

June 5, 2014



Ms. Miriam Nisbet
Director
Office of Government Information Services
The U.S. National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
miriam.nisbet@nara.gov

REFERENCE: FoodQuestTQ Letter of May 28, 2014 (copy attached)

Dear Ms. Nisbet:

We recently sent you the attached letter seeking your help to obtain numerous documents requested under the Freedom of Information Act (FOIA) from the Department of Health and Human Services (DHHS) and their subordinate organization the Food and Drug Administration (FDA).

In our prior letter, we explained that we are a small company being forced out of business by DHHS and the FDA who are unfairly competing against us by duplicating "in-house" our commercial products and "blacklisting" our small business within the food industry. We also shared with you some of the difficulties we have had in obtaining the specific documents we have requested under Title 5 U.S.C. §552 (Freedom of Information Act-FOIA) that substantiate the actions taken against us by DHHS and FDA.

To delay and avoid the release of the documents substantiating their own wrongdoing, DHHS and FDA have turned down our appeals for expedited processing and the waiver of processing fees. Both FDA and DHHS are fully aware that we cannot afford to pay these processing fees because their own actions to duplicate our products forced the bottom to drop out of our sales.

Attached to our letter of May 28, 2014, we included a matrix of eight areas where specific FDA and DHHS documents fully substantiate the wrongful actions that have been taken against us. These areas are:

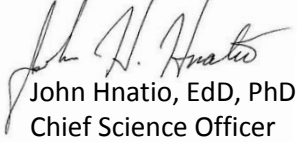
1. FDA plagiarism of privately funded FoodQuestTQ LLC research;
2. FDA copyright and patent infringement by stealing the copyrighted research and the copyrighted written expressions of patented ideas and trade secrets belonging to FoodQuestTQ LLC;
3. FDA violations of Title 18 U.S.C. as they pertain to breaching the confidentiality of FoodQuestTQ LLC "business confidential" information;
4. FDA violations of acquisition and procurement law and regulations by duplicating FoodQuestTQ LLC commercial products;
5. DHHS and FDA predatory and anticompetitive actions taken against FoodQuestTQ LLC;
6. Obstruction of justice by employees of both the FDA and DHHS;
7. DHHS and FDA breach of express and implied contracts with FoodQuestTQ LLC, and;
8. Misprision of felony by employees of both FDA and DHHS.

To assist you in this matter we have developed the attached list of the specific documents (or lack thereof) that substantiate the very serious problems involving FDA and DHHS handling of the FoodQuestTQ matter.

We welcome your speedy intervention in obtaining these documents because we are very concerned that DHHS, FDA employees and their contractors may be in the process of destroying evidence of wrongdoing to obstruct justice in the matter of FoodQuestTQ LLC.

Thank-you very much for your assistance and if you have any questions please feel free to contact me directly.

Sincerely yours,



John Hnatio, EdD, PhD
Chief Science Officer

(1) Attachment: Listing of Specific Documents Requested under the FOIA

Distribution:

Mr. Brian Castro, NOSB, SBA
Ms. Sylvia Mathews-Burwell, Director, OMB
Representative John Delaney, MD
Senator Chuck Grassley, IA
Representative Sam Graves, MO
Ms. Margaret Hamburg, Commissioner, FDA
Senator Mary Landrieu, LA
President Barack Obama, The White House
Senator Pat Leahy, VT
Mr. Daniel Levinson, OIG-DHHS
Representative John Mica, FL
Senator Barbara Mikulski, MD
Senator Paul Rand, KY
Ms. Kathleen Sebelius, Secretary, DHHS
Senator Mark Warner, VA
Representative Rob Wittman, VA

LISTING OF SPECIFIC DOCUMENTS REQUESTED UNDER THE FOIA

1. Telephone and meeting logs, notes, memoranda, e-mails and any other documents or correspondence written by, received or distributed to others by the following past or current employees of the U.S. Government Executive Branch and their contracted agents for the period January 2013 to June 2014 that relate in any way to the matter of FoodQuestTQ:
 - a. Ms. Kathleen Sebelius
 - b. Mr. Dale Berkley
 - c. Ms. Elizabeth Dickinson
 - d. Ms. Ariel Seeley
 - e. Ms. Nancy Gunderson
 - f. Mr. Jody Menikheim
 - g. Ms. Leanne Jackson
 - h. Mr. Colin Barthel
 - i. Mr. Jason Bashura
 - j. Dr. David Acheson (Leavitt Partners/Acheson Group)
 - k. Dr. Jennifer McEntire (Leavitt Partners/Acheson Group)
 - l. Mr. Donald Hsieh (Tyco Integrated Systems)
 - m. Mr. Walter Shaub
 - n. Mr. Nick Dong
 - o. Mr. Matthew Blum
 - p. Ms. Sylvia Mathews-Burwell
 - q. Mr. Brian Castro
 - r. Ms. Yolanda Swift
 - s. Mr. Jose Mendez
 - t. Ms. Elahe Zahirieh
2. Letters, memoranda, notes, e-mails or other correspondence or any other descriptive materials in which John Hnatio or any other FoodQuestTQ principal or employee refused to provide the Food and Drug Administration or the Office of General Counsel of the Department of Health and Human Services with access to non-exclusive descriptions of any FoodQuestTQ works.
3. Letters, memoranda, notes, e-mails or other correspondence or any other descriptive materials relating in any way to the decision by Ms. Ariel Seeley, Legal Counsel, Food and Drug Administration to decline FoodQuestTQ's offer to provide information on the history of the FoodQuestTQ patent, how it was reduced to practice in a suite of computerized software tools and the specific trade secrets that FoodQuestTQ alleges are being used by the U.S. Government without permission.
4. Letters, memoranda, notes, e-mails or other correspondence or any other descriptive materials relating in any way to the decision by Ms. Ariel Seeley, Office of Chief Counsel of the Food and Drug Administration and Mr. Dale Berkley of the Office of General Counsel of the Department of Health and Human Services to abandon their duty of good faith and fair dealing in favor of pursuing a legal defense of U.S. government employees and their contract agents alleged by FoodQuestTQ to have committed felonious crimes.

5. Telephone and meeting logs, notes and e-mails or other documents that relate or describe in any way communications between and or among representatives of the Department of Inspector General of the Department of Health and Human Services and employees of the Food and Drug Administration or the Department of Health and Human Services regarding the matter of FoodQuestTQ for the period June 2012 to June 2014.
6. Letters, memoranda, notes, e-mails, other correspondence or any other descriptive materials relating in any way to the decision by Ms. Ariel Seeley, Legal Counsel, Food and Drug Administration, to decline FoodQuestTQ's offer to visit the company's website to see a non-proprietary demonstration of the FoodQuestTQ computer tools.
7. Letters, memoranda, notes, e-mails, other correspondence or any other evidence demonstrating that Ms. Ariel Seeley, Legal Counsel, Food and Drug Administration, and Mr. Dale Berkley, Legal Counsel, Department of Health and Human Services visited the FoodQuestTQ (NFPC Portal) as suggested by FoodQuestTQ.
8. Letters, memoranda, notes, e-mails, other correspondence or any other descriptive materials relating in any way to the decision by Ms. Ariel Seeley, Legal Counsel, Food and Drug Administration and Mr. Dale Berkley, Legal Counsel, Department of Health and Human Services to decline FoodQuestTQ's offer to share the "nuts and bolts" of the company's technology and "to set up a demonstration for the folks in your office so that we can walk through our Food Defense Architect, Food DefenseTQ, FEAST and FREE tools" as offered by FoodQuestTQ.
9. Letters, memoranda, notes, e-mails, other correspondence or any other descriptive materials in which FoodQuestTQ or the National Ombudsman for Small Business of the Small Business Administration provided specific examples of the intellectual property that FoodQuestTQ alleges was stolen by the Food and Drug Administration.
10. Letters, memoranda, notes, e-mails or other correspondence or any other descriptive materials in which FoodQuestTQ refused to provide non-exclusive copies of the works they allege the Department of Health and Human Services and the Food and Drug Administration are using without permission.
11. Letters, memoranda, notes, e-mails or other correspondence or any other descriptive materials that show the date and results of any Department of Health and Human Services and/or the FDA due diligence analyses prior to the publication of the following FDA claimed works:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
12. Letters, memoranda, notes, e-mails, other correspondence or any other descriptive materials that describe any interactions among the Office of the National Ombudsman for Small Business and the Food and Drug Administration and the Department of Health and Human Services that relate in any way to the matter of FoodQuestTQ.

13. Letters, memoranda, notes, e-mails, telephone and meeting logs or any other documents describing any meetings involving ThoughtQuest , FoodQuestTQ and other private persons with Mr. Jody Menikheim and other members of the Food and Drug Administration's Food Defense Team.
14. Visitor security sign in sheets to the Food and Drug Administration facilities situated at 10903 New Hampshire Avenue, Silver Spring, Maryland, for the period 2009 through 2014 in which ThoughtQuest, FoodQuestTQ, MRIGlobal and any of the names of the FDA Food Defense Team, Dr. Reginald Bennett and Dr. John Hnatio, Mr. Bruce Becker, Mr. William Wright and Mr. David Park appear.
15. Letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating to the telephone conference call among Dr. John Hnatio, Mr. Bruce Becker and other principals of FoodQuestTQ with Mr. Jody Menikheim, leader of the Food and Drug Administration's Food Defense Team, in which FoodQuestTQ expressed their concerns that the FDA was purloining the company's intellectual property and unfairly competing with them.
16. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating to the meeting of ThoughtQuest and FoodQuestTQ principals with Dr. Reginald Bennet to discuss a proprietary terrorist scenario involving the world's largest ketchup producer.
17. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating to the meeting among ThoughtQuest and FoodQuestTQ principals with Mr. Jody Menikheim, leader of the FDA Food Defense Team, in which FoodQuestTQ expressed concern that the Food and Drug Administration, under their contract with Battelle Memorial Institute, was violating federal procurement law in order to avoid fair and open competition.
18. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating to the Food and Drug Administration determination to exclude FoodQuestTQ from the December 12, 2012, industry workshop on FDA's Food Defense Plan Builder tool.
19. Copies of all Department of Health and Human Services and/or Food and Drug Administration copyrights, patents or other U.S. Government owned intellectual property rights that relate in any way to the following FDA works:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
20. Copies of all documentation, source code and descriptive materials for the following FDA works that were developed using public funds:
 - a. Food Defense Mitigation Strategies Database;

- b. Food Defense Plan Builder;
 - c. iRisk, and;
 - d. Food Response Emergency Exercise-Bundled (FREE-B) tool.
21. All documents in the form of letters, memoranda, notes, e-mails telephone logs or other descriptive information relating in any way to the decision by the Office of General Counsel of the Department of Health and Human Services to deny access by the plaintiff to the descriptive materials for and workings of the following FDA works (including software codes developed by the FDA using public funds):
- a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
22. All documents including letters, results of database searches or any other documents showing the date and results of a U.S. Government due diligence copyright search prior to the publication of the:
- a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
23. All documents including letters, results of database searches or any other documents showing the date and results of a U.S. Government due diligence patent search prior to the publication of the:
- a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
24. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to determinations by the Food and Drug Administration's Office of Procurement and Grant Services to:
- a. Build, at public expense, a suite of food risk management tools that were already available in the private sector;
 - b. Allow Battelle Memorial Institute, as a contracted agent of the U.S. Government, to avoid fair and open competition in the building of a suite of food risk management tools that were already available in the private sector;
 - c. Use a "by-pass" contract to Valbrea Technologies to avoid fair and open competition in the procurement and building of the FDA Food Defense Plan Builder computer software tool;
 - d. Prohibit the participation of FoodQuestTQ in a December 2012 industry workshop held at the Headquarters of the Grocery Manufacturer's Association;

- e. By pass the requirements of the Federal Activities Inventory Reform Act (FAIR), P.L. 105-270; Competition in Contracting Act (CICA) of 1984 (41 U.S.C. 253); Federal Acquisition Streamlining Act (FASA) of 1994; Federal Acquisition Reform Act (FARA) of 1996 and the Federal Acquisition Regulations (FARS) as they pertain to the use of open and fair competition, and;
 - f. Justify via a documented approval process any exemption to the Competition in Contracting Act (CICA) of 1984 (41 U.S.C. 253) in the matter of FoodQuestTQ as required by law.
25. A signed and dated copy of the Battelle Memorial Institute subcontracting plan that assures fair and open competition in the procurement of food risk management computer software tools and other non-inherent government services.
 26. A signed and dated copy of the “pass through” subcontract awarded by Battelle Memorial Institute to Valbrea Technologies in the procurement of FDA’s Food Defense Plan Builder.
 27. A signed and dated copy of the “pass through” (or other forms of contract vehicles) entered into by the Food and Drug Administration or any of their contracted agents for the procurement of the:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
 28. A signed and dated copy of the document in which the Food and Drug Administration’s Office of Procurement and Grant Services concurred on the decision by the FDA Food Defense Team to build and procure Food Defense Plan Builder via a “pass through” contract.
 29. Copies of all documentation in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating to the FoodQuestTQ offer to grant the Food and Drug Administration a \$1/yr. license for FDA employees to use FoodQuestTQ’s intellectual property.
 30. A complete list of those Food and Drug Administration officials that FDA employee Mr. Jody Menikheim conferred with about the FoodQuestTQ offer of a \$1/yr. license to use their intellectual property.
 31. A copy of the Department of Health and Human Services and/or Food and Drug Administration policies, processes and procedures that preclude “patent poaching” and other forms of unfair competition with small business.
 32. A dated copy of the document demonstrating the first time that the Food and Drug Administration reduced to writing the title of their computer software tool known as the Food Response Emergency Exercise-Bundled (FREE-B).
 33. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the Food and Drug Administration made documented

cost determinations with specific private sector alternatives prior to procuring services to develop the:

- a. National Food protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
34. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the Food and Drug Administration's Office of Procurement and Grant Services approved the actions of the FDA Food Defense Team in publicly endorsing the products of Tyco Integrated Systems.
35. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the Food and Drug Administration cited Dr. Hnatio's prior copyrighted research as the basis for the U.S. Government ideas and written expressions of those ideas as contained in the:
- a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
36. Copies of Department of Health and Human Services and Food and Drug Administration policies and procedures as they relate to U.S. employees and their contracted agents plagiarizing and re-copyrighting as their own work the previously copyrighted research of another scientist.
37. A copy of Department of Health and Human Services and Food and Drug Administration policy that justifies authorizes and guides U.S. Government patent, copyright or other forms of ownership of works developed using public funds.
38. A dated copy of the document showing the Food and Drug Administration's first reduction to writing of each of the terms/ideas listed below as part of each and any of the following:

FDA claimed works:

- a. National Food Protection Plan;
- b. Food Defense Mitigation Strategies Database;
- c. Food Defense Plan Builder;
- d. iRisk, and;
- e. Food Response Emergency Exercise-Bundled (FREE-B) tool.

List of FoodQuestTQ patented, copyrighted and trade secret terms and ideas appearing in one or more of the above FDA claimed works:

- a. “intervention”;
 - b. “response”;
 - c. “mitigation”;
 - d. “communication”;
 - e. “signals” (FoodQuestTQ also uses the term “actionable intelligence”);
 - f. “vulnerability” and “consequence” as measures of inherent risk (FoodQuestTQ also uses the term “probability of occurrence”);
 - g. “mitigating strategies” (FoodQuestTQ also uses the term “countermeasures”);
 - h. identifying and prioritizing “high risk areas”(FoodQuestTQ also uses the term food protection “hot spots”;
 - i. gathering, deconstructing and analyzing past and simulated food events to determine the risk of their occurrence, lessons learned and to identify mitigating strategies;
 - j. collecting different type of food related information for analysis to produce mitigating strategies before events occur;
 - k. implementing step-by-step countermeasures to address food risks to develop mitigating strategies;
 - l. targeting of risk countermeasures, i.e., “mitigating strategies” to achieve the best results;
 - m. integrally tying the use of computer software solutions to food industry operational environments;
 - n. use of a food protection systems model and treating food protection as a science that relies on risk-based quantitative methods for determining risk values;
 - o. combining advanced modeling, science-based analysis and advanced information technology to produce operational software Applications for the food industry;
 - p. determining the best response alternatives to food related emergencies;
 - q. use of Likert scales to quantify risk as part of operational food industry tools;
 - r. the taxonomy of identifying areas of risk and creating well organized sets of associated questions the answers to which identify security “gaps”;
 - s. the use of Likert scales to quantify the risks associated with deterrence, detection, communication, delay, prevention, response time, response quality and mitigation;
 - t. integrally tying the use of information technology to the identification of risks the quantification of risk levels and associated risk reduction countermeasures (the FDA uses the substitute term “mitigating strategies”);
 - u. targeting best investments to mitigate risk via Likert scale risk quantification;
 - v. prioritizing areas of importance along the food supply chain and in operating facilities based on the statistical probability of a food event happening using the probability of occurrence as a function vulnerability and consequence of food events.
39. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of creating and using simulated exercises and scenarios to create multidisciplinary awareness of risks and risk countermeasures through the use of structured exercises to writing as part of the FDA claimed work: Food Response and Emergency Exercise – Bundled (FREE-B) tool.
40. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of producing computer food risk management software to writing as part of the FDA claimed work: National Food Protection Plan.

41. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of producing areas of food defense interest accompanied by carefully organized risk mitigation questions to writing as part of the FDA claimed works: Food Mitigation Strategies Database and Food Defense Plan Builder.
42. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of providing a vulnerability assessment based on the use of Likert scale quantification to writing as part of the FDA claimed work: Food Defense Plan Builder.
43. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of food defense “nodes”, i.e., FoodQuestTQ’s notion of critical nodes of systems operation to writing as part of the FDA claimed work: Food Defense Mitigation Strategies Database.
44. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of gathering, deconstructing and analyzing food incidents as a method to identify the probability of high risk events occurring to writing as part of any of the following FDA claimed works:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
45. A complete list of funding sources and amounts spent to the current time for the development, maintenance and upgrades of each of the following FDA claimed works:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
46. A complete list of the names and associated contract information for any consultants and any other contractor and sub-contractor organizations used by the Food and Drug Administration to develop and produce the following FDA claimed works:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.

47. A complete list of Food and Drug Administration grants, grant amounts and date of each award to the current time for supporting the conduct of food emergency response exercises using the following FDA claimed work: Food Response Emergency Exercise-Bundled (FREE-B) tool.
48. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to determinations by the Food and Drug Administration and/or the Department of Health and Human Services to copyright as property of the U.S. Government and then preclude from public release descriptive materials including source codes for the following computer software tools developed using public monies:
 - a. Food Defense Mitigation Strategies Database;
 - b. Food Defense Plan Builder;
 - c. iRisk, and;
 - d. Food Response Emergency Exercise-Bundled (FREE-B) tool.
49. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to past, present or planned determinations by the Food and Drug Administration and/or the Department of Health and Human Services to charge “user fees” for the use of government copyrighted materials including each of the following FDA claimed works:
 - a. Food Defense Mitigation Strategies Database;
 - b. Food Defense Plan Builder;
 - c. iRisk, and;
 - d. Food Response Emergency Exercise-Bundled (FREE-B) tool.
50. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to the determination by the Office of Chief Counsel of the Food and Drug Administration to allow the Food Defense Team to copyright the FDA claimed works: Food Defense Plan Builder and the iRisk computer software tools.
51. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to the determination by the Food and Drug Administration’s Office Acquisitions and Grant Services to allow the Food Defense Team to copyright the FDA claimed works: Food Defense Plan Builder and the iRisk computer software tools.
52. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to the determination by the Office of General Counsel of the Department of Health and Human Services to allow the Food and Drug Administration to copyright any of the following FDA claimed works:
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;

- e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
53. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of identifying and prioritizing high risk agents to writing as part of the FDA claimed work: iRisk computer software tool.
 54. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information including citations, promotions awards and the monetary amounts of awards that relate in any way to any determination by the Department of Health and Human Services and/or the Food and Drug Administration to give any U.S. Government employee and/or U.S. government contracted agent recognition in the form of exemplary performance ratings, cash awards and bonuses, promotions, increased contract award fees and any other form of reward as it relates to development of any of the following FDA claimed works :
 - a. National Food Protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;
 - d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
 55. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of using and deconstructing simulated events based on real world incidents to writing as part of the FDA claimed work: Food Response and Emergency Exercise- Bundled tool.
 56. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of bringing groups of decision makers and technical personnel who would be involved in managing a real world food protection event together to manage hypothetical emergencies to writing as part of the FDA claimed work: Food Response and Emergency Exercise- Bundled tool.
 57. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of using simulated events that reflect the *a priori* thinking of multidisciplinary experts to develop and reverse engineer scenarios that are used in simulated events to writing as part of the FDA claimed work: Food Response and Emergency Exercise- Bundled tool.
 58. A copy of the Food and Drug Administration document showing how and when the Food and Drug Administration first reduced the idea of identifying in advance the decisions, outcomes and extended order effects of decisions of participants in FREE-B exercises to writing as part of the FDA claimed work: Food Response and Emergency Exercise- Bundled tool.

59. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information relating in any way to the determination by the Food and Drug Administration to prohibit FoodQuestTQ from attending the December 2012 FDA-sponsored industry workshop held at the Headquarters of the Grocery Manufacturer's Association.
60. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the FDA Office of Acquisitions and Grant Services concurred on the decision of the FDA Food Defense Team to prohibit the participation of FoodQuestTQ in the December 2012 FDA-sponsored industry workshop held at the Headquarters of the Grocery Manufacturer's Association.
61. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information showing that the FDA Food Defense Team received proprietary briefings from ThoughtQuest and FoodQuestTQ regarding the company's copyrighted research and copyrighted expressions of the company's patented ideas and trade secrets.
62. All documents and any other descriptive information describing the official Food and Drug Administration baseline food defense threat against the U.S. food supply.
63. All documents and any other descriptive information describing the Food and Drug Administration's rules of engagement in the event the food supply is attacked by terrorists.
64. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information that relate in any way to the FoodQuestTQ article of December 6, 2012, that was critical of the FDA's reliance on C.A.R.V.E.R. + shock computer risk tool.
65. A copy of all current and past FDA contracts entered into by the FDA or any contracted agent of the FDA with Tyco Integrated Systems.
66. A copy of all current and past FDA contracts entered into by the FDA or any contracted agent of the FDA with Leavitt Partners.
67. A copy of all current and past FDA contracts entered into by the FDA or any contracted agent of the FDA with the Acheson Group.
68. The sign in list of all attendees at the December 20, 2012, FDA sponsored industry workshop held at the Grocery Manufacturer's Association.
69. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information that relate in any way to communications/discussions by employees of the FDA or Department of Health and Human Services with any other agency of the

U.S. Government or their contracted agents or any members of the food industry regarding the matter of FoodQuestTQ.

70. A copy of the document in which the Office of Acquisition and Grant Services concurred on the April 26, 2013, Department of Health and Human Services legal defense brief in which the Office of General Counsel of the Department of Health and Human Services states that no federal procurement laws/regulations were violated by the Food and Drug Administration in the matter of FoodQuestTQ.
71. Copies of the signed and dated cost comparison determinations made by the Office of Acquisition and Grant Services prior to the procurement of:
 - a. Food Defense Mitigation Strategies Database;
 - b. Food Defense Plan Builder;
 - c. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
72. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which any member of the FDA Food Defense Team or any person in their supervisory chain informed the Office of Acquisition and Grant Services that the same or similar products to the FDA Food Defense Plan Builder, iRisk, FREE-B and the Food Defense Risk Mitigation Strategies Database were already developed and being commercially sold by FoodQuestTQ.
73. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the FDA Office of Acquisition and Grant Services states that there is no relationship between the Federal Activities Inventory (FAIR) Act (P.L. 105-270), the implementing provisions of OMB Circular A-76 and the Federal Acquisition Regulations (FAR) with respect to the FoodQuestTQ matter.
74. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the FDA Office of Acquisition and Grant Services has officially itemized food risk management computer software as an “inherently governmental” function.
75. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information in which the FDA Office of Acquisition and Grant Services engaged in the oversight of the FDA Food Defense Team and members of their supervisory chain to ensure that federal procurement laws and regulations were being followed in the entire matter of FoodQuestTQ including the procurement of the:
 - a. FDA Food protection Plan;
 - b. Food Defense Mitigation Strategies Database;
 - c. Food Defense Plan Builder;

- d. iRisk, and;
 - e. Food Response Emergency Exercise-Bundled (FREE-B) tool.
76. The names and contact information for the FDA's Contract Officer (CO) and his/her Contracting Officer's Technical Representative (COTR) who oversee the FDA's contract dealings with Battelle Memorial Institute.
77. All documents in the form of letters, memoranda, notes, e-mails or any other descriptive information in which the FDA Office of Acquisition and Grant Services sets forth their policy or otherwise describes their process of making realistic and fair cost determinations in order to justify the "in-house" duplication of non-inherently governmental goods and services.
78. All documents in the form of letters, memoranda, notes, e-mails or any other descriptive information in which the FDA Office of Acquisition and Grant Services sets forth their policy or otherwise describes their process to undertake sole source procurements to acquire mission critical goods and services.
79. A copy of the document in which the Office of Acquisition and Grant Services shows the total amount of computer and computer software procurements with the private sector for the period 2010 to the current time.
80. All documents in the form of letters, memoranda, directives, policy statements or any other descriptive information in which the FDA Office of Acquisition and Grant Services sets forth the FDA policy or otherwise describes the guiding principles of the Federal Acquisition Regulations (FAR) to use commercial products whenever possible to save and maximize the use of taxpayer dollars.
81. A copy of the dated/signed/initialed FDA contract modification authorizing Battelle Memorial Institute to build/subcontract the development of the FDA claimed work: Food Defense Plan Builder.
82. All documents in the form of letters, memoranda, notes, e-mails, telephone and meeting logs or any other descriptive information shared between HHS, FDA and any other government officials that relate to the matter of FoodQuestTQ.