

Dr. Margaret Hamburg  
Commissioner  
Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993



May 9, 2013

Dear Commissioner Hamburg:

We wrote to you on April 22, 2013, asking you to please join us in a thoughtful dialogue about the devastating implications of direct federal government competition on small businesses like ours. We asked you to work with us to prevent the shattering consequences that we have experienced as the result of unfair Food and Drug Administration (FDA) competition with our small business from ever happening to another small business or entrepreneur. You did not respond to our letter.

In our prior letter to you we explained that we are a small business that is being unfairly competed against by your Agency. In December 2012, we discovered that the FDA was using, without permission, our intellectual property and duplicating our products under a multi-million dollar contract with Battelle Memorial Institute.

The matter has seriously escalated. In response to our concerns, HHS and FDA mounted a legal defense of their own wrongful actions instead of engaging in a thoughtful dialogue on how to fairly resolve the matter. In mid-March 2013, we were forced to file a complaint with the National Ombudsman for Small business. Since that time a serious cover-up has ensued.

Enclosed please find a case study entitled, *Unfair Competition by the Federal Government with Small Business: The Food and Drug Administration versus FoodQuestTQ LLC*. The case study demonstrates that there are severe problems within both HHS and FDA that involve the ethics of federal employees and procurement integrity.

We want to thank-you very much for reading this letter and we still hope that you will take the appropriate actions to turn this bizarre situation around.

Sincerely,

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

John H. Hnatio, EdD, PhD  
Chief Science Officer