

Elizabeth H. Dickinson, Esq.
Chief Counsel
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993



February 12, 2013

Dear Ms. Dickinson:

Thank-you very much for your letter of January 28, 2013. In your letter you refer to the letter that we wrote to Senator Barbara Mikulski on December 19, 2012. We truly appreciate your help and we are looking forward to working with you as we move forward together to fairly resolve this matter.

In the Fall of 2012, our company became concerned that the Food and Drug Administration (FDA) Food Defense Team may be improperly using FoodQuestTQ LLC generated trade secrets and other business proprietary information to duplicate several of our products.

We have since learned that members of the FDA's Food Defense Team have taken our FoodQuestTQ LLC product descriptions and our proprietary commercial and trade secret information and duplicated three of our products. Other new products that duplicate our pre-existing commercial offerings may also be in development by the FDA that we are not yet aware of at this time.

1. The new **FDA Food Defense Plan Builder** tool takes our pre-existing **Food DefenseTQ** tool, which is used to build food defense plans (just recently upgraded to become **Food Defense Architect**) and duplicates it.
2. The new **FDA FREE-B** tool takes elements of our pre-existing **FREE** and **FEAST** computer software tools, which are used to simulate and manage food emergencies, and duplicates them.

In your letter you refer to our December 19, 2012, letter to Senator Mikulski and you ask us to "identify the patents to which you are referring in your letter and the FDA software system which you allege uses your ideas." The patent upon which the entire FoodQuestTQ integrated Food Protection computer software tool suite is based is:

- USPTO Patent No.: US 8,103,601 B2, DOI: January 24, 2012.

The patent describes methods and techniques that are an expression of the Complexity Systems Management Method or CSM Method®. The CSM Method® is a registered trademark business process and data transformation patent for dealing with complex and evolving risks and risk countermeasures across all critical infrastructures including food and agriculture. It consists of 92 objects of invention that are integrally tied to each of the 20 claims granted by USPTO under the patent.

It is important to note, however, that our company's concerns go well beyond the possibility that the FDA may have infringed on our patent to include the more immediate concern that the Food Defense

Team has improperly taken FoodQuestTQ LLC product information and company proprietary commercial and trade secret information to duplicate our products.

Attached please find a brief description of some specific topics that you may wish to discuss directly with the FDA Food Defense Team. We wanted to provide this information to you now in order to make our upcoming meeting as productive as possible.

Again, thank you very much for looking into our concerns. We are still very interested in building a cooperative relationship with the FDA so that we can work together to make the food we all eat safer. We very much look forward to meeting with you personally to lay out a plan on how we can work together to fairly resolve this issue in a mutually beneficial way.

Please feel free to contact me at my office telephone of 240-439-4476 x-11 to arrange for a meeting or if we can be of any further help to you in resolving this matter.

Sincerely yours,

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

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