DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
10903 New Hampshire Avenue
Document Mail Center - WO66-G609
Silver Spring, MD 20993-0002

JUL 19 2010

Larry S. Corder, PhD
President and CEO
Matrix Genomics, Inc.
3900 Paseo del Sol
Santa Fe, NM 87507

Dear Dr. Corder:

It has come to our attention that you are currently marketing the Matrix Genomics Breast Cancer Panel, a home-use buccal swab collection kit, intended to report customary and personal genetic health disposition results for breast cancer. The Breast Cancer Panel appears to meet the definition of a device as that term is defined in section 201(h) of the Federal Food Drug and Cosmetic Act.

We have conducted a review of our files, and have been unable to identify any Food and Drug Administration (FDA) clearance or approval number for the Breast Cancer Panel. We request that you provide us with the FDA clearance or approval number for the Breast Cancer Panel. If you do not believe that you are required to obtain FDA clearance or approval for the Breast Cancer Panel, please provide us with the basis for that determination.

If you would like to meet with us to discuss whether there are tests you are promoting that do not require review by FDA and what information you would need to submit in order for your product to be legally marketed, let us know and we will schedule a meeting with you. Please direct your questions and response to:

James L. Woods
Deputy Director, Patient Safety and Product Quality
Office of *In Vitro* Diagnostic Device Evaluation and Safety
10903 New Hampshire Avenue
White Oak 66
Silver Spring, MD 20993

We would appreciate a response within 15 days from the date of this letter. If you have any questions relating to this matter, please feel free to call Cecily Jones at 301-796-

6172, or access our web site at http://www.fda.gov for general information relating to FDA's device requirements.

Sincerely yours,

James Woods
Deputy Director
Patient Safety and Product Quality
Office of *In Vitro* Diagnostic
Device Evaluation and Safety
Center for Devices and Radiological Health