

Ms. Yolanda V. Swift
Acting Ombudsman and Assistant Administrator
for Regulatory Enforcement Fairness
Office of the National Ombudsman
U.S. Small Business Administration
409 3rd Street, SW (MC 2120)
Washington, DC 20416-0005



April 15, 2013

Dear Ms. Swift;

Thank-you very much for your letter of April 10, 2013 regarding our complaint to the National Ombudsman that the FDA is stealing our intellectual property, intentionally duplicating our products and forcing us out of business.

The FDA letter to you dated March 26, 2013, from Mr. Andrew Moss is misleading. Mr. Moss indicates that representatives of the Office of General Counsel, Department of Health and Human Services (HHS) and the Office of the FDA Chief Counsel have been in recent contact with me and that they are actively reviewing our concerns. **Please be advised that this is not the truth.**

The reason we were forced to file our complaint with the National Ombudsman in the first place is because the Office of the FDA Chief Counsel refused to work with us to fairly resolve this matter. Instead, the FDA Chief Counsel mounted a legal defense of those personnel in the FDA who stole our intellectual property, duplicated our products and forced us out of business in the first place. The Office of General Counsel, HHS, has now joined league with the FDA Chief Counsel. Attached is a copy of a recent letter that we sent to Secretary Sebelius at HHS expressing our concerns.

We recently came across a flier for a major food industry conference called the *Food Safety Summit* that will be held at the Baltimore Convention Center. On the morning of April 30, 2013, the FDA is scheduled to conduct several workshops with the food industry in which they will unveil one of the FoodQuestTQ products they duplicated, i.e., FDA's *Food Defense Plan Builder*, based on intellectual property that the FDA has stolen from our small company. We request the assistance of the National Ombudsman for Small Business to prevent the FDA from continuing to steal our intellectual property in this way and further damaging any possibility of saving our small business.

Thank-you again for all that you do in defense of small business. We at FoodQuestTQ very much appreciate your help in turning this bizarre situation around.

Sincerely,

John H. Hnatio
Chief Science Officer

cc: The Honorable Kathleen Sebelius, Secretary, HHS