

Mr. William Hall  
Director, News Division  
Mary E. Switzer Building  
U.S. Department of Health and Human Services  
Room 2206  
330 C Street S.W. Washington, DC 20201



April 2, 2014

REFERENCE: FOIA APPEAL No. 2014-2361

Dear Mr. Hall:

This letter is in response to the March 31, 2014, letter we received from Ms. Sarah B. Kotler, Regulatory Counsel denying our request for any and all Department of Health and Human Services and Food and Drug Administration records relating to patents and or copyrights for the computer software tools as identified in Table 1, below.

iRisk
Food Defense Mitigation Strategies Database
Food Defense Plan Builder
Food Response and Emergency Exercise-Bundled (FREE-B)
Post 2006 Upgrades to C.A.R.V.E.R. + Shock
The Food and Drug Administration Food Protection Plan

Table 1: Documents and Tools Duplicated by the Food and Drug Administration


The letter from Ms. Kotler dismisses our request for records stating that copies of issued government patents and copyrights are available from the U.S. Patent and Trademarks Office.

Please be advised that we are appealing Ms. Kotler's ruling. We request any and all internal Federal Drug Administration and Health and Human Services documents of any kind including notes, descriptions, memoranda, signed or initialed concurrence copies, e-mail or any other records relating to the patent or copyright of the six documents identified in Table 1, above.

We are increasingly disappointed in the attitude of the Food and Drug Administration and the Department of Health and Human Services in their deliberate attempts to impede the release of documents under P.L. 89-554, 80 Stat. 378, 5 U.S.C. § 552.

If you have any questions regarding this appeal, please feel free to contact me.

Sincerely yours,



John H. Hnatio, EdD, PhD  
Chief Science officer

cc:

Senator Mikulski

Senator Leahy

Senator Grassley

Representative Delaney

Representative Wittman

Dr. Margaret Hamburg, Commissioner, FDA

Ms. Kathleen Sibelius, Secretary, HHS

Mr. Brian Castro, NOSB

Mr. Dan Levinson, HHS-IG

Ms. Sarah Kotler, HHS