

Senator Barbara Mikulski  
Washington, DC  
503 Hart Senate Office Building  
Washington, D.C. 20510



December 24, 2013

Dear Senator Mikulski:

I am a small business owner in Frederick, Maryland. My company produces risk management software to keep the food Americans eat safe. Attached is a short summary of our situation.

Last year, we discovered that the Food and Drug Administration (FDA) plagiarized my doctoral research, infringed on my patents and stole my trade secrets. The FDA used my little company's intellectual property to duplicate, at taxpayer's expense, the same products that we were already selling to industry at a fraction of the cost. To add insult to injury, the FDA has copyrighted, as property of the U.S. Government, the software tools they duplicated based on my company's intellectual property.

When our attempts to resolve the issue with the FDA failed, we filed a complaint with the National Ombudsman for Small Business of the Small Business Administration (NOSB-SBA). Just last month, the National Ombudsman referred our case to the Office of the Inspector General of the Department of Health and Human Services (OIG-HHS) requesting a formal investigation. We have not yet heard whether the OIG-HHS has determined to investigate the matter or not.

Because our case deals so closely with Article 1, clause 8, of the Constitution, i.e., the copyright clause, we have reached out to Chairman Leahy of the Senate Judiciary Committee to support our attempts to receive a fair and impartial review of our matter. We have also reached out to the Judiciary Committee's whistleblower hotline because of our concerns regarding fraud, waste and abuse within the FDA. Our concern is that the FDA knowingly duplicated products at taxpayer expense that were already available from the private sector at a fraction of the cost.

Since our matter involves the copyright clause of the Constitution and intellectual property law, we are penning this letter to you to respectfully request your referral of our case to Chairman Leahy and the Senate Judiciary Committee for review.

If you have any questions, please feel free to contact me.

Sincerely,

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

John H. Hnatio, EdD, PhD  
Chief Science Officer

cc: John Dowd  
Jill Kozeny  
Dan Levinson  
Kathleen Sebelius  
Margaret Hamburg  
Brian Castro