

June 23, 2014

The Honorable Sylvia Mathews-Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington DC 20201



REFERENCE: Letter of May 27, 2014 (copy attached)

Dear Ms. Mathews-Burwell:

We are a small company that has fallen victim to the misappropriation of our patented ideas, copyrights and trade secrets by members of the Food Defense Team of the Food and Drug Administration (FDA). Employees of the Food Defense Team stole our intellectual property to duplicate a number of our computer software tools. This resulted in the complete loss of our sales.

After we filed a complaint with the Small Business Administration (SBA) about our concerns, the matter was elevated to the Department of Health and Human Services (DHHS) for resolution. In April 2013, DHHS dismissed the matter stating that no laws were broken when they took our intellectual property and duplicated our line of food risk management computer software tools. Since that time FDA has engaged in a program of "blacklisting" our company within the U.S. Government and the food industry.

We recently learned the true extent of DHHS and FDA misappropriation of our research, patents, trade secrets and copyrighted works. Battelle Memorial Institute has announced the release of a computer automated food risk management tool that anticipates and mitigates food contamination events. The Battelle developed tool is called PRIA™.

Please be advised that the Battelle PRIA™ computer software is based on FoodQuestTQ LLC research, patents, trade secrets and copyrighted works that were misappropriated by the FDA as they duplicated our suite of commercial food risk management software. Battelle Memorial Institute, Valbrea Technologies, Leavitt Partners and the Acheson Group were some of the FDA contractors/subcontractors that participated in the duplication of our computer software.

Since Battelle was acting as an agent under prime contract to the U.S. Government at the time of the theft of our intellectual property, we are requesting that you issue a cease and desist order on any further use of our intellectual property by the DHHS and the FDA. Specifically, we are seeking that you preclude Battelle Memorial Institute from any further marketing, sales or use of PRIA™ for government, private or any other use.

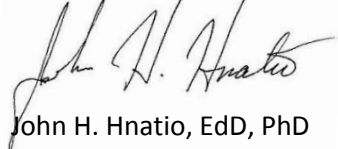
We also demand that the following computer automated food risk management software that was duplicated based on our intellectual property be immediately removed from the official FDA U.S. Government website: 1) iRisk; 2) Food Defense Mitigation Strategies Database; 3) Food Defense Plan Builder, and; 4) Food Response Emergency Exercise-Bundled (FREE-B) along with the Food Protection Plan that was intentionally plagiarized based on my multi-year program of private research.

FoodQuestTQ LLC, 4720 Hayward Drive, Frederick, Maryland 21702 Telephone: 240-439-4476 ext. 11

It now appears that DHHS and the FDA are engaging in an intentional and systematic effort to broadly diffuse FoodQuestTQ LLC intellectual property in order to obfuscate predatory and anticompetitive conduct on the part of the U.S. Government and their contractors that is harming the consumer. DHHS, FDA and Battelle Memorial Institute and others are violating a large body of well-established federal procurement law as they engage in conduct that, if it took place in the private sector, would be punishable under the Sherman Anti-trust, Clayton and Federal Trade Commission Acts.

Please feel free to contact me if you have any questions and we will try to answer them. My telephone number appears below.

Respectfully yours,



John H. Hnatio, EdD, PhD
Chief Scientist

cc: Distribution list

Distribution:

Mr. Brian Castro, NOSB, SBA
Representative John Delaney, MD
Senator Chuck Grassley, IA
Ms. Margaret Hamburg, Commissioner, FDA
Representative Sam Graves, MO
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 Rand Paul, KY
Senator Mark Warner, VA
Representative Rob Wittman, VA
Mr. William Baer, Antitrust Division, DOJ
Ms. Edith Ramirez, FTC
Ms. Miriam Nisbet, OGIS
Mr. Drew Fuller, Battelle Memorial Institute