we filed concerning potential violations of antitrust statutes.

In our complaint we advised that the Food and Drug Administration (FDA) is directly competing with the private sector to become an "entity engaged in commerce" within the meaning of the Sherman anti-trust, Clayton and Federal Trade Commission Acts. We further advised that the FDA and their parent agency, the Department of Health and Human Services (DHHS), are engaged in a purposeful, systematic and systemic scheme to by-pass federal procurement law in order to engage in predatory and anticompetitive conduct that hurts the consumer.

In response to our complaint, we were told by the Consumer Response Center that it is not their responsibility to consider individual complaints of violations of antitrust statutes. Our complaint, however, is indicative of a much broader pattern of a purposeful, systematic and systemic scheme by the U.S. Government to ignore federal procurement law for the purpose of violating the very intent of the antitrust statutes that are intended to protect the consumer.

The FDA and DHHS are intentionally ignoring fair and open competition rules under the Competition in Contracting Act (CICA) of 1984 (41 U.S.C. 253) to: 1) misappropriate the intellectual property of small businesses; 2) disregard the U.S. Government obligation of good faith and fair dealing by refusing to mediate intellectual property disputes; 3) force the resolution of disputes down the narrow legal pathway of protracted and expensive intellectual property litigation that the U.S. Government knows small business cannot afford, and; 4) abuse their regulatory influence by blacklisting small companies that report predatory and anti-competitive conduct by federal agencies. This pattern of predatory and anticompetitive conduct is exacerbated by the new authorities granted by Congress to federal agencies that now allow them to engage in commerce by charging "user fees" for products and services.

Please find attached a summary of the FDA-DHHS matter that places their predatory and anti-competitive conduct in context. Also, please find an extremely well-documented case summary for review by the FTC that demonstrates a systemic pattern of conduct that most certainly warrants a comprehensive review of U.S. Government antitrust policy as it relates to this situation.

Thank-you for your attention to this important matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John H. Hnatio".

John H. Hnatio, EdD, PhD
Chief Science Officer

CC:

Mr. William Baer, Assistant Attorney General, Department of Justice
SA Joseph Marinko, Federal Bureau of Investigation