

Date: March 2, 2013

Note for: Ariel Seeley, FDA Counsel

From: John Hnatio, FoodQuestTQ LLC



Subject: More information on FoodQuestTQ tools and yesterday's E-mail

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Hi Ariel,

Please call me John. It's good to meet you. We really want to thank you and Ms. Dickinson for your response and your good faith efforts to review the situation. Please say thank-you to her for me too.

I wanted to let you know that we have shared the nuts and bolts of literally everything we've developed with the Food Defense Team, JIFSAN, and CIFSAN over the past three or so years. This includes proprietary briefings and proposals including detailed information on our tools for building food defense plans, searching food standards and regulations, developing food emergency simulations, responses to food emergencies and much more. This is the same information that was used to duplicate our products.

But, if this information is not available to you from the FDA Food Defense Team, or if you want to have an independent read from us on the nuts and bolts of our technology, then we'd be happy to set up a demonstration for the folks in your office so that we can walk you through our Food Defense Architect, Food DefenseTQ, FEAST and FREE tools. The similarities between the tools duplicated by the Food Defense Team using our confidential information and ideas are quite obvious.

Also, the opportunity to get more specific information from you on the nuts and bolts of the operation of FDA's Food Defense Plan Builder and FREE-B would allow us to prepare a detailed "technical crosswalk" between the FDA Food Defense Team's and Battelle's Food Defense Plan Builder, FREE-B and our FoodQuestTQ tools. The "technical crosswalk" can put the entire issue of infringement and the use of our trade secret and proprietary information by the Food Defense team "to bed" very quickly.

As you do your good faith review, we hope that you will focus on all of the issues raised in the letter we sent Ms. Dickinson. The issue of patent infringement, while certainly of great importance, is only one of several critical issues that were raised in our letter. All of the issues we identified in our letter require careful consideration because they involve violations of specific statutes and violations of clearly established government-wide policies that specifically limit FDA's authority to build the same or similar products already available in the private sector.

Thus, we are really looking forward to working with you and Ms. Dickinson to fully explore the issues created by the Food Defense Team when they intentionally took our confidential information and used it to duplicate our tools in order to improperly compete with us. These highly significant issues go well beyond any specific patent infringements that have occurred in this case.

Please find a copy of a FoodQuestTQ LLC and FDA non-disclosure agreement (NDA). We would like to go ahead and execute an NDA with you at this time since we are uncertain of FDA's position with respect to adhering to the provisions of Title 18, as they relate to the protection of industry proprietary information. Our concern is based on the actions taken by the Food Defense Team to take our trade secrets and other proprietary ideas and information in order to duplicate our products.

As soon as we get an NDA in place, then I will call you to arrange a demonstration of our tools for you and other members of the FDA counsel's office and simultaneously make arrangements for you to share with us the information we will use to prepare the detailed "technical crosswalk" of the FDA/Battelle Food Defense Plan Builder and FREE-B tools against our Food Defense Architect, Food DefenseTQ and FREE tools.

We really look forward to working with you Ariel. If you have any questions please don't hesitate to call me. My best number is 240-439-4476. I'm at extension 11. Hope to meet you in person very soon. All the best.

PS!

Ariel we've got another serious problem. When it rains it pours. We just came across FDA's new iRisk tool this morning. You can take a look at the new FDA offering at: <http://foodrisk.org/exclusives/fda-irisk-a-comparative-risk-assessment-tool/>. The new iRisk tool duplicates our Food Mapper tool and is based on proprietary information that we provided to the Food Defense Team and JIFSAN. We'll need to include the FDA iRisk tool as part of the above technical crosswalk against our Food Mapper tool.