

NOTE FOR: Senators Leahy and Sanders  
SUBJECT: Federal Agencies Forcing  
Small Companies Out of Business



DATE: May 2, 2013

Dear Senators Leahy and Sanders:

We are writing to you at the suggestion of Mr. Tom Boswell. Mr. Boswell has told us that both of you are strong supporters of small business and jobs for Americans.

In our case, the Food and Drug Administration (FDA) is unfairly competing against our small company by taking our intellectual property and publicly offering, at no cost to the food industry, similar products that were already being commercially sold by FoodQuestTQ.

The actions of the FDA forced our small company to lay off all of our employees. The owners of FoodQuestTQ have suffered very badly as the result of the FDA actions against us as well. We too have been forced onto the unemployment line and have lost our life savings based on the actions of the FDA.

In the fall of 2012, FoodQuestTQ first learned that the FDA had taken our intellectual property to duplicate our company's risk management software tools under a major contract with Battelle Memorial Institute.

Our attempts to fairly resolve the situation have been unsuccessful. Instead of conducting a good faith review the FDA and the Department of Health and Human Services (HHS) mounted a legal defense of the government's actions against FoodQuestTQ.

On April 26, 2013, the Office of General Counsel, HHS, sent FoodQuestTQ an extensive legal briefing stating that their actions in this case are proper and lawful. We, of course, cannot understand how our own government can act with such impunity to drive a small company like FoodQuestTQ out of business.

Mr. Boswell suggested that we send you some background information on our situation.

Attached please find:

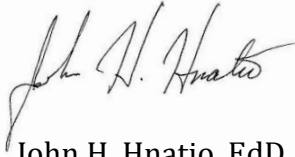
- 1) A brief synopsis of the case and our current status;
- 2) A summary and samples of FoodQuestTQ correspondence with the Executive and Legislative Branches to try and resolve the matter, and;

3) A copy of the April 26, 2013, HHS legal defense brief and the FoodQuestTQ analysis of the document.

We want to thank-you very much for taking the time to consider our situation. As you can see from our correspondence, we have been unable to find within our own government the help we so desperately need to turn this bizarre situation around.

If you have any questions, please contact me. My telephone number is 240-439-4476, x-11.

Very respectfully,

A handwritten signature in black ink, appearing to read "John H. Hnatio". The signature is written in a cursive style with a large initial "J".

John H. Hnatio, EdD, PhD  
Chief Science Officer

cc: Tom Boswell