

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



**Via e-mail**

May 1, 2013

**REF:** April 19, 2013, Letter from FoodQuestTQ LLC to Secretary Sebelius and April 26, 2013, Legal Defense Brief from the Office of General Counsel to FoodQuestTQ LLC

Dear Secretary Sebelius:

On April 19, 2013, we wrote to you and officially requested that you, as Secretary of the Department of Health and Human Services (HHS), immediately direct the Food and Drug Administration (FDA) to:

- 1) Stop the further marketing of FDA duplicated software tools that use, without permission, FoodQuestTQ LLC owned intellectual property;
- 2) Prohibit the FDA from endorsing the commercial products of our competitors;
- 3) Cancel the FDA food industry workshops on Food Defense Plan Builder to be held by the FDA on Tuesday, April 30, 2013, because the FDA Food Defense Plan Builder uses, without permission FoodQuestTQ LLC owned intellectual property;
- 4) Stop “blacklisting” FoodQuestTQ in the food industry, and;
- 5) Issue a public apology to FoodQuestTQ at the FDA website for this type of conduct.

FoodQuestTQ again reiterates the same five requests that we made to you in our April 19, 2013, letter as summarized above.

On April 26, 2013, we received a legal brief from the Office of General Counsel, HHS defending the actions of the FDA and their personnel as fully proper conduct that is allowable under the law as it pertains to the matter of FoodQuestTQ.

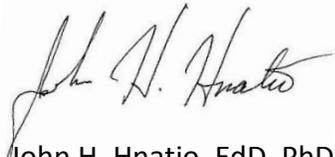
An analysis of the HHS legal defense brief identifies several issues of concern that raise grave questions about the manner in which both HHS and the FDA have handled this matter. A copy of the FoodQuestTQ analysis is attached for your information.

In all of our correspondence to you and other officials in both the HHS and FDA we requested the opportunity to simply sit down with you to have a thoughtful discussion as reasonable people about what is going on here in order to resolve this situation.

In both of our previous letters to you of April 1 and 10, 2013, we asked for the opportunity to meet personally with you in order to resolve this matter in a way that maintains the confidence of the American people in the FDA's critical mission of assuring the safety of the drugs we use and the safety of the food we eat. We extend this same offer for a third time.

Again, all we want is to fairly resolve this matter in a way that is best for the FDA mission and the small businesses across America like FoodQuestTQ that are being unfairly competed with by agencies of the U.S. Government.

Sincerely,

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" and "H".

John H. Hnatio, EdD, PhD  
Chief Science Officer

cc: Commissioner Hamburg, FDA