FoodQuestTQ LLC alleges that the U.S. Government, by negligence, intention or both, did, in fact, make unauthorized use of and broadly disseminated the following FoodQuestTQ trade secrets developed by FoodQuestTQ as the company reduced their patented invention to practice across the agriculture and food industry vertical that consisted of twenty (20) specific FoodQuestTQ ideas and methods.

Listing of twenty trade secrets developed by FoodQuestTQ LLC to reduce their invention to practice

1. Threat continuum analysis including the elements and relationships between and among prevention, interdiction, communication and response; the Food and Drug Administration substitutes the term “intervention” for the FoodQuestTQ term interdiction.

2. Identifying the indicators and warnings of impending food events; the food and Drug Administration substitutes the term “signals” for the FoodQuestTQ term of indicators and warnings.

3. Determining probability of occurrence to prioritize food vulnerability and risk.

4. The ideas and methods for establishing “steps” and their associated taxonomy for identifying risks and implementing risk reduction measures; the Food and Drug Administration uses the substitute term of “mitigation strategies” for the FoodQuestTQ term steps.

5. The use of “immersions”; the FDA uses the substitute terms “table top exercise” for the FoodQuestTQ term immersions; the Food and Drug Administration uses the substitute term “teachable moments” for the FoodQuestTQ term lessons learned, and; the Food and Drug Administration uses the substitute term “scenarios” for the FoodQuestTQ term simulated events.

6. Identifying and prioritizing high risk areas in and along the food supply chain and in operating food facilities based on probability of occurrence; the Food and Drug Administration uses the substituted the term “high risk areas” for the FoodQuestTQ term hot spots.

7. Gathering, deconstructing and analyzing past and simulated food events to determine their probability of occurrence, lessons learned and to identify mitigating strategies.

8. The ideas and methods for gathering, deconstructing and analyzing, as complex systems, food incidents and related data to identify high risk agents.

9. Identifying types of information that should be collected and subjected to analysis in order to identify actionable intelligence to prevent food safety and food defense incidents.

10. Using the holistic cradle to grave systems of systems science-based view of the food supply; the Food and Drug Administration uses the substitute terms “from field to fork” and “entire supply chain”.

11. Identifying risks and their associated risk reduction measures; the Food and Drug Administration uses the substitute the term “mitigation strategies” for the FoodQuestTQ term risk countermeasures.

12. Use of the food protection systems model that subsumes both food safety and food defense.

13. Tying continuous operational performance with perpetual assessment and inspection; the Food and Drug Administration substitutes the term “inspectional strategies” for the FoodQuestTQ notion of continuous performance assessment.

14. Determining performance and “best investments” to mitigate risk; the Food and Drug Administration uses the substitutes the term “mitigation strategies” for the FoodQuestTQ term best investments.

15. Integrally tying the use of specific information technology applications to food industry operational requirements, i.e., the development of operational computer automated tools that rely on the application of information technology.

16. Treating food protection as a science that relies on quantitative statistical methods for determining risk values.

17. Combining advanced modeling, science based analysis and advanced information technology to produce operational science and risk based software applications.

18. Identifying critical nodes in a food protection system.

19. Determining best response alternatives to food emergencies.

20. Developing an automated: a) food safety risk management tool; b) a food defense plan builder tool; c) a food defense database of risk mitigating measures; and d) a food defense emergency response and exercise tool.

FoodQuestTQ LLC trade secrets included numerous written and copyrighted expressions of the FoodQuestTQ LLC researcher’s ideas and methods that were held as commercial trade secrets for the implementation of the patent prior to their unauthorized use and publication by the Food and Drug Administration (FDA). FoodQuestTQ LLC protected their trade secrets in the private sector through the use of non-disclosure and other written forms of confidentiality agreements. FoodQuestTQ LLC generally relied on the confidentiality provisions of Title 18 U.S.C. in their dealings with the U.S. Government. These same FoodQuestTQ LLC trade secrets were described verbally to U.S. government employees with the cautionary warning that Title 18 U.S.C. confidentiality provisions applied. Copies of briefing materials containing FoodQuestTQ LLC trade secrets were all marked as containing proprietary information and provided to FDA officials during these briefings. See [FBI Exhibit No. 79 a.](FBI%20Exibit%20No.%2079%20a)

In all meetings with the Food and Drug Administration, U.S. Government officials were specifically advised in the presence of good and reputable witnesses that the materials being presented contained FoodQuestTQ LLC trade secrets that were being shared with the U.S. Government under the provisions of Title 18 U.S.C. Subsequent to these meetings, the FDA published and broadly disseminated on their official U.S. Government website their Food Defense Plan Builder computer automated risk management software tools that contained FoodQuestTQ trade secret information.

During a meeting on October 2, 2012, the Food and Drug Administration (FDA) was advised by FoodQuestTQ LLC that the U.S Government was making unauthorized use of FoodQuestTQ trade secrets. See [FBI Exhibit No. 79 b.](FBI%20Exhibit%20No.%2079%20b..pdf)  After numerous letters to the FDA the U.S. Government failed to cease and desist and continued to use and broadly publish FoodQuestTQ LLC trade secrets as expressed to U.S. Government officials in the verbal, written and copyrighted expressions of FoodQuestTQ LLC patented and unpatented ideas that included FoodQuestTQ LLC trade secrets. See [FBI Exhibit No. 79 c.](FBI%20Exhbit%20No.%2079%20c)