

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington DC 20201



May 9, 2013

Dear Secretary Sebelius,

We have written to you on April 1, 2013; April 19, 2013, and; May 1, 2013. In each of our letters we reached out to you and requested a meeting to try and resolve the serious issues involving our small company, the Department of Health and Human Services (HHS) and the Food and Drug Administration (FDA). We wanted to sit down and have a thoughtful dialogue with you to resolve the serious problems our small business is having with the HHS Office of General Counsel and the FDA. You never responded to our repeated requests for a meeting.

In our prior letters we explained to you that we are a small business that is being unfairly competed against by the Food and Drug Administration (FDA). In December 2012, we discovered that the Food and Drug Administration (FDA) was using, without permission, our intellectual property and duplicating our products under a multi-million dollar contract with Battelle Memorial Institute. We asked that you immediately direct the FDA to stop unfairly competing against us. You did not respond.

Since our first letter to you asking for help, the matter has seriously escalated. In response to our concerns, HHS and the FDA mounted a legal defense of their own wrongful actions instead of engaging in a thoughtful dialogue on how to fairly resolve the matter. In mid-March 2013, we were forced to file a complaint with the National Ombudsman for Small business. Since that time a serious cover-up has ensued.

Enclosed please find a case study entitled, *Unfair Competition by the Federal Government with Small Business: The Food and Drug Administration versus FoodQuestTQ LLC*. The case study demonstrates that there are severe problems within both HHS and FDA that involve the ethics of federal employees and procurement integrity.

We want to thank-you very much for reading this letter and we still hope that you will take the appropriate actions to turn this bizarre situation around.

Most respectfully yours,

John Hnatio, EdD, PhD
Chief Science Officer